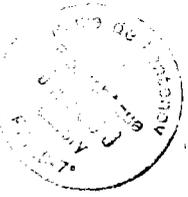


No. 103

**The Vigilant Press:
a collection
of case-studies**



Reports and Papers on Mass Communication

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ISBN 92-3-102623-2

Published in 1989
by the United Nations Educational,
Scientific and Cultural Organization,
7, place de Fontenoy, 75700 Paris, France

Printed in the workshops of Unesco

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Printed in France

PREFACE

Unesco's continuing mission to improve the free flow of information reflects the Organization's mandate as set out in the first article of its constitution, where it is stated that Unesco will 'collaborate in the work of advancing the mutual knowledge and understanding of peoples, through all means of mass communication and to that end recommend such international agreements as may be necessary to promote the free flow of ideas by word and image'.

During the discussion of Major Programme III, 'Communication in the Service of Man', at the Twenty-second Session of the General Conference, the Member States agreed to include in the Organization's Programme and Budget for 1984-85 two additional activities intended to highlight essential aspects of this mandate.

The first activity was to be concerned with different obstacles to freedom of information, including all forms of censorship and self-censorship, and it would include 'studies on means of promoting and strengthening freedom of information and opinion and of encouraging a free flow and a wider and better balanced dissemination of information'. The second activity would focus on contributions that the media might make to securing freedom of information and include studies on the media's role 'in scrutinizing actions that might lead to abuse of power'.

The Twenty-third Session of the General Conference decided to extend these two lines of activity in the Programme and Budget for 1986-87 in order to enlarge the study base and expand its geographical scope with a view to the publication of a first collection of studies during the following biennium.

It has not been possible to include in the present volume all the studies prepared in relation to this programme. Several of them, however, have already received a limited national or regional distribution. One particular study on journalists' right to protect their sources, a right often deemed indispensable if the media are to be able to 'scruti-

nize actions that might lead to abuses of power', which was prepared for Unesco by the International Federation of Journalists, has also been published separately (Patricia Wilhelm: *Protection of Sources, An International Review of Journalistic and Legal Practice*, Norwegian Institute of Journalism/IFJ, Fredrikstad 1988).

The studies which have been included in the present volume cover a variety of areas germane to the international debate on freedom of expression and information. Because of the various ways in which these freedoms are understood in different societies, no uniform approach or format is possible at this stage. It is our hope, however, that this collection, although by no means exhaustive, will encourage further research on how questions relating to censorship and self-censorship, and to the media's role in preventing abuses of power, are perceived in different parts of the world.

Unesco's activities in the present biennium, 1988-89, coincide with the 40th Anniversary of the Universal Declaration of Human Rights, adopted by the United Nations on 10 December 1948, which in its Article 19 states: "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 regardless of frontiers". Publication of the present volume, although necessarily incomplete, is one manifestation of Unesco's work towards the realization of this ideal. In its Programme and Budget for 1988-89 Unesco is also preparing a series of studies on the impact of the new communication technologies on press freedom, with special reference to questions of censorship and self-censorship. At the same time, an international survey is being undertaken on the attention given in the training of journalists to ways in which the media can help prevent abuses of power.

The opinions expressed in this collection of studies are those of the authors and do not necessarily reflect the views of Unesco.

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SENSITIVE INFORMATION AND PRESS FREEDOM IN THE UNITED KINGDOM

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It is very rarely the case in the United Kingdom that the media have to carry out special duties which put them above the ordinary law of the land. It is equally seldom that they enjoy by virtue of their special role in a modern democratic society exemptions from the general law. There cannot therefore be said to exist any "media law", in the sense of a body of law specifically applicable to the media and to no one or nothing else.

There are, of course, various legal controls on the media, such as those relating to obscene and indecent materials or a law that puts restraint on the media in their handling of contemporary prosecution and trials. But our main concern here relates to matters of public policy and national security. It is fairly easy to imagine what sorts of matters are covered by the term "national security": they are principally the safeguarding of the State and the system of government from the threat of violent overthrow either by foreign enemies or internal subversion. Matters of "public policy" are rather more difficult to identify. They are of less importance than national security, and include the fight against crime and the safeguarding of the national currency and reserves.

Before examining these matters in more detail, it is important to situate them within the British legal system and governmental structure.

The Common Law System

The legal system in operation in the United Kingdom is, broadly speaking, of the "common law" family. It is similar to those of the United States, Canada, New Zealand and the Irish Republic, among others. It is a system that stands in contrast to the civil law systems to be found mainly in Western Europe and Latin America, as well as in the socialist systems of Eastern Europe.

The principal sources of English law are legislation enacted by Parliament and case law, which are the decisions of judges in particular disputes. Whenever a conflict arises between these two sources, it is legislation that prevails.

The United Kingdom does not have a written constitution that defines and shares out the various governmental functions among different bodies of the State. It does not even have a Bill of Rights, which guarantees its citizens

certain fundamental human rights and liberties. In both these respects, it is unlike the overwhelming majority of countries in the world today.

Although there are no specific legal restraints on what type of legislation Parliament may enact, there are, of course, moral and political ones. To those unfamiliar with British government, the complete legislative sovereignty of the British Parliament is indeed strange. What scope does it allow for its citizens to enjoy basic human liberties? The answer is to be found in the basic principle of English law: any activity which is not forbidden by law is permitted by law.

In practical terms, however, and despite the absence of constitutional safeguards, the British citizen in fact enjoys a degree of freedom which is comparable to, and at times greater than that of citizens in countries where there is a formal guarantee of fundamental human rights.

In only one respect does the British citizen have an effective right to challenge alleged restrictions on freedom of speech on the basis of written provisions. These are set out in the European Covenant on Human Rights, in the drafting of which British representatives played a considerable part. Moreover, since 1966, the United Kingdom has conceded the right of individual petition to the European Commission of Human Rights and the compulsory jurisdiction of the European Court of Human Rights.

Of particular relevance here are the guarantees set out in Article 10 which, in addition to defining the right to "freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers", goes on to lay down the grounds on which the right to freedom may be curtailed by Member States subscribing to the European Convention on Human Rights. The limitations must be "prescribed by law" and also be "necessary in a democratic society" for the purpose of guaranteeing certain values, among which one finds: "... the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime."

Since 1966 therefore, any newspaper, radio or television station which feels that the present state of English law falls below the rights guaranteed by the European Convention has had the opportunity to take the British Government before the European Commission of Human Rights to ask for an im-

partial, supra-national adjudication on its complaint. It is also possible for the case to be brought before the European Court of Human Rights.

The Official Secrets Legislation

The backbone of any study on constraints on the media in the United Kingdom must necessarily be an examination of the Official Secrets Acts. Other acts exist, but the Official Secrets Act is of paramount importance, since it can impose criminal penalties, including imprisonment. The other restraints stem from civil law, where the normal sanction is payment of financial damages. Exceptionally, however, an injunction to restrain publication is sought. This can have serious consequences for the media, since to disobey an injunction is a grave matter, which can result in a fine or imprisonment.

Despite the long history of common law in England, it was not until the later years of the 19th century that legal provisions were introduced to deal with sensitive information. This was not entirely surprising when one considers that it was not until the advent of modern communication systems and weaponry of great destructive power that the problem truly emerged. Other factors have been the marked ideological conflicts of the 20th century, with the increased possibility of internal subversion of the State, and the increased incidence of terrorist activities.

The Official Secrets Act was passed in 1911, only few years before the outbreak of the Second World War. It was passed hurriedly, in an atmosphere of mounting fears of spying, that was hardly conducive to a balanced consideration of the matter. Indeed, it passed all the stages in the House of Commons in less than an hour.

The central provisions of the Act are Sections 1 and 2. Section 1 was aimed at spying and, with a few exceptions, it has been invoked solely against suspected spies. Difficulties have arisen because the section is not framed in terms limited to espionage. Under Section 1, it is an offence to enter or approach a "prohibited place" for a purpose "prejudicial to the safety or interests of the State". "Prohibited places" are designated as such by the Government under the terms of the Act. Naturally, airbases and naval installations are likely areas.

Section 1 also covers the compiling and communication of information that might be useful to an "enemy". In one of the first prosecutions under Section 1, immediately prior to the Second World War, a sailor was charged with passing on naval information which could be useful to an enemy. One of the accused's arguments was that, as the country was not at war, there was no "enemy" and he had therefore committed no offence. The courts rejected his argument: the word "enemy" was interpreted to include *potential* enemies. Clearly, if the accused's argument had been accepted, it would have limited the scope of Section 1 to wartime.

The fact that Section 1 is not limited to spies and spying was brought home, in the early 1960s, in the prosecution of "Chandler and others". Several members of the "Committee of 100", an organisation devoted to unilateral nuclear disarmament,

had entered an airbase where planes carrying nuclear weapons were based. Their aim was not to pass on information to an enemy, but rather to impede take-offs by staging a sit-down. This act of civil disobedience was designed to draw attention to the evils of nuclear weapons.

Participants were prosecuted and convicted of offences against Section 1. The airbase had been designated as a "prohibited place", and the accused had attempted entrance for a purpose "prejudicial to the safety and interests of the State".

On this latter point, there was considerable dispute. The accused put forward the argument that, far from being prejudicial, a policy of unilateral nuclear disarmament would be beneficial to the United Kingdom. The courts rejected this argument. It was not for them to conduct an independent investigation of what was in the best interests of the State (in the sense of the population at large). With their limited access to the necessary information, the courts were in no position to review any conclusions reached by the Government as to what the public interest or the interests of the State required. It was also felt to be totally inappropriate that the courts should be turned into a debating chamber for a discussion of the arguments for and against unilateral nuclear disarmament.

From the point of view of the media, however, Section 1, being aimed primarily at espionage, is likely to give less cause for concern than Section 2. Section 2 is extremely long and complicated; in general terms, it makes it illegal for a servant of the Crown to communicate official information or documents without authorisation. A Crown servant is any government minister, civil servant, policeman or member of the armed forces. Any information, no matter how trivial, that an official acquires in the course of his work is, on the face of it, protected by the criminal penalties contained in Section 2.

Some qualification to these extremely general terms is provided in Section 2 (1)(a): a Crown servant commits an offence only if the disclosure is to someone "...other than the person to whom he is authorised to communicate it, or a person to whom it is in the interest of the State his duty to communicate it". Even these qualifications raise difficulties. It is not clear, for example, *who* is entitled to authorise communications. Are government ministers entitled to authorise themselves to disclose information?

Although it imposes extremely severe controls on civil servants and can make their task of compiling information very difficult, it might seem that this section poses no direct legal threat to the media. This is not so. Section 2 (2) expressly provides that any unauthorised person who receives official information is also guilty of an offence. The investigative journalist can therefore be exposed to criminal liability just as much as his informant.

Naturally, the authorities do not worry about trivial contraventions of Section 2. They take action only when they consider the case to be serious. Who decides into which of these categories a breach of the law falls? The Act provides that no prosecution may be brought without the consent of the Attorney-General or, in Scotland, of the Lord Advocate. The Attorney-General is the Government's legal adviser. He

is not a permanent civil servant, but is appointed by the government in power. He is expected to decide whether to initiate Official Secrets Act prosecutions independently and with no regard to the party's political advantage. The difficulty is that his position leaves him open to accusations, justified or not, of having identified the national interest with political advantage.

These then are the main features of the Official Secrets Act 1911. Important amendments were passed in 1920 and in 1939. These made it an offence to withhold information about any offence contrary to Section 1 of the 1911 Act. During the parliamentary debates on the 1920 legislation, certain assurances were given by the Government that the power to demand information would not be used against journalists. As such, the assurance was not legally binding and, in 1938, a journalist was actually convicted of refusing to divulge information about an Official Secrets Act offence.

The Official Secrets Act and the 'D' Notice System

A description of official secrets legislation would not be complete without some mention of the "Defence, Press and Broadcasting Committee", better known as the 'D' Notice Committee". Comprised of civil servants and representatives of the media, the committee issues 'D' notices to most but by no means all sectors of the media, advising them that the dissemination of certain categories of information is liable to create a security risk, and advising that such information should not be made public.

This system has been in operation since 1912 and, apart from that in Australia, is unique in the world. In addition to issuing 'D' notices, the committee secretary is available to give informal advice to the media about sensitive information that might harm national security. It is worth noting that the Committee has no strictly legal status. If, for example, a newspaper were to seek advice from the Committee, and the latter advised against publication, the newspaper would not risk prosecution merely by failing to follow that advice. The reverse is also true: the fact that the Committee has given clearance would not necessarily exonerate a newspaper that proceeded to publish.

The explanation for this paradox is that rulings issued by or on behalf of the Committee have no bearing on whether a crime has actually been committed under the Official Secrets Act. If a newspaper is convicted for contravening the Act, its offence is precisely that it has contravened the Act and not that it has flouted the terms of a 'D' notice. Why then, do some media people place such great store by clearance from the 'D' notice committee? The answer is that they believe that there is an informal link between compliance with 'D' notices and avoidance of prosecution. As we shall soon see, even that informal link has now been broken.

The entire 'D' notice system is therefore an exercise in self-censorship by the media, rather than censorship imposed by strict law. There has never been a clear explanation of the relationship between the Official Secrets legislation and the 'D' notice system. The only contemporary examination of the system was conducted by the Defence Committee

of the House of Commons from 1979 to 1980.

The Defence Committee's report suggested that the whole purpose of the 'D' notice system was to advise and restrain, not so much the irresponsible newspaper editor, as the editor ignorant of the realities of defence policy. The report throws considerable light on the working of the system as a whole and, in particular, on the handling of security issues by the media. A list of 'D' notices was given in a memorandum submitted by the Ministry of Defence and included, for example, "D Notice No. 1", which concerns Defence Plans, Operational Capability and State of Readiness, "D Notice No. 4" on Aircraft and Aero Engines, and "D Notice No. 10" concerning British Intelligence Services.

Three Major Cases

The workings of Section 2 of the Official Secrets Act 1911 can be better understood by looking at three major prosecutions that occurred during the last 15 years.

The Case of the Sunday Telegraph. The prosecution grew out of the Nigerian civil war that broke out in the late 1960s when the state of Biafra tried to secede. The British Government's policy of supporting the federal Government of Nigeria and supplying it with arms was highly controversial. There was considerable sympathy in the United Kingdom for the plight of the Biafrans and, among those sympathetic were the accused, who included the editor of the *Sunday Telegraph*.

By a roundabout route, the accused had gained possession of and published a document which had been prepared by the defence adviser to the British High Commission in Lagos. The document, entitled *An Appreciation of the Nigerian Conflict*, appraised the conduct of the war in terms which tended to undermine the British Government's decision to supply arms to the federal Nigerian forces.

Prior to publication, the *Sunday Telegraph* had approached the 'D' Notice Committee to ascertain whether any issue of British national security was involved in the publication of the report. The newspaper was told quite categorically that no such issue was at stake. The fact that the accused were nevertheless prosecuted under Section 2 went a long way towards undermining the informal link between clearance from the 'D' Notice Committee and the avoidance of prosecution under the Official Secrets Act.

In the event, the accused were acquitted. The judge summed up the issues to the jury in a way which was severely critical of Section 2 and of the way in which it impeded, as in this case, journalists who in good faith were seeking to present the facts fairly and fully to the British public. The jury, no doubt taking their cue from the judge, returned the verdict of "not guilty". This is an excellent example of how a British jury can exercise its constitutional right to return a verdict of "not guilty", even though the accused is indeed guilty from a strictly technical point of view. It can be seen as a protest against the legal provision in general or against the use of it in these particular circumstances.

The *Sunday Telegraph's* acquittal is widely believed to have been responsible for the setting up of the Franks

Committee to review Section 2, of which more will be said below.

The ABC Case. This is popularly called the “ABC” case from the initial letter of the surnames of the three accused: Aubrey, Berry and Campbell.

It all began with the move to deport for security reasons two American writers, Philip Agee, who had been an official of the CIA, and Mark Hosenball. A defence committee was formed to contest the deportation orders, which eventually took effect in May 1977.

In connection with the activities of that defence committee, two journalists, Aubrey and Campbell, went to interview John Berry, who had served as a junior officer in an army signals unit and who allegedly gave them information acquired during his period in the army. They were brought to trial under Sections 1 and 2 of the Official Secrets Act. Charges under the more serious Section 1 were dropped by the prosecution, but the two journalists were charged under Section 2 with having received sensitive military information. Berry received the most severe punishment since he had “leaked” the information.

A remarkable aspect of the trial was the extent to which information, which the prosecution claimed to be secret, was demonstrated by the defence to be open to public knowledge for those who took the time to research the matter. Perhaps the verdict of “guilty” reflected the lower tolerance level of the jury to those who disclose military information.

The Ponting Case. The prosecution of Clive Ponting in January-February 1985 arose out of the sinking of an Argentine warship, “The General Belgrano”, during the Falklands conflict of 1982. The sinking took place at a time and place when the warship was not posing an immediate threat to the British task force in the South Atlantic. The sinking entailed considerable loss of life, and became the subject of much debate both in and out of Parliament. Mr. Ponting was prosecuted because he had sent two documents to a Labour Member of Parliament, and through him, to a Committee of the House of Commons, which could be used as evidence to show that the House of Commons had been misled as to the real circumstances surrounding the sinking.

In his summing up, the judge pointed to two rulings on the interpretation of Section 2 which considerably narrowed the scope of the argument available to the accused. Under Section 2 (1) (a), a Crown servant like Mr. Ponting commits an offence only if the disclosure is to someone” . . . other than a person to whom he is authorised to communicate it, or a person to whom it is in the interest of the State his duty to communicate it.” Following the interpretation given in the *Chandler* prosecution which we examined earlier, the judge ruled that “interest of the State” meant the policies of the State in July 1984. At that time, continued the judge, government policy was not to disseminate full information about the sinking of “The General Belgrano”. Furthermore, ruled the judge, when the section talked of a “duty to communicate”, it meant *official* duty as a civil servant and not a wider civic or moral duty.

In the event, the jury declared Mr. Ponting “not guilty”. When doing so, it is possible that they had two things in mind. First, there was no threat to national security posed by

Ponting’s leaking the document. Second, the person to whom he leaked it was a Member of Parliament, to assist him and his fellow Members in fulfilling their constitutional role of questioning the Government and calling it to account. The Ponting case is the only one in which a civil servant has been prosecuted under Section 2 for passing information to a Member of Parliament.

Reform of the Official Secrets Act: the Franks Report

The issue of statutory reform by Parliament has been on and off the political agenda of the United Kingdom for the last 15 years. It has been kept to the fore, in part, by the rulings of trial judges on points of interpretation of Sections 1 and 2, which have not done anything to reduce the range of its extremely wide-sweeping provisions. Concern has also been expressed from time to time at two procedural devices which have been used in Official Secrets Act trials: the holding of *in camera* hearings and jury vetting.

The hearing of charges in private before a jury which, far from being selected at random, has been screened to weed out political dissidents seems eminently defensible in situations where genuine security matters are to be presented to the court. The difficulty with such measures is that they depart very drastically from the standard safeguards of trial by jury, and it is impossible for the media to check accurately whether genuine interests of national security might be prejudiced if the evidence were to be heard in open court.

In a sense, too, the prosecutions which are actually brought to court are only a small part of the problem. Given the all-embracing nature of Section 2, any journalist who tries informally to gain information from central Government circles must necessarily work in its shadow. The *threat* or *possibility* of its use is ever present, even though its threatened use is a bluff. At present, therefore, the acceptability of Section 2 turns on the discretion exercised by the Attorney-General regarding its use.

Little wonder, then, that there have been proposals to reform Section 2. The Government itself set up an enquiry under the chairmanship of Lord Franks, which reported its findings and conclusions in 1972. The Franks Committee recommended the total repeal of Section 2 and its replacement by a new statute, the Official Information Act, which would have delimited precisely the exact categories of information that necessitate criminal law sanctions against improper disclosure.

The Franks Committee listed four categories in special need of protection: (1) cabinet papers; (2) information entrusted to the government by a private individual or concern; (3) information likely to assist criminal activities or to impede law enforcement, and (4) classified information relating to defence or national security, to foreign relations, or to the currency or reserves, whose unauthorised disclosure would cause serious injury to the national interest.

A brief comment on each is in order.

Cabinet papers were deemed in need of the protection of criminal law, in view of the central position of the Cabinet in the British system of government. The exception was extended to the papers of Cabinet committees.

The second category may be considered as an aspect of personal privacy rather than State security. Individual citizens must, on various occasions, volunteer information about themselves to the State, sometimes under coercion of law. Examples are income tax returns, census returns and applications for naturalisation. It is only proper that, having required this information, the State should use its coercive power to prevent its unauthorised dissemination.

Information relating to law enforcement, which could help a criminal avoid justice, is not really information that impinges on "national security". Nevertheless, the case for penal sanctions is very strong. The only danger is that this exception could be drafted too widely, bringing within the net of the criminal law legitimate general discussions of public interest and concern about the running of prisons, the organisation of the police force, and so forth.

The fourth exception encompassed matters of national security as well as areas that are not quite on the same level. For example, the leaking of an imminent change in the Minimum Lending Rate, which is the key to the national interest-rate structure, or a sudden devaluation of the pound, as in 1967, could cause considerable harm to the country's financial standing. It is worth noting that in this fourth exception information would be protected by the criminal law only if it were classified on the grounds that its unauthorised disclosure would cause serious injury to the interests of the nation. Thus not all information relative to defence, foreign relations, etc. comes within the ambit of the criminal law. Indeed, some of it is readily available to the public.

The danger here is that the Government could give documents a higher classification stamp than was really needed. The Franks Committee recommended some general classification categories, and suggested safeguards against over-classification.

Whatever criticisms may be made of its detailed recommendations, the Franks proposals would have one important advantage. The media would know for certain that, in handling information outside these four special categories, they would be immune from prosecution.

The recommendations of the Franks Committee were obviously based on Swedish law and the United States Freedom of Information legislation, about which we shall say more shortly. There is, however, a critical distinction to be made between the Franks proposals and Swedish and American legislation. Broadly, the latter give the public the right to see documents which do not fall within the exceptional categories. The Franks proposals would have given the public no such right. They would merely have provided individuals with a defence to a charge of receiving official information, namely that it did not fall within any of the four special categories. Those who wished to inform themselves or others on public affairs would still have faced the difficulty of obtaining information.

Here, constitutional and cultural factors are more important than purely legal restraints. To mention only one such factor, the British civil servant is not noted for his readiness to make information available to the public. Nor is the politician, unless such disclosures put him or her in a favourable light.

Reform of the Official Secrets Act: the 1979 Bill

To this day, the Franks proposals remain unimplemented. Such is the importance of this area of the law that reform will come only when a Government is determined to see a bill through Parliament. Indeed, there have been attempts by groups in Parliament to reform the obvious defects of Section 2. Perhaps the best known attempt was that developed by a group known as the "Outer Circle Policy Unit", and which was introduced in the House of Commons in 1979. The bill would not only have repealed Section 2, but would also have given a right of access to official documents, albeit with a detailed list of exceptions. The bill failed to secure passage before the General Election of 1979.

The incoming Conservative Government speedily brought in an official measure, the Protection of Official Information Bill 1979. The bill would have reformed Section 2 (broadly along the lines put forward by the Franks Committee) without in any way granting a positive right of access to documents. The central clause of the bill listed six categories of articles, among which were information "relating to security or intelligence", and information "relating to defence or international relations", the unauthorised disclosure of which would be "likely to cause serious injury to the interests of the nation" or endanger the safety of a British citizen. In particular, it was specified that prosecution could not be instituted unless a Minister certified that, at the time of the alleged offence, unauthorised disclosure of the information (or article) would have been likely to cause serious injury to the national interest or endanger the safety of a British citizen.

These points were heavily criticised by the press. But before the bill could get through Parliament, a book called *The Climate of Treason* by Andrew Boyle was published. In it, a former Russian spy by the name of Anthony Blunt was identified. His identity had in fact been known to the authorities for many years, but the revelation led to the withdrawal by the Government of the Protection of Official Information Bill. The reason advanced was that it would have made the naming of Anthony Blunt illegal, presumably under the provision on information "relating to security or intelligence".

The question of reform of the Official Secrets Act has never since completely left the political agenda. Various initiatives, both by individual Members of Parliament and by the two major opposition parties in Parliament, have been taken. Till now, all have come to nought.

Other Legal Restraints on the Media

By comparison with the criminal penalties of the Official Secrets Act, the principal sanction of the civil law - payment of financial damages - poses less of a threat to the media. True, the possibility of having to pay a huge sum by way of damages may constrain a newspaper's absolute freedom to publish. But unlike slander and libel cases, in security matters, the loss inflicted on the nation is incalculable and cannot be reduced to monetary terms.

An alternative recourse for the authorities is to apply for an injunction, a court order to restrain publication. It is a very serious offence to disobey an injunction imposed on publication by the courts.

Breach of Confidence

The principal civil law action to enjoin governmental secrecy is the action for breach of confidence. Dating back to the mid-19th century, it is an action to restrain publication (or, alternatively, to recover damages) involving information that has been confided to another person. The action has been employed in England primarily to restrain the improper exploitation of commercial secrets where, clearly, the loss may be quantified fairly easily.

For some time, it had been thought that there could be no further categories of cases involving breach of confidence. In the "Crossman Diaries" case, however, the action was employed for the first time in an attempt to enforce governmental secrecy. Richard Crossman had been a Minister in the Labour Government from 1964 to 1970. During that period, to the knowledge of his colleagues in the Cabinet, he kept a diary. When Labour lost office in 1970, Crossman devoted himself to putting the diaries into book form. After his death only a few years later, the work of compilation fell on his research assistant and his literary executors. They were contacted by the Secretary to the Cabinet, Sir John Hunt, who pointed out that it would be very damaging to the fabric of the British constitution if the eventual publication gave detailed accounts of the negotiations surrounding certain Cabinet decisions.

Sir John Hunt placed special emphasis on the importance of collective cabinet responsibility. According to that conventional practice, members of the Cabinet are free to advance or oppose particular policies, but once the Cabinet has decided on a particular course of action, each member of the Cabinet must either support the collective decision in public or resign from the Cabinet. According to Sir John Hunt, the integrity of that doctrine would be severely damaged if it were to be made known that particular Ministers had privately supported one policy and then publicly supported another. Equally, he argued, it would inhibit senior civil servants from giving candid advice to Ministers if there were any danger of their advice being made public. Civil servants would cut out those aspects of their advice which, if disclosed, would put them in a bad light.

The literary executors refused to accept the limitations which Sir John Hunt sought to impose on them. Prior to publication in book form, *The Sunday Times* planned to run serialised excerpts, but before doing so, the publishers sent a copy to Sir John Hunt for his comments and advice. Sometimes they followed his advice; at other times they ignored it. Finally, the Attorney-General applied to the courts for an injunction to restrain further publication of Crossman's memoirs.

Why did the Attorney-General seek to employ the hitherto untested action for breach of confidence rather than rely on the Official Secrets Act? On the face of it, the actions of

the literary executors, the editor of *The Sunday Times* and the publishers of the book, Jonathan Cape Ltd., fell foul of Section 2. Perhaps the authorities did not wish to expose a respected newspaper and publishers to the possibility of criminal penalties, since no issue of state security was involved.

The Attorney-General's application for an injunction was rejected and both sides claimed victory: the Attorney-General because the court held that, in principle, the action for breach of confidence lay in the public or governmental sphere as much as in the private or commercial sphere of life; and the publishers because, on the particular facts of this case, the lapse of time was held to have dissolved the bond of confidentiality. No doubt, in reaching this compromise solution, the court was influenced by the fact that under the United Kingdom's public records legislation, such records are available for public inspection when they have become of historical interest only.

The sequel to the case was the establishment of a Committee under Lord Radcliff, to investigate the whole problem of Ministerial Memoirs. In its report to Parliament in January 1976, the committee mentioned two further restraints on freedom of information. First, the law of copyright, which renders actionable the unauthorised reproduction of the whole or part of a document in which copyright exists. Within the area of governmental activity, the copyright in many papers is vested in the Crown.

Secondly, all Cabinet Ministers (as well as other categories of officials) are members of the Privy Council, the duty of which is to advise the Queen. Every Privy Councillor, on appointment, swears an obligation to protect official information entrusted to him.

As for the recommendations of the Committee, it felt that each Minister, on taking office, should be asked to sign a declaration embodying the substance of the Committee's Report. Every ex-Minister, then, who wished to publish an account of his Ministerial career should take steps to show in advance to the Secretary of the Cabinet the full text of what he proposed to publish. The comments of the Cabinet Secretary, the Committee emphasised, would be advisory only, and would not have the force of law. The ex-Minister's legal position would still be governed exclusively by the Official Secrets Acts and the various civil law controls over publication (e.g. breach of copyright, breach of confidence, etc.).

Some guidelines were laid down for the information of all concerned. As the Committee pointed out: "At some point of time, the secrets of one period must become the common learning of another". That time-limit was fixed by the Committee at 15 years. In dealing with matters that occurred more than 15 years ago, the ex-Minister could, if he so wished, use his own taste and judgment.

Within the 15-year period, however, the Committee felt that certain categories of subject-matter called for restriction. First, the ex-Minister must not reveal anything which, at the time of the proposed publication, contravened the requirements of national security.

The second category comprised disclosures which "would be injurious to this country's relations with other nations". In the Committee's view, this category raised

considerations parallel to those of national security.

The third category encompassed "information the publication of which would be destructive of the confidential relationships which may subsist between Minister and Minister, Ministers and their advisers, and between either and outside bodies or private persons."

The Radcliffe Committee's recommendations were promptly put into practice. They are binding in honour only, and co-exist uneasily with the criminal sanctions of the Official Secrets Act and the civil action to restrain breaches of confidence.

Protection of Sources

Traditionally, newspapers and increasingly television journalists as well rely on information from within the organisation under scrutiny. Journalists have claimed the right not to be compelled, even in a court of law, to disclose the identity of their informants. Otherwise, of course, their sources would dry up. Nowadays, scarcely a year goes by without some considerable news item being unearthed thanks to disclosures made by such informants, who are also known as "moles" or "whistle-blowers".

The main provision governing this problem is now Section 10 of the Contempt of Court Act 1981. It stipulates that "No court may require a person to disclose ... the source of information contained in a publication for which he is responsible, unless it be established to the satisfaction of the court that disclosure is necessary in the interests of justice or national security or the prevention of disorder or crime."

The scope of Section 10 was soon put to the test, in the case of *Secretary of State for Defence vs. Guardian Newspapers*. The *Guardian* was anonymously given photocopies of two documents which had originated in the Ministry of Defence and which were intended for extremely limited circulation within government circles. They dealt with arrangements for the delivery of Cruise missiles to the Royal Air Force at Greenham Common. The editor of the *Guardian* quoted extensively from the less sensitive document. The Secretary of State for Defence then commenced proceedings against the paper for the return of the photocopies. It would be evident from the markings in the margin in precisely which government department the photocopy had been made.

The *Guardian* lost in all three courts in which the case was heard. As a result of the return of the photocopies, the circle of suspects was considerably reduced. Eventually, Miss Sarah Tisdall, who worked in the private office of the Foreign Secretary, was identified as the "mole". She was subsequently tried, convicted and sentenced to six months' imprisonment for having breached Section 2 of the Official Secrets Act 1911.

There were certain legal difficulties evident in the Minister of Defence's claim. Certainly, the document had a limited high level circulation, but as was pointed out, "There must be many documents dealing with parliamentary, political and other matters unconnected with national security which a government will wish to be confined to the eyes

of a few in high places." It was accepted by the majority of the court that the risk to national security lay, not in the publication of the documents under consideration, but in the possibility that the disobedient official concerned might in future leak other classified documents, the disclosure of which would have much more serious consequences on national security.

Access to Information

When surveying the access of the media to governmental information, the Official Secrets legislation presents only part of the problem. The reform envisaged by the Franks Committee was clearly inspired by the freedom of information laws that exist in the United States and Sweden.

The United States Freedom of Information Act 1966 now applies to agencies of the federal government. Briefly, it provides that federal government records must be made public, subject to nine exceptions. Some sample exceptions are documents containing information to be kept secret in the interests of defence or foreign relations; trade secrets; information that could constitute a clearly unwarranted invasion of personal privacy; and "investigatory records compiled for law enforcement purposes".

The Freedom of Information Act has been the basis of many law suits, since the courts enforce the rights that it creates and rule on whether a document has been correctly classified for the purposes of the Act. Indeed, instances have been documented where British journalists have used the Freedom of Information Act to find out information on some point of public interest with a transatlantic connection that was otherwise unavailable in the United Kingdom.

The Swedish open government scheme is of far longer standing, having been established in 1766 under the Freedom of the Press Act, which is part of the Swedish Constitution.

There is no equivalent legislation in the United Kingdom, though there have been attempts to introduce a régime of access to specified types of government files. Such attempts have come to nought. In the foreseeable future, the prospects for reform of the Official Secrets Act are much better than those for a Freedom of Information régime.

When one considers the quantity and quality of information that emerges (or, rather, does not emerge) from central Government in the United Kingdom, the situation must be explained in both legal and non-legal, institutional terms. As we have seen, Section 2 of the Official Secrets Act 1911 is a barrier to the flow of information. Indeed, those bound by the Act are required to undergo the rather ritualistic signing of the text of the Act. But quite apart from legal constraints, civil servants are not by nature and training the most talkative of individuals.

In terms of the flow of information, any given disclosure will tend to be categorised as either "briefing" or "leaking". Briefing is the handing out of information with the approval of the authorities, leaking is the opposite. Clearly, which title attaches to any situation will, in some part, be determined by one's point of view. Former Prime Minister, Mr. James Callaghan, put the point quite succinctly: "Leaking is what

you do, and briefing is what I do.”

Within the context of official briefings, mention should be made of a peculiar British institution, the Westminster Lobby. Lobby correspondents are British journalists who cover parliamentary activities. Some cover the activities of a particular government department; others, for example, will attend Prime Ministerial briefings. There is a complex system of unwritten rules and understandings governing the flow of information. The most important point, though, is that access to the lobby exists only on sufferance. No one has a legal right to attend, and briefings may be suspended if a journalist goes too far in his reporting.

So much for information of contemporary relevance. As regards files of historical interest, there is legislation in the form of the Public Records Acts 1958 and 1967, which provides for them to be made available to the public. The lapse of time deemed necessary was set at 50 years by the 1958 Act, and was reduced to 30 years in 1967. The terms of the legislation merely provided facilities for such records to be available to public view: no member of the public has an enforceable right to see documents which are at least 30 years old. Indeed, if it is considered that they deal with issues that are still sensitive, documents may be withheld for longer than the normal 30-year period. The decision to withhold files is ostensibly taken by the Lord Chancellor. In reality, it is said, it is the government department concerned which decides.

There may be times when a litigant in a given action may need certain documents to be produced or certain testimony to be given before the court. The government may object to such testimony being given in the interests of national security or public policy. An example will perhaps make this clearer. During the Second World War, the submarine “Thetis” sank with considerable loss of life during trials. An action was brought by the dependents of the seamen against the builders of the submarine, claiming that there were construction faults. In the course of the action, the dependents sought the production of certain design plans. The Government claimed “Crown privilege”, i.e., that it would be contrary to the national security for these plans to be displayed in open court when the country was at war. The courts accepted this plea. Clearly, the country was at war, and the evidence related to the structure of armaments. Regardless of the merits of that particular plea, however, the courts expressed the rule in terms which suggested that a court should rarely, if ever, look behind the plea to ascertain whether, in reality, the disclosure of the evidence would have harmful repercussions on national security or public policy.

Fortunately, over the last 15 years, the courts have not so readily accepted such a plea. They have required something more of the Minister than the simple assertion that the national interest would be harmed by disclosure in open court.

The Position of Television and Radio

Having examined the general law of the land, equally applicable to the community at large as well as to the media, it is

now time to consider the special position occupied by radio and television.

Legislation allows broadcasting only under a licence from the Home Secretary, the responsible Government Minister. Until 1954 only the British Broadcasting Corporation (The BBC) was licensed for television and radio broadcasts. In that year came commercial broadcasting: the Independent Television Authority, renamed the Independent Broadcasting Authority (or IBA) in 1973, was licensed to operate a commercial television channel through the medium of independent companies.

The BBC, which has two television channels, is directed by its charter to inform, educate and entertain. There is a board of governors, which has overall constitutional authority for the Corporation. The BBC is forbidden by the terms of its licence to raise revenue by advertising, although a change is now under consideration. Its revenue is derived overwhelmingly from the licence fee, which is fixed by the Home Secretary. Control over the level of the fee and revocation of the charter are probably far too blunt to use as instruments of possible censorship. More important, in practical terms, is Clause 13 (4) of the Corporation’s licence, which allows the Minister to give the corporation notice “to refrain at any specified time or at all times from sending any matter or matters of any class specified in such notices.” There has been some element of safeguard in that, since 1951, the BBC may announce any use of this power of veto.

There was a threat to invoke this power in 1972, when the BBC proposed broadcasting a programme, entitled *The Question of Ulster*, about the Northern Ireland problem. Lord Hill, the Chairman of the BBC, resisted pressure from the Home Secretary to cancel the broadcast; if a direction were given under Clause 13 (4), he would make the veto public knowledge. The programme went ahead as scheduled.

As regards commercial television, the legislation envisages that the IBA will choose companies that will provide programmes under contract and which, in turn, will derive revenue from advertising. In a sense, it is the IBA’s most important function to choose the programme companies. The Authority consists of members appointed by the Home Secretary. Again, members of the Authority are answerable for Independent Television, just as the governors are responsible for the BBC.

In some respects, the legal obligations imposed on the BBC and IBA are different from those that apply to the rest of the media. There are obligations imposed by their constituent documents on the BBC and IBA, among other things, not to publish anything indecent. In view of this obligation, “anything done in the course of television or sound broadcasting” is not regulated by the Obscene Publication Act 1959 (the principal legislation forbidding the publication of indecent materials). In one famous case, a private individual sought a court order against the IBA to prevent the screening of a documentary about Andy Warhol. Preview of the programme suggested that it would be indecent or offensive. The Court of Appeal granted an interim order until such time as members of the Authority had themselves seen the film in order to judge for themselves. After viewing the programme,

members of the Authority were unanimously in favour of showing it, and the order was then lifted. As the Court said, "The Independent Broadcasting Authority are the people who matter. They are the censors."

Concluding Remarks

Some common themes emerge from this survey of legal restraints on the media when handling matters that impinge on national security and public policy.

First, the British courts are indeed reluctant to substitute their own opinions for those of Government Ministers on what sorts of disclosure may or may not harm national security. In the Protection of Official Information Bill 1979, for example, the Government took the precaution of expressly stating that ministerial certificates on such an issue must be treated as conclusive by the courts. This may not even have been necessary, for trial judges inevitably feel powerless to check on the validity of such claims by the Government. Courts have only limited means of access to the necessary information. By training and position, judges feel ill-equipped to sift through and assess the evidence. Moreover, in this more than most areas, the stakes are high: the consequences of erring too generously in favour of the freedom of the media may be serious indeed.

There have been some signs, however, of judges treating government claims of public interest with greater scepticism. It is unlikely, though, that in the foreseeable future, the British courts would take the stand that the United States Supreme Court adopted in the famous Pentagon papers case: it opted in favour of freedom to publish, in the face of a claim to prior restraint.

Second, as much emphasis is placed on a sense of public responsibility in the media as on purely legal powers to constrain. We have seen that Section 2 of the Official Secrets Act 1911 is all-embracing in scope. Yet, on the other hand, there is nothing in the system of 'D' notices at present which deals, for example, with the terrorist activities of the Irish Republican Army or the difficulties presented a few years ago by the siege of the Iranian Embassy in London. The width of the one provision, and the gaps in the other system,

certainly give cause for concern. Yet, in the final analysis, the system seems to work, not because the ground rules are clearly and narrowly drawn in some legal document but because what is expected of each side - government and media - is generally understood by the other. In this respect, the narrow area we have been examining resembles the unwritten and customary nature of the British Constitution itself.

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THE PRESS COUNCIL IN NORWAY: A BUFFER BETWEEN THE PRESS AND SOCIETY

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It is not uncommon for society to try to influence the ethical standards of the press, sometimes by introducing restrictive measures. It is in this area that the Press Council of Norway plays a unique role in that it often acts as a buffer between the press and society, and at times, is even used as a scapegoat.

In the free press tradition, the concept of professional integrity is of great importance and has gradually become a part of the press ethic, a concomitant, as it were, of the social responsibility of journalists. The Press Council is a way of institutionalising this integrity; it is a super-ego for individual journalists and indeed, for many, this is its *raison d'être*.

However, professional integrity is exercised voluntarily. Self-censorship is the product of fear - a fear of trouble or reprisals. It goes without saying that professional integrity in this sense is far more compatible with the notions of a free press than is self-censorship. It should be added however that it is not always easy to tell where one ends and the other begins.

How the Media Operate

The press and the broadcasting stations in Norway operate roughly according to the classical liberal model, albeit with a few anomalies. One of them is the rather extensive system of state subsidies to newspapers, which was first introduced in 1969 and later extended. Although the amount of subsidies has been reduced during the last five years, it is still considerable. In 1986, what is known as the "production grant" amounted to about 115 million kroner.

The most noteworthy feature of the Norwegian subsidy system is that, like its Swedish counterpart, it is selective. In other words, it is given primarily to newspapers in non-leading market positions. The purpose, of course, is to counteract the effects of market forces, especially the accumulation of advertising income in the market-leading papers.

At first glance this type of system would seem to constitute a major departure from orthodox liberal thinking. An unregulated market, however, which is a basic premise of the liberal press doctrine, tends to undermine the very freedom it should support, for the number of smaller, independent papers tends to dwindle.

The thorny ideological problem that could easily arise from the production grant has been countered by the principle of non-intervention. The subsidy is unconditional and the press has gone to great lengths to ensure that it will not be influenced editorially by money from the State. Moreover, it has consistently criticized any politician who has even hinted that grants should be related to the fulfillment of certain conditions.

It is commonly acknowledged that the introduction of this extensive subsidy system would hardly have been acceptable to the Norwegian Parliament, the Storting, had it not been for the close connection between the newspapers and the political parties. The politicians, in other words, had pragmatic reasons for coming to the aid of the press.

In the 1970s, the ties between the press and the parties gradually loosened, in part as a result of a growing professionalism in the press. The only group still to have direct links with a political party is the Social Democrat press, owned jointly by the party and the labour movement. No doubt the cuts in subsidies reflect to a certain extent this growing independence of the press.

Another reason is that the conservatives are opposed on ideological grounds to subsidies and have made their opposition felt when in power (elected in 1981 and again in 1985). This attitude may have been reinforced by the fact that the lion's share of the subsidies goes to the social democratic press, which owns many of the papers in non-leading market positions.

The Broadcasting Monopoly

Another significant anomaly in the mass-media scene in Norway is the state-owned broadcasting monopoly, the Norsk rikskringkasting (NRK). It is true that broadcasting monopolies exist in quite a few countries with the same liberal tradition as Norway, but in most of them, the monopoly was modified or abolished long before this became a serious political issue in Norway. It is worth noting that until the early 1980s, there was only one national radio station and that today there is still only one national television channel.

In 1981, the Conservative Government waived the Broadcasting Act to launch an experimental scheme of

privately owned local radio and television stations. A few cable companies were also licensed to diffuse foreign broadcasts by satellite.

Although the broadcasting monopoly dates back to the 1920s, it too is based on the liberal doctrine that governs the press. The general consensus is that the Government must not interfere either in policy-making or in the programming of the NRK. The Broadcasting Act does not lay down policy guidelines, and it was only recently that a complaints commission, albeit with a rather limited scope, was established. The Government does, however, appoint the top management of the NRK, and the Storting allocates the budget and decides upon the amount of the licence fee, which is the company's main source of revenue.

The programming code of the NRK is based on such principles as diversity, impartiality and balance. The code was drawn up in 1967 as an indirect result of strong criticism. The critics included a number of politicians who concentrated mainly on the television channel, which was accused of aggressiveness, left-leaning partisanship and downright government-by-television.

There was a strong possibility in the late 1960s and early 1970s that the Storting might include some programming principles in the Broadcasting Act, but the company's own code was drafted just in time to avoid that. In other words, the code can be seen as the result of a pragmatic preventive action in the face of what the company judged to be a political threat. In that respect, the code is a classic example of censorship at the symbolic level.

It is difficult to tell whether the introduction of a written code has led to more careful programming practices. An example is the statement made by the director-general in 1977, following the controversial leak of proceedings at a closed session of the Storting, to the effect that the NRK would never broadcast information that the Storting had decided to keep secret.

Criticism of alleged political partisanship has increased noticeably under the Conservative Government. On several occasions, conservative politicians, including the prime minister, have accused the NRK of left-wing sympathies. The Government is officially committed to non-intervention, even though this is not always easy. Indeed, the experiment with local broadcasting has provoked government behaviour that would have been unheard of before. In a number of instances of questionable ethics, the Ministry of Culture and Science openly reprimanded certain radio stations. Obviously, the minister was trying to develop a stronger sense of self-restraint among broadcasters on these stations, who are often amateurs.

In 1985, one religious station even had its licence suspended for a month because it had broadcast offensive characterisations of homosexuals. It is true that, given the special terms of the experimental period, the ministry had a legal basis for its disciplinary action, but quite a few critics questioned the wisdom of this action, pointing to the unlikelihood of the State suspending the publication of a newspaper for having broken the law.

Press Freedom and Libel Law

The Norwegian constitution of 1814 established formal freedom of expression and freedom to print, forbidding prior censorship of printed matter. This provision is understood to cover radio and television as well, even though the constitution has not been amended. This is not the case of the cinema, however, so film censorship still exists.

In the clauses on printed matter, the press is not mentioned explicitly, but comes under the general protection of the law. Indeed, press freedom is characterised by the fact that there are few explicitly specified privileges but, on balance, legal restrictions are just as few. There are, however, certain provisions in the penal code that can create occasional problems for the press, and which can generate a certain amount of self-censorship. A few examples are given below.

Although there is no significant increase in the number of lawsuits, there is a growing uneasiness in the press over the development of libel law. Many journalists are concerned with what is often referred to as "judicial semantics", that is, the delicate interpretation of the meaning of words, that can take place in the courts during libel cases. In a recent case, a newspaper was convicted for having characterised a certain method of behaviourist psychotherapy as "torture in the name of science". Another paper was convicted for having labelled certain members of the Greenpeace organisation as "environmental terrorists". Both phrases were strongly criticised by the press for allegedly infringing upon press freedom.

It should be noted that there is no strong doctrine of public persons in Norwegian libel law. Firms, like individuals, can take libel action, which means that if a newspaper loses a lawsuit, it can be quite costly. It is true that the level of damages is very low in Norway compared with other countries, but there have been a few signs recently that costs are rising. In one well-known lawsuit in 1985, the manufacturer of offshore oil rigs was awarded half a million kroner in damages. The newspaper had erroneously claimed that all the company's rigs of a certain type had dangerous flaws and were to be recalled for major repairs. An appeal to the Supreme Court has been filed.

The number of libel cases is likely to rise. One obvious reason is the growing trend for the press to cover the early stages of criminal cases, which leaves papers open to the risk of naming suspects prematurely. The amount of investigative journalism as such has not increased much in the Norwegian press, but there have been a few *exposés* of alleged industrial scandals that were followed by libel actions. Until now, there is no reason to believe that the threat of libel suits has given rise to much self-censorship in the press. However, newspaper editors and publishers seem more preoccupied than before with the problem.

National Security and Self-restraint

The field of national security also throws light on the relationship between the press and society. True, there are not

many legal battles in this area, but the principles involved may be especially pertinent to the question of self-censorship.

One well-known case was triggered by the research work of Nils Petter Gleditsch and Owen Wilkes of the Peace Research Institute of Oslo. In 1979, the two researchers published a report containing descriptions and illustrations of several Norwegian military establishments for electronic surveillance and intelligence. Both men were prosecuted for violating a provision in the penal code on national security, and each was sentenced to a six months' suspended prison term and a fine. They had not been convicted of espionage, the court stated, but of publishing information that might endanger national security.

Press reactions were mixed, but the Norwegian Press Association, Norsk Presseforbund, reacted strongly to one particular aspect of the sentence. The court had in fact judged it illegal to piece together and publish information that had been gathered from open sources. Neither Gleditsch nor Wilkes had worked clandestinely. In the opinion of many press men, the application of such a principle would in fact outlaw perfectly normal methods used by journalists in their everyday work.

Press protests were to no avail, the courts were unimpressed, and the principle of the illegal publication of material gathered legally was applied a second time, in 1985. The case involved the publication of information by the monthly magazine *Ikke-vold* ("Non-Violence"), the organ of a peace organisation, on the geographical location and other characteristics of a chain of submarine detection cables in northern Norway. The court again stressed that this was not a case of espionage; nevertheless, members of the editorial staff were sentenced to prison terms of up to nine months.*

It is worth noting that in none of these cases was the research work done by professional journalists, and initial publication was not by the established press, nor was the information broadcast. That is no coincidence. The established news media in fact very rarely publish articles that deal with sensitive national security material. It is not clear whether this is a symptom of widespread self-censorship or rather a reflection of an equally broad consensus on foreign policy, including the requirements of national security. The NRK, for one, is generally careful when it comes to politically controversial matters, and the policy of most newspapers seems to be to play it safe in this particular area.

An earlier incident may illuminate their attitude. In 1975, a research report claimed that navigation stations of the LORAN C and Omega chains had been built with American financing on Norwegian soil. The Storting had apparently not been informed nor had it given its consent. The report created quite a stir, and a commission was appointed to investigate whether the Government had indeed neglected to inform the parliament.

When the committee report was completed, large portions were kept secret, and the Storting held a debate in

closed session in June 1977. However, two members of a small socialist party broke their parliamentary pledge and made some of the confidential material public. Simultaneously, a small publishing house published the entire report, thanks to an unidentified leak. (The report, incidentally, found no grave fault with the Government.)

The behaviour of the press was remarkable. Only one major paper in Oslo and about ten smaller ones actually published excerpts from the report, whereas the overwhelming majority of the press, as well as the NRK, remained silent.

The reason for the NRK's silence was that it would not defy the will of the Storting. Neither that reason nor the threat of legal action can be considered a respectable professional motive for the fourth estate. There was no reason to believe that publishing the secret material would violate the law on national security. Indeed, the Minister of Defence later confirmed that the secrecy was motivated, not by the need for security, but by Norway's relations with a friendly nation.

In some newspapers, the decision not to publish may very likely have stemmed from insufficient knowledge of the law, but some papers kept quiet because they did not want to give free publicity to the party of the two Storting members who had leaked the material (a general election was scheduled later in the year). Lastly, in quite a few cases, the reason for not publishing excerpts from the report seems to have been merely the desire to steer the paper clear of a sensitive area.

Whatever the motives, the LORAN C case constitutes a textbook example of collective self-censorship. Memories of it still seem to cause considerable embarrassment in the press, which may be an indication that journalists' attitudes towards the subject of national security are changing.

It is true that a change of attitude does not necessarily imply a change in practice. A good example is the revision of the code of press ethics in 1975. The earlier version of the code had treated matters of national security as follows:

"Care should be shown in handling stories that disclose military and other secrets of importance to national security. Bear in mind that it may often be difficult for a non-expert to assess the damage that may be caused by such information; it may seem harmless, yet still be of great importance to the intelligence service of another nation. When in doubt, make sure you ask the responsible authorities for their opinion."

A similar article was suggested for the revised version of the code, but this was opposed on the grounds that it would unnecessarily overlap with the penal code. It was, moreover, considered to be too timid. The final result was that no mention at all of national security was made in the 1975 code.

Another sign of the growing independence of the press is an attempt to establish a new legal privilege, whereby editorial offices would be allowed not only to receive but also to scrutinize sensitive material so as to decide whether or not to publish it. The prospects for obtaining such a privilege seem very slight indeed.

Who Criticizes the Press and Why

Although liberal doctrine theoretically grants the press the exclusive right to decide what role and responsibilities it has

* The verdict was later overturned by the Supreme Court on the grounds that the information was not secret.

vis-à-vis society, there are many people who, equally legitimately, try to influence that definition. Public criticism of the press is a normal and necessary ingredient of the relationship between the press and society. The criticism may simply be evidence that the press is playing an active role, and as a result offends a certain number of sensibilities. It may also however indicate that the press is not living up to society's expectations.

There has always been lively criticism of the press in Norway, but it seems to have intensified during the past decade. There is, of course, a certain amount of criticism from the public at large, but it is sporadic and often ambiguous. Several polls reveal a fairly widespread lack of confidence in the media, especially in the printed press, but this dissatisfaction does not seem to affect newspaper circulation.

More consistent and to the point, and therefore more important, is the criticism emanating from representatives of the legal professions. Indeed there is a long history of conflict between the representatives of the law and journalists. It so happens that one of the most frequent reasons for criticism is crime reporting. A controversial issue is whether and when the press may identify suspects, their victims and others concerned by a crime. The Norwegian press has traditionally shown great restraint in such matters, but recently there have been signs of their departing from this policy, due no doubt to increased competition in the media market. Pre-trial publicity has long been practised, but there have been some especially flagrant cases of irresponsible "trial-by-newspaper" recently.

Questionable ethical standards in crime reporting is only one aspect of a general tendency on the part of the press towards an invasion of privacy. The Press Council has been trying to stem the tide of change in this area, but with few demonstrable effects. It appears to be fighting a losing battle against market forces.

We know little about the effects, if any, of such criticism. Very often, the press reaction is arrogant and this may stem in part from their feeling very much alone in defending press freedom, with little support from the public or from professional groups such as lawyers and politicians. However this prickly behaviour may also be a sign of growing professionalism.

The Role of the Press Council

It may very well be that the Press Council receives far more attention than it actually deserves in the public debate on press ethics. It may be claimed that other factors, such as the financial situation of the press and the education and professional training of journalists, are just as relevant to the debate. Nevertheless public opinion in Norway assigns a central role to the Press Council in maintaining press standards.

Public debate clearly indicates that many critics regard the Press Council as an instrument for self-censorship in the press. Its main task, they apparently feel, is to discipline the press, thereby acting as an informal adjunct to the law courts.

It is also presumed that the state will have to step in if the Press Council proves incapable of bringing about the necessary changes.

The disciplinary effect of the Press Council's work is, of course, difficult to pinpoint. Representatives of the press claim that they do pay attention to its injunctions, but critics remain sceptical. Moreover the patent discrepancy between the expectations of a strong disciplinary force and the lack of substantiated effects gives rise to a number of suggestions for reform.

As a complaints committee, the Norwegian Press Council dates back to 1929, when it replaced an earlier committee for internal arbitration. But it was not until 1972 that the Council became a fully-fledged complaints body, with the principal characteristics of a modern press council. One new feature was the introduction of lay members, two out of a total of seven. It was suggested that one of them be a legal expert but, not surprisingly, this proposal was rejected by the press organisations. No sanctions were introduced in 1972, but it became the duty of newspapers and magazines to publish any decisions of the Council that concerned them.

For all practical purposes, the council remained a court of complaints. It gained the right to initiate cases, but this has remained a mere formality, for the council has found it nearly impossible to act simultaneously as prosecutor and judge.

Although the 1972 reform was substantial, it did not succeed in quieting criticism either of the Press Council, or of the press itself. On the contrary, criticism gradually grew more vociferous. Three themes dominated the public debate on the Press Council during the decade following the 1972 reform.

First, many critics questioned the principle of self-restraint, claiming that conflicts of interest would inevitably disqualify professionals from passing judgement on their colleagues. Second, some quarters considered the Press Council far too passive, as it allowed even the most obvious deterioration of ethical standards. One suggestion was to appoint a press ombudsman to redress the situation.

Third, most critics doubted whether the decisions of the Council were having any effect on editorial boards. A number of people felt that sanctions, such as fines or even exclusion from the profession, would be necessary if the Council were to have any real influence.

The next reform committee, appointed in 1981, considered that some of these demands should be met. The number of lay members should, it felt, be increased to four, out of nine. The committee also admitted that the Council lacked initiative but, primarily for financial reasons. It rejected the idea of an ombudsman along the lines of the Swedish model and proposed instead that the General Secretary of the Press Association be allowed to act as a substitute plaintiff. One frequent suggestion - fines for papers that had been censured by the Press Council - was rejected outright by the reform committee. It claimed that a system of fines would be alien to the system of self-restraint, and therefore unacceptable on principle.

The proposals of the 1981 reform committee, although modest in scope, were very coolly received both by the press and by many critics. During the Press Association hearings,

they were so extensively modified that in the final decision, they were reduced to next to nothing.

The composition of the Council remained unchanged. The General Secretary of the Press Association did not obtain the right to initiate complaints, because of obvious risks of a conflict of loyalties. However, each member of the Council was given the right to initiate complaints in the same way as the Council as a whole had been allowed to do in the preceding years, even if it had not made use of this right.

The question of sanctions was definitively buried, in accordance with the committee's proposal. The duty of the paper to publish the Council's decisions was given slightly more emphasis; the material, it was stipulated, was to be published "in an easily visible place". The change, of course, was purely symbolic. Lastly, the Council's procedural rules were marginally improved in favour of the complainant.

The final version of the reform came into effect in 1984. As one critic put it, it was a case of a mountain giving birth to a mouse. This came as a surprise, considering how sharp criticism had been and how concerned the press had seemed to be. It was especially surprising when compared with the 1972 reform, which had in fact given new life to the Press Council. Why was the second reform torpedoed?

Growing Professionalism in the Press

At first glance, the ineffectiveness of the 1984 reform seemed to be yet another manifestation of press arrogance in the face of criticism. However, such an explanation does not offer any reason as to why the press should behave in such a manner. One possible answer lies in the growing professionalism and pragmatism of the press. This process of professionalisation in Norwegian journalism is at once the result of a natural development and part of a concerted effort on the part of journalists and editors.

Their goal has been to enhance the autonomy of journalists *vis-à-vis* their sources as well as with regard to media owners. The professionalisation can be explained in part as a rejection of the long-standing ties between the press and the political parties, as well as a reaction against the growing threat of commercialisation, brought on by increased competition. As far as this last aspect is concerned, journalists' attitudes seem ambivalent, for some of them tend to measure their professionalism in terms of sales figures.

The editor's position *vis-à-vis* the newspaper owner is unusually strong in Norway. A clause in the standard editor's contract states that the editor has the exclusive right to make all day-to-day decisions concerning the contents of the paper, without interference from the owner. The owner, on the other hand, has the right to lay down general policy lines. This is quite unlike the old-fashioned Anglo-Saxon type of publisher, who occasionally acts like a "super-editor".

The editor-in-chief's position is strongly supported by the journalists themselves, because it protects their own independence. In other words, editors and journalists have a common interest in conquering some of the territory which used to belong to the owner. This "front line" between journalism and business manifests itself in a number of ways,

not the least of which is that newspaper owners are not represented on the Press Council.

As a group and as individuals, journalists are forever trying to gain more autonomy, and this naturally tends to create conflicts with the editor, who is a professional in his own right as well as the representative of the paper's policy. Perhaps the most striking sign of this struggle is the journalists' efforts to influence the choice of editor, which is the owner's prerogative. Until now, their role has been limited to the right to present a statement assessing the candidates for the post of editor.

What Constitutes Self-Restraint

Professionalisation often tends to persuade journalists and editors of their importance to society, which can lead to a sense of their own self-importance. It also leads to a highly developed sense of professional solidarity, with a concomitant determination to defend the profession from outside pressure. Indeed, nothing unites like a common enemy.

A sense of professional ethics also enhances solidarity. It is the sign of a truly professional journalist, which sets him apart from amateurs. Journalists often use it as a criterion to judge the performance of others and, if necessary, to fend off outsiders who claim to have mastered the same field. In Norway, journalists can be quite patronising towards the amateurs working in local radio stations, criticizing them for their rather shaky sense of ethics.

It is only natural then that the journalists' concept of self-restraint differs greatly from that of critics of the press. The official press view is that the main task of the Press Council is to safeguard the freedom of the press. Both the press and critics agree that an effective council might obviate the need for new official measures, such as more restrictive legislation, but there is a pronounced difference between their definitions of effectiveness. Most critics tend to give priority to the Council's ability to influence journalists directly, whereas press representatives see the Council's work primarily as a means to ward off restrictions.

At any event, the press clearly does not want a press council strong enough to be able to force a journalist or a newspaper into compliance. Professionals feel that discipline depends upon their own sense of ethics and not upon an outside body. The real question then is to what degree the Press Council will have to demonstrate its effectiveness in order to earn acceptance from critics, without significantly infringing upon press freedom.

The concept of self-restraint as an instrument to protect press freedom is reflected in the Press Council's definition of its own jurisdiction. It regularly refuses to consider complaints about the news in a paper or magazine, whether it concerns the choice of a particular story or the priority and presentation it is given. Decisions on this level are considered to be the exclusive domain of the editorial staff, and therefore beyond the jurisdiction of the Press Council.

This, then, is a brief résumé of the debate that greeted the proposals for reform in 1982. The discussions did not prove beyond a doubt that the widespread resistance to reform was

a symptom of the growing professional awareness of journalists and editors. It is worth noting, however, that both groups were significantly less sympathetic to reforms than were representatives of the newspaper owners.

A Sensitive Political Issue

In addition to hostile press attitudes, there are pragmatic reasons why a substantial reform of the Press Council met with resistance. In a country with a strong free press tradition, state interference can only be very limited. Any question of restricting the freedom of the press immediately becomes a politically delicate issue. What is more, politicians and the press depend upon one another; the press relies on politicians both as legislators and as sources of information, while politicians depend upon the press to publicize their doings.

Although a number of Norwegian politicians have criticised one paper or another as well as the press in general, it is obvious that most of them hesitate to initiate new, restrictive legislation. This may be due less to their reverence for press freedom than to their own built-in ambivalence towards the press.

However, politicians operate under conflicting pressures. On the one hand the press can "punish" them if they introduce new legislation and on the other critics are urging them to do just that. The minimal reform of the Press Council in 1984 came as a disappointment to both politicians and critics of the press. It fell so far short of what had been expected when the reform committee was set up that it did not really ease the pressure on politicians to legislate.

The Government appointed an expert on criminal law ostensibly to survey the various laws and regulations governing the relationship between the press on the one hand and the police, the prosecution and the courts on the other. The expert was appointed before the parliamentary elections of 1985, but his task was not made public until later that year when it

became clear that it was no longer merely a question of surveying existing laws and regulations. The expert was to assess whether the content of the legislation, as well as its enforcement, were satisfactory. The enquiry may consequently have to dig rather deep into questions concerning the freedom of the press.

It is an interesting coincidence that a press committee is also investigating some of the very same questions. It was appointed in 1984 to revise the codes of ethics, including one that regulates the relationship between the press and the judicial system. This committee, unlike the Press Council reform committee, was not a response to public criticism. Rather, it was the result of a growing dissatisfaction with the codes operative within the press and the Press Council. The most pressing problem was the discrepancy between the codes and the actual practice of the press as regards identifying persons involved in a crime. This problem also has a bearing on the credibility of the Press Council, because some members apparently ignore its advice.

Obviously, the non-reform of 1984 did nothing to smooth relations between the press and society. On the contrary, it may have renewed indignation and put mounting pressure on legislators to provide better protection of privacy. In other words, by refusing a significant reform, the press may have steered itself onto a collision course with influential sectors of society.

No legislation can be expected in the near future, however. The Government has given itself a few years' respite by initiating the experts' enquiry. Moreover, given the Norwegian tradition of press freedom, and of cordial relations between the press and politicians, there is no reason to expect dramatic action from the Government. Legislation will no doubt be slow in coming, and it will certainly err on the side of moderation.

Meanwhile, the press could conceivably adjust its ethical standards and reform the Press Council. Both prospects, however, seem equally improbable.

DENMARK: THE CASE OF THE MISSILE MISHAP

Mogens Meilby and Kim Minke

Generally speaking, there are two ways in which the media can act as a watchdog.

In the first place, the media or the media institution may present to the public criticisms articulated by an individual or by an institution. In this case the initiative lies with the original source of information; the individual or the institution which has undertaken the necessary research and chosen or been provoked to make the case.

The media are of course here a prerequisite to success, for they must organise and structure the information, making it both readable and credible.

Nevertheless the media role is somewhat passive in this process, inasmuch as the coverage they provide is guided and partly controlled by the source of information. A media institution will frequently accept this division of labour quite willingly and with its eyes open. It will be satisfied that the material is reliable and that the information supplied is valid and that there is every reason to publish it. Although this may appear to be passive journalism which is ultimately source-dependent, it should not be underestimated. It could moreover be argued that the cost of researching and processing information for media purposes might justify much media content, and even much critical media content, originating in this way. It is of course a more economical way to market "watchdog" information than the one described below.

The second way for the media to act as a watchdog is for them to set about exposing abuse of power or any other kind of malpractice on their own initiative. The media - or to be specific - the journalist starts out with the problem, or rather with a hypothesis about what the problem is. In this case, the journalist is guided, not by a single or a few sources, but by a research plan designed to substantiate the initial assumptions or to upset them. Investigative reporting in this sense is characterized by a relatively large number of sources, the large amount of information collected and the careful analysis of that information.

While the collection of information takes a horizontal course - tracing and tapping sources - the processing of that information runs vertically, as the journalist reaches for hitherto unrecognized connections and correlations. During the research and recount process, information is analysed across the borderlines of accounts given by individual

sources in order to evaluate its correctness and situate it in context.

Sources:	Pieces of information:					
A	1	2	2	4	5	6
B	I	II	III	IV	V	VI
C	a	b	c	d	e	f
D	z	x	y	q	u	w
E	A2	A3	B4	B5	B6	A7

Investigative journalism is the pursuit of truth using methods of research and analysis destined to ensure that published information is correct in the widest possible sense of the word.

This study will concentrate on investigative journalism from the point of view of the journalist rather than from that of the media manager or the reader.

Journalist's motivations

The amount and kind of research required by investigative reporting calls for a stronger commitment than day-to-day journalism which is a more easy-going business. It is the commitment to an idea, a goal, to finding the facts that will solve a problem or explain its causes, that drives the investigative reporter.

The investigative reporter is in search of explanations and answers, frequently indignant at what the investigation uncovers. Whereas the day-to-day journalist finds day-to-day rewards, those of the investigative journalist are uncertain and delayed. The reporter-investigator must be able to dispense with the daily news routine and the satisfaction of seeing his or her work in print every day. Many reporters are simply not interested in working on the same story for days or weeks on end and prefer to cover stories that are immediately apparent in their specialized field.

The investigative reporter with patience, persistence and an inquiring mind, sometimes comes to be perceived as a burden by colleagues, by the family, and not least by him or herself.

Strong commitment to a project and a high level of concentration may generate strain as ordinary boundaries between work and leisure disintegrate. The investigative journalist may work longer hours without compensation, and indeed sometimes works around the clock, constantly preoccupied with the project, and such commitment may trouble friendships and family relationships.

What is it then that drives the investigative journalist?

It is not usually money, love or honour. In some cases, the motivation may even be negative, in that years in a special field or the routine of working a regular beat have become boring. However, the motivations for engaging in investigative journalism are usually positive and are among the following.

1) *Independence*. The highly professionalised work process frees the journalist from dependence on a single source. He controls the work process, from the initial idea to the presentation of the story to readers. The reporter is pleased to be held accountable for every detail.

2) *A complete project*. The journalist does not leave the project, until everything has been uncovered, researched and presented to the readers, and there is nothing more to add.

3) *Variety*. The reporter is not tied to a special field, but in principle chooses a project of interest and concentrates upon it to the exclusion of everything else. Working on the idea is exciting - that special kind of excitement that stems from going behind the scenes, finding out what only a few people know about and do not necessarily wish to see published.

4) *Influence*. This covers everything from the feeling that what the journalist has written is read and appreciated, to a real influence in public matters.

Investigative or in-depth reporting is most often done by all-round reporters, perhaps because the ideas and subjects of investigative reporting often cut across several areas of knowledge.

The conditions which favour the all-round reporter also require the ability to skate on thin ice, to move fast in order to keep up with events and to absorb and digest information quickly in order to respond to the sources and the people providing the information.

For all these reasons, investigative reporting is not a lifelong trade. After a few years the costs seem to outweigh the rewards, and reporters move on to something else.

The case of the missile mishap concerns a missile that was launched by mistake from a Danish warship. It exploded in an area popular with holiday-makers in Zealand and caused considerable damage to property. Although the story was of national interest, it was investigated most thoroughly by two reporters from a local newspaper. This is unusual. Investigative reporting about subjects of national interest is generally done by national media. Over a period of two years, the two reporters wrote between 300 and 400 articles about the incident. Their treatment of the case may be considered as an example of exposure-journalism.

The following account of the incident is based mainly on information provided by the reporters and on the material they published.

The Case of the Missile Mishap: the Course of Events

At 11.32 a.m. on Monday, Sept. 6, 1982, there was a violent explosion at Lumsaas, a holiday area in the north-western part of Zealand, about 100 km from Copenhagen.

Luckily the season was over, there were few people in the area, and nobody was hurt. However, the damage was considerable: 130 summer cottages were affected, and compensation of 2,8 million Danish Kroner was paid.

The explosion was caused by a Harpoon Shipborne Surface-to-Surface Missile RGM-84A, launched from the Danish frigate Peder Skram, which was at sea to the north-west of Lumsaas.

The launching, which was of course unintentional, caused consternation and dismay among the Danish public and the authorities. How did it happen? Could it happen again? What precautions could be taken to prevent the unintentional launching of missiles - the consequences of which might be far more serious, especially if they were to land on other ships or in densely populated areas?

From the first reports, it seemed that the launching had taken place during the testing of a missile and that it was the result of a technical failure. A few days later, however, a group of experts from the Navy concluded that human error was involved.

A letter to the editor of the daily paper *B.T.* by the Minister of Defence Hans Engell, published on Sept. 17 1982, stated clearly that the military/political consequences would have been far-reaching, had there been technical failures:

"From the outset I have been very concerned about what has happened, and for obvious reasons the press has paid much attention to it and has among other things concentrated on the point that the mishap was presumably due to technical and not human error. Had it been a technical failure, the mishap could have had very serious consequences not just for our own preparedness but also for that of other countries, namely all others possessing Harpoon missiles."

Even so, the Navy introduced extraordinary safety measures, and an expert committee was charged with examining missile safety in general.

On Oct. 1, 1982, the Government decided to set up a special Commission without judicial powers to investigate and report on the causes of and responsibility for the mishap.

The hearings took place mainly behind closed doors for reasons of national security. When the report was finished, however, the Minister of Defence decided to publish it in June 1983.

In the report, the Commission placed the burden of responsibility for the mishap on Commander Henning G. Olsen, who was on board the "Peder Skram" primarily in his capacity as a missile expert in order to test a Harpoon system which had had a defective relay replaced. The commission found that Olsen had not followed the prescribed operating instructions and that the way in which he had operated the system had been superficial and inadequate.

Among other things, Olsen had not noticed that a switch was in the wrong position and that a wrong lamp was lit on the control board. Furthermore, he had pressed the keys for

target data that were inapplicable for the missile he was testing. The surprising result was that another missile - on the other side of the ship - was launched.

However, the Commission found that there were extenuating circumstances. Firstly, the manuals for the use of the missile system put out by the American Harpoon manufacturer McDonnell Douglas could have created a false sense of security with regard to the system and this in turn may have made him less alert. Secondly, the manuals were slightly ambiguous with regard to the work Olsen was doing, namely checking a repaired relay. The Commission stated that there had been considerable confidence amongst those working with the Harpoon system that if basic safety precautions were adhered to, inadvertent launching was impossible.

It also stated that it must be regarded as a "weakness in design" of the Harpoon system that while testing one missile a launching circuit for another missile could unintentionally be triggered so that the latter was launched.

What may have created a sense of security was the fact that according to the manual a lock key was required before any launchings at all could take place. At the moment of the launching, this key was in the security box of the captain of the "Peder Skram". Furthermore, Olsen had made sure that the fire switch was in the OFF position, that the controls indicated power only to the missile he was working on, and that the lamps for the remaining missiles indicated "empty" - that is, that no missiles were ready for firing.

Olsen was deeply shaken when he learned of the report of the Commission. He himself felt that he should not be held responsible for the launch.

"At no point," he said, "have I tried to hide the fact that I made procedural errors. But at the same time I did adhere strictly to safety precautions, which gave me a false sense of security. It should be impossible to launch the missile if instructions are followed, but it happened nonetheless," according to the daily newspaper *Holbaek Amts Venstreblad*.

During the court hearings, representatives of McDonnell Douglas explained that the system was 100 per cent safe only if the ignition cables were removed or if the procedures provided by the manufacturer were followed. The safety precautions adhered to by Olsen were intended to increase the level of safety. The items in the manual that were understood as absolute safety precautions were based on the assumption that the procedures were strictly followed.

In this particular case, the launching was due to the triggering of a power circuit that resulted from a procedural error. This activated a missile on the other side of the ship.

After the release of the report Olsen and many of his fellow officers had no doubt that he was being used as a scapegoat, and throughout the case he received strong backing from the naval officers' organisation, which paid for his legal assistance. There was also a growing feeling that Olsen was not to blame, and that McDonnell Douglas was getting away scot free.

In December 1983, the indictment against Olsen was ready. In accordance with the military penal code he was charged with having operated the system in a superficial, inadequate and in part reckless way with the result that a missile was launched and exploded in Lumsaas. Olsen was

indicted for both procedural errors and their consequences even though he had adhered to basic safety precautions.

In March 1984, at the Copenhagen city court, the trial began, and it was open to the public. The interrogations were dominated by complex technical questions and the trial dragged on.

In June, the case took an unexpected turn. The press got wind of yet another report, which had not been mentioned in the report of the special Commission, and whose author had not been called as a witness.

The report in question had been prepared by Naval Judge Advocate Mogens Reimann who undertook the preliminary research into the case. Since then, however, Mr. Reimann had had nothing more to do with it, and had retired seven months after the mishap.

The Reimann-Report makes it clear that the technical deficiencies in the safety system of the Harpoon-missile had been known before the mishap occurred. A year earlier, in July 1981, the American navy had also accidentally launched a missile and this had resulted in the installation of an additional safety system. This additional system could be seen on board the battle cruiser *Belknap*, which visited Copenhagen only a few days after the missile mishap. The Naval Judge Advocate had actually visited the ship and seen the system.

This information set off a reaction in the parliamentary majority, for it was felt that the case had not been fully illuminated and that Olsen was being made a scapegoat. The majority wanted the court proceedings brought to an end, but the Government maintained that the commission was aware of the Reimann-Report and had taken its contents into account. Furthermore the Government stated that it was considering the possibility of bringing an action for damages against McDonnell Douglas.

A compromise was reached: a new Commission was set up and the city court trial was suspended. The new Commission was to consider only those matters dealt with in the Reimann-Report and the circumstances of the administrative proceedings against Olsen.

The report of the new Commission was ready in October 1984. It did not shake the prosecution against Olsen, but shortly after its publication the Minister of Defence appealed to the Prosecution to consider a revision of the indictment, so that Olsen was charged with procedural errors only, and not their consequences.

The Prosecution accepted the suggestion, and the case was reopened. On March 11, 1985, sentence was passed. Olsen was judged guilty of some procedural errors, which meant that he had neglected his duty to operate the system in a careful and conscientious manner. However, the sentence was the mildest possible according to the military penal code: a reprimand.

In the autumn of the previous year, the Danish State had sued McDonnell Douglas for damages. Denmark maintained that the missile launch was the result of a defect in the Harpoon system and shortcomings in the manufacturer's manuals and user guides. The claim for damages was \$ 3 million (about 30 million Dkr.), but in August 1985 the case was settled out of court: McDonnell Douglas paid the Danish

State 2.8 million Dkr., which was the amount paid to the owners of the damaged summer houses in Lumsaas. The settlement was reached on the advice of the Junior Counsel to the Treasury, who saw only a slight chance of winning the case.

The manufacturer refused to accept blame in the settlement but maintained that the payment was a gesture of goodwill. One consequence of the settlement is that the responsibility for the missile mishap has not been determined and probably never will be.

The media's handling of the missile mishap

The missile case was followed closely by the media. However, one particular newspaper stands out for its consistent in-depth coverage, namely *Holbaek Amts Venstreblad*, the local daily in the area where the missile struck.

Holbaek Amts Venstreblad is a social-liberal newspaper with ties to the political party Det radikale Venstre/The Radical Left (by 20th century standards, a centre party). It is a medium sized local paper with a daily circulation of 22,000. Its market area is the north-western part of Zealand, and Holbaek is the largest town (about 30,000 inhabitants). It is about 60 km from the capital. Nine national dailies are published in Copenhagen and radio and television news services have their headquarters there.

The two young reporters covering the story for *Holbaek Amts Venstreblad* were Gunner Nielsen and Henrik Thomsen. They estimate that they wrote between 300 to 400 stories about the case. In the autumn of 1984 they published a book entitled *Vildskud* (a pun meaning both "a wild shot" and "an aberration"). About the same time, they were awarded the Danish Newspaper Publishers annual award of 25,000 Dkr. for journalistic work of outstanding merit.

Their disclosures changed the course of the legal proceedings from that intended by the authorities.

The attention paid to the case by national media came in waves, and focused on the personal angle, above all the question of whether Olsen was guilty or not. The complex technical aspects of the event, so important to the case, figured prominently only in the stories by *Holbaek Amts Venstreblad*.

The Holbaek paper encountered serious problems in its coverage. First, the case was not local except for the place of the explosion. The case was under the jurisdiction of the relevant authorities in Copenhagen, and almost all sources lived and worked in Copenhagen.

Second, being a local paper, *Holbaek Amts Venstreblad* was normally read neither by sources nor by the decision-makers who had or might have an influence on the case. Most of them live in Copenhagen. The effects of the paper's discoveries were slow to make themselves felt, especially in the beginning. Reactions came only when Copenhagen newsrooms paid attention to the stories in the Holbaek newspaper and passed the information along.

The media coverage had two main phases.

The first phase ran from the mishap in September 1982 to the publication of the report of the first Commission in

June 1983. During this period, the media focussed mainly on events and sources. The investigation was held behind closed doors by military authorities and the Commission, and this clearly restricted what became known to the public.

The second phase ran from June 1983 when the report was published, to March 1985 when sentence was passed by the city court. During this period the media were not as restricted by events and sources. Reporters, particularly the two from the Holbaek paper, initiated research into areas they themselves found relevant to the case, and reporting became more investigative and directed at achieving specific goals. Because of the disclosures a majority in parliament (Det radikale Venstre/The Radical Left and the Socialist parties) demanded that the city court trial be suspended and a new Commission set up.

The After-effects of the Missile Mishap

On the day of the inadvertent launching Gunner Nielsen was working in one of the outlying offices of his paper, in Nykøbing, a town about 30 km from the place where the missile exploded.

Normally *Holbaek Amts Venstreblad's* deadline is 12.30 p.m., but on that particular day they finished half an hour late. At about 11.40 a.m. - only a few minutes after the impact - the local office staff received the first report that "something" had exploded. A staff reporter was immediately sent to the spot.

Gunner Nielsen returned from a court hearing about 11.45 a.m. and like the rest of the staff he was assigned to the story of the explosion. Deadline was rapidly approaching and what mattered was to get the relevant facts as quickly as possible: what had happened, how did it happen, was anybody hurt, how extensive was the damage?

"The newsroom was in chaos, but we managed to get the most important facts. We ran pictures over half the front page, and we were only 20 minutes late off press," Mr. Nielsen remembers.

Within a few days the mishap itself and the effects of the explosion began to receive less coverage, as the media concentrated on the causes of the mishap, responsibility for it, and the consequences of the fact that it could happen at all.

In a way, the story was finished from a local point of view. From now on, it was a story about a ship and its missiles, and about institutions and people, who did not belong to the *Holbaek Amts Venstreblad's* market area.

Nevertheless Gunner Nielsen was assigned to cover the case for his newspaper. Although he was being transferred from a reporting to an editing job in the central newsroom, he wanted to stay on the story.

"I thought it was an exciting story. It had gained national interest and we don't have very many of that kind in this area," he said.

For the first nine months Nielsen worked alone. Henrik Thomsen joined the paper in April 1983, but it was not until June that he started working on the missile story, when he temporarily replaced Nielsen during his vacation.

Immediately after the accident, naval authorities ap-

pointed a team of investigators, and when the preliminary results of their work became known, the Government decided to establish a special Commission to investigate further the causes of and responsibility for the mishap. But both military authorities and government sources were very careful not to release information. In answer to questions from reporters and MPs, they claimed that it was necessary to wait for the conclusions of the Commission.

The Commission conducted its investigations behind closed doors, claiming considerations of national security. Reporters, among them Gunner Nielsen, witnessed a small part of hearings to which they were admitted, and Nielsen interviewed a few of the persons involved.

"During this period it was still the events that determined what I wrote about. We only began to take the initiative after we had the report of the Commission," said Nielsen.

However, from the few hearings reporters did attend, it became clear that Commander Henning G. Olsen was the central figure in the case. Nielsen talked to him and got the impression that he was afraid of being made a scapegoat.

"But at the time it was too early to see whether his fear was justified or not. I for one had the impression that the judge was very thorough. I suppose he was, really, but as it turned out his conclusions could be questioned," Nielsen said.

The Report of the Special Commission

Olsen's fear that he might be singled out as the person principally responsible proved correct when the Minister of Defence published the report of the Commission on June 6, 1983. It was published *in toto*, and the Ministry of Defence handed out a press release which outlined the contents of the report and its conclusions. Since the report was voluminous, most reporters may have satisfied themselves with the press release. At least that is the impression the two Holbaek reporters got.

As Gunner Nielsen was on holiday, the assignment went to Henrik Thomsen, who was writing among other things on military topics. On the first day he only managed to get the conclusions of the report into the afternoon edition. However, he did obtain an interview with Henning G. Olsen that very afternoon in Copenhagen.

"He seemed rather shaken," Thomsen noted. "He denied that he was to blame and showed me that the report on a number of points was contradictory and that there were many loose ends."

He borrowed Olsen's copy of the report and had it photocopied. It was filled with underlinings where Olsen had found discrepancies or flaws. This photocopy became the starting point for the reporters' research.

While talking to Commander Olsen, Henrik Thomsen had the feeling there were things that were not adequately dealt with in the report.

"But I cannot say I felt that an injustice had been committed. I knew nothing about Olsen, and it is not uncommon for a man to deny he has done something wrong, even if he has," says Thomsen.

The two Holbaek reporters' treatment of the story differed from that of the other media in that they did not accept the report's conclusion at face value.

"As time passed we were able to accept most of Olsen's arguments, mainly because we got hold of other sources, people who knew about things and who felt that this or that bit of information ought to be made known," says Thomsen.

The Making of a Reporting Team

When Nielsen returned from holiday, he and Thomsen agreed to co-operate.

The team-work was organized in such a way that Thomsen did the research and wrote the stories, whilst the thinking, analysis of material and checking the form and content of the stories was done together. Sometimes when news broke both of them researched and wrote, and if one of them was away, the other took over.

The two reporters found that team-work was especially important in the development of hypotheses and ideas. Co-operation also led to a fuller understanding of the technical complexities of the case, and the discussions that inevitably followed prevented them from taking a one-sided view of things.

According to their descriptions of one another, Nielsen is a very systematic worker, while Thomsen has a more impulsive and enterprising nature.

During the two years they worked on the missile case, they both had other assignments. With an editorial staff of about 30 people, two reporters could not be released from the daily routine if the amount of local coverage was to be kept up. However, Thomsen did work exclusively on the missile case in the summer of 1984, when the most important discoveries were published, and the dramatic events leading to the creation of a second special Commission took place.

There were times when colleagues had to take over the work they would normally have done, but the two reporters felt they were backed all the way by colleagues and editors.

"Now and then we felt a sting of guilty conscience when others had to do our routine duties for us. But our colleagues were very understanding and our editor-in-chief encouraged us all the way. He trusted us, and never interfered in our stories or in the leading articles we wrote," said Thomsen.

Oral Sources

The report of the first Commission formed the basis on which the Prosecution, the military judge advocates, considered what charges should be brought. In December 1983, came the indictment against Commander Olsen, and in March 1984 the city court trial began. At the request of the counsel for the defence, the case was conducted in open court. Because of the many technical details, the case was a long one, and in the summer of 1984 the examination of witnesses was still going on.

During this period the Holbaek reporters were kept busy examining angles that they felt were inadequately eluci-

dated. Their stories included technical details, questions about instructions and guidelines for operating the missile system, and Commander Olsen's and other people's responsibilities.

The Commission's report was the starting point from which they developed ideas and learned how things worked. They then went on to collect more documents and attended the court hearings. As they learned more, they benefited from the fact that the legal staff handling the case knew as little about technical matters as they did, and needed thorough but easy-to-understand explanations. Furthermore, the reporters had sources who could explain technical details when necessary.

They discovered oral sources from the report, from other documents, or from oral sources they knew already and of whom they could ask the whereabouts of still other sources with a special knowledge of a given subject. In this way their list of sources grew steadily.

Oral sources were found in the Navy, in the staff of the Chief of Defence, in the Ministry of Defence, and in Parliament. They also found some foreign sources.

Commander Olsen and sources sympathetic to him were very willing to provide information so long as it did not touch on military secrets. But they were the kind of sources who were part of or at least felt emotionally involved in the controversy, and their information had to be checked with outside sources.

With the exception of this group of sources, many were unwilling to contribute information. But as *Holbaek Amts Venstreblad* gained the reputation for being the newspaper investigating the missile case, the reporters succeeded in getting previously reluctant sources to talk.

"There was so to speak a cumulative effect of what we did," Nielsen related. "The more we wrote, and the more it became known that we were writing and what we were writing, the more sources opened up. Some even came more or less of their own accord, because they had heard nice things about us from sources we were using already."

The Holbaek reporters managed to avoid claims of misrepresentation and the credibility thus built up apparently made sources confident enough to talk to them.

Nearly every important source lived and worked in Copenhagen, and the reporters had to rely on telephone calls to establish a viable reporter/source relationship. They did meet some of the sources face-to-face at court hearings, but it was a drawback that sources neither lived in the area nor normally read their paper.

"We had to post clippings to the sources whenever we had a story in the paper. This was one way in which we tried to be on good terms with our sources, but at the same time we benefited from making our stories known outside the local area. Top-level authorities do not know very many people living in an area like ours, so the impact of our stories depended on reaching a wider audience," says Mr. Nielsen.

As for the reporter/source relationship, the fact that they represented a local newspaper may also have had certain advantages:

"Among many other myths, there is one that claims we do not sensationalize like some of the national dailies. This

may be one of the reasons why so many sources were willing to talk to us. They felt we would treat the information decently," says Thomsen.

Sources may also have appreciated that the Holbaek reporters demonstrated a thorough knowledge of the case. They say they worked on the case in the "book-keeping manner of local journalism." They maintained a comprehensive view of things while keeping track of developments and knowing the whys and therefores of meetings and court hearings, as well as knowing who was who, and so forth. This meant they always went to the court hearings, even when nothing interesting was likely to happen.

The national media attended only some of the hearings, and coverage was distributed among several staff reporters. In the big newsrooms, stories are often worked on by special correspondents - military matters by the military correspondent, crime by the crime and police reporter, politics by parliamentary correspondents, etc. The case of the missile mishap, therefore, could go from one specialist to the next, depending on the authority or party that was dealing with the case. The outcome of such shifting around was that nobody had the same all-round knowledge of and commitment to the story as the two Holbaek reporters.

"For example," Nielsen recounted, "when the scene of the case changed from the city court to Christiansborg (the seat of the Danish Parliament) in the summer of 1984, the national newspapers put their parliamentary correspondents on it."

Written sources and the problems of procuring documents

The most important part of the two reporters' source material was in writing: letters, documents, reports, etc.

Written material was important for several reasons:

- 1) Usually it was more credible than oral statements.
- 2) At times it could be used instead of statements by oral sources, who did not dare or did not want to be quoted in public.

They did in fact obtain a number of documents from sources, who could have provided identical information orally, but who did not want their names in the newspaper.

"To the ordinary reader I suppose the use of written source material tends to be boring. On the other hand it has a greater impact as documentation," Nielsen added.

The reporters often learned about the existence of documents while reading reports and during the course of the trial or from oral sources, but on many occasions they had great difficulty in obtaining the documents in question. In their book, they described their problems as follows:

"The gathering of information was greatly affected by the secretiveness of the military system. Typically, a reporter is denied access to the papers, reports or letters relevant to a fair elucidation of the case at hand, or access is severely restricted, both of which are contrary to the public interest, which is the reason for giving general access."

The reporters made use of the Danish Act on the Right of Access to Documents, which in principle allows every-

body to inspect all correspondence between authorities, i.e. letters, reports, and other kinds of documents concerning a specific case. However the Act does contain exceptions, and notably those that apply to classified material and material relevant to pending criminal cases.

With reference to these very points, the reporters were often denied access to documents. They usually appealed the decision to a higher authority, and sometimes their claim was sustained.

“But appealing the matter gave us trouble. It took time, and we ran the risk that the information in the document would no longer have current value, when we finally got hold of it - if we got it,” Thomsen says.

When refused access they did not, however, give up.

“We had to employ tougher means in order to procure documents, like getting them secretly from persons, who by handing them over to us, ran the risk of reprisal from superiors,” they wrote in their book.

Another way of procuring documents and information they were otherwise barred from was through a kind of co-operation with members of the Opposition. Many politicians were ardent questioners in the missile case; one MP actually put no less than 27 questions to ministers. Questions were asked in Parliament or in the Parliamentary Committee of Defence, and the information that the Minister of Defence provided for MPs was then downgraded from classified to unclassified, thereby becoming accessible to the two reporters.

“We sometimes helped MPs formulate questions to ministers in order to make sure we got the information we couldn't get otherwise,” says Nielsen.

As the reporters gathered more and more material they found it necessary to establish a proper filing system so as not to get the information mixed up. However, they decided to keep part of their material in a safe-deposit box in order to protect their sources from unnecessary risks.

When the MPs went to work

The team-work and interaction of the media and critical MPs became especially important for the development of the case in the summer of 1984. At that time two factors influenced the outcome of the decision-making process:

1) The case was now being reported in national media, notably on television newscasts.

2) It was the personal angle, which aroused the interest of the national media and later of some MPs: was Commander Olsen guilty or not? They still took no interest in the technical side of the case.

In the spring of 1984 the two Holbaek reporters published important evidence concerning the technical aspects of the case. They feel that this information should have had one of two effects: either the city court trial against Olsen should have been stopped or a new investigation of the case should have been ordered.

Actually, the first Commission's report had pointed out that the missile system suffered from “weaknesses in design,” and the two reporters feel that since the publication of

this report, sufficient evidence had been provided to show that the manufacturer had in fact guaranteed, in contracts, technical specifications, etc., that such a mishap could not occur.

Although the material published by the two journalists concerned these very matters, it was the so-called Reimann Report that turned out to be of real consequence. The Report, a preliminary review by the Naval Judge Advocate Morgens Reimann, who was the first to investigate the case, had not till then had any impact on the case.

“Actually we were surprised by the effect that publishing the Reimann report had,” says Thomsen.

In their book *Vilskud*, they describe how they obtained the report:

“The Commission report ... informed us that Naval Judge Advocate Morgens Reimann was present on the ‘Peder Skram’ when the first investigations were being made. But there is not a single word about what he did or what he observed, and he was not summoned as a witness. Did Reimann write a report about what he observed on board the ship? We felt sure there was a probability that he had.

“This probability was confirmed when we called the retired Naval Judge Advocate ... The report did exist, and it had been handed over to the Judge Advocate General Jens Harpoeth. But what had happened to it after that?

“None of our sources in naval headquarters knew that Mr. Reimann had written anything. Commander H. G. Olsen remembered that Mr. Reimann had been taking notes on the back of an old envelope, and he had been fairly certain that no report came of it. But the report had been written. This was confirmed when the report was mentioned in passing during an examination in the city court: the report was Document 5 of the case.

“On April 9, the official request for access to the document was forwarded to the Defence Command, but the chief of aides-de-camp ... was adamant. One week later came the official denial of the request on the usual grounds: The right of access to documents does not apply to criminal cases ... We did not succeed in procuring a copy of the report through unofficial channels till the beginning of June. Interestingly enough, it was not classified.”

The two reporters began publishing the contents of the Reimann-Report. Among the details published, it was disclosed that, according to the preliminary investigations, the launch was due to technical failure. On board the American battle cruiser *Belknap*, Judge Advocate Reimann had been shown an extra safety device which had been installed following an American accidental launch. This had occurred about a year before the Danish accident. The introduction of this new device seemed to indicate that the Americans were not satisfied with the measure of safety present in the Harpoon system.

However Holbaek is 60 km from the capital, which is where decision-makers live. In Copenhagen, they do not normally read *Holbaek Amts Venstreblad*.

As Thomsen and Nielsen wrote in their book:

“At first there was no reaction to the disclosures. Nothing happened till the afternoon of Monday June 18 when the phone on the reporter's desk in Holbaek rang. It was a

reporter from the small national daily *Information*. He had heard about the story in the Saturday edition. The call turned into an interview, which was published on the front page of *Information* the next day.”

Now things happened fast. The staff of television news read *Information* and a TV reporter called to get more details. That very evening the newscast featured a report about the Reimann Report, and the following day the spokesman for defence for the biggest opposition party, the Social Democrats, was interviewed on TV. In the light of the information now available, he felt that the trial against Commander Olsen should be stopped.

As it turned out, a majority in parliament very quickly agreed with the spokesman for the Social Democrats, and the Minister of Defence was called before the Defence Committee. The Government was in the minority, and, judging from letters to the editors in the press, the majority sensed that it had the support of public opinion. The majority in parliament, however, chose to compromise with the Government: the trial against Commander Olsen was suspended while a new special commission investigated the circumstances of his indictment and the facts brought to light by the Reimann Report.

The report from the second special Commission, available in October 1984, did not change the indictment, but it was followed by the suggestion from the Minister of Defence to limit the prosecution to a procedural error. Commander Olsen got off with a reprimand.

During this last phase of the case, the *Holbaek Amts Venstreblad* continued its in-depth coverage, but it was now receiving more attention. The stories had more impact and were widely cited in national media. In some instances, the afternoon paper was delivered by taxi to the TV newsroom so that a story could make the evening newscast.

Public Interest and the Role of the Press

The two reporters find it unfortunate that local dailies can publish essential and even sensational reports of national interest to little or no effect.

“It’s no use if they do not read it in Parliament or in the ministries or influential organisations,” Nielsen noted.

“It was depressing that we could work overtime for six months, but when TV gave it two minutes things began to happen,” Thomsen added.

In their book, the reporters ask whether the press in this case actually acted as the fourth estate that guarantees that parliament, the courts and the executive authorities are subject to public inspection:

“It was only the highlights of the case that attracted media attention - and thereby public interest in the case. Till then, the information published in the press did not interest politicians. And in those instances the newspaper reports were important as a background for political pressure on the government, and as a foundation for questions that brought forth new information in answers to Parliament or the Defence Committee.”

The media in general concentrated on the person of

Henning G. Olsen. Was he guilty or not, was he being made a scapegoat in a case that was really about the the infallibility of military technology? In *Vildskud* the authors write:

The question of Commander Olsen’s guilt or innocence dominated many press reports. In contrast the question of the technical circumstances was dealt with in far less detail. This is not unnatural. It is precisely the Olsen angle of the story that brought the case closer to the ordinary reader (...) Everybody can identify with Henning G. Olsen. We recognize the situation at work and in everyday life, when lack of attention may lead to an accident, big or small. And deep within we fear that we may accidentally cause harm to others.”

Holbaek Amts Venstreblad also dealt with many complicated technical details which were important to the case but did not command a great deal of interest among readers. How smart can a smart weapon be? Smart enough to outsmart the expert supposed to control it? Too complex to allow safety procedures that anticipate all possible combinations of procedural steps?

Even though they did produce longer articles that summed up the problems and put them in context, the reporters felt that readers had a hard time following their coverage and many lost interest in the case.

“I talked to many readers — ordinary people, many of whom live in the area where the missile hit — and they asked me, why I didn’t stop writing about it. It was meant kindly, but the suggestion was, they had tired of reading about it and probably skipped the stories about the missile case,” says Nielsen.

Of course some readers praised the reporters’ disclosures, ironically this happened especially on those days when their stories had been cited in other media. But their over-all impression was that readers did not particularly want them to go on spending time and effort to investigate the manifold aspects of the case. They feel they worked because of a strong personal commitment to dig up the truth - no matter how much or how little immediate interest was shown by readers.

As Thomsen put it: “I normally see the reporter’s role as a double one. On the one hand, I want to be the watch-dog of democracy, and on the other hand I want my stories to interest my readers. In this case, the first part weighed more heavily. Not that I thought about it every day, but on a quiet evening, I sometimes wondered why I was spending time and energy on a case readers said they didn’t care to read about any more. But then I thought: no matter what the readers say, there is something that is being hidden from the public and it must be revealed.”

The reporters feel the case was not sufficiently examined, even though it was dealt with by courts of law that had access to all information.

However, they do not feel that their actions were guided by greater wisdom than that of the courts but rather that they were able to work from a different point of departure, on a broader basis, and under conditions that were different from the courts.

“The jurists in the special Commissions were given a mandate and the city court judge an indictment to work on, and they could not do otherwise. Our ‘mandate’, if I may call

it that, was one which we gave ourselves, without writing it down, and which we changed as we went along according to what we found. But basically we just wanted to tell what had happened,” says Nielsen.

Government officials seem to have been discontented with the role of the press in the last phase of the case. This discontent was sharply formulated by the Public Prosecutor, Judge Advocate H.J. Agger, while conducting the case in the city court in February 1985. According to several newspapers, he claimed that the press “created a mood that influenced the witnesses brought before the court.”

The two Holbaek reporters got no negative reactions from politicians, not even from those opposed to intervening in the trial against Olsen. According to the reporters, the Minister of Defence was “remarkably open” during the case.

And the main character of the story?

The two reporters are certain the case would have turned out differently for Commander Olsen had it not drawn so much public attention.

They think the case would have been closed with a

reprimand without a trial, in other words the same outcome as the sentence, but the reprimand would have been more severe. As it turned out, Olsen was held responsible only for a procedural error, not the launch and explosion in Lumsaas.

“But perhaps Olsen would have been better served if the press had paid less attention to the case. His personal costs have been high from staying in the limelight for so long, seen in relation to the benefits he had from media coverage. But then we did not do it for him. We began investigating the case from a broader point of view. There were many loose ends, and we wanted to know and make known, what had actually happened,” says Nielsen.

Sources:

Authors' interview with Gunner Nielsen and Henrik Thomsen, June 1985.

Gunner Nielsen and Henrik Thomsen: *Vildskud*, published by Systime, Herning, 1984.

Reports in the daily papers *Holbaek Amts Venstreblad*, *Information*, and *Jyllands-Posten*.

CONTROL FUNCTIONS OF MEDIA IN THE FEDERAL REPUBLIC OF GERMANY

Winfried Schulz and Josef Hofmann

Following the collapse of the Nazi régime, the victorious Allied Forces in the Western sector redefined the role of the German journalist as part of the effort to create a democratic regime. The Anglo-Saxon principle of the separation of news and opinion and of objective reporting was applied. This was in contrast to the traditional mix that had predominated in pre-war Germany. Most newspapers, and particularly the most influential ones, had been closely allied with a political party and had taken a distinct political stand. It had been considered perfectly legitimate for a journalist to let the political tendency of the newspaper influence his or her news reporting and the Allies saw this as one of the causes of the ideological success of National Socialism.

Freedom of opinion, of information and of the press are recognised in Article 5 of the Constitution of the Federal Republic of Germany. In the opinion of the Federal Constitutional Court, the right to free speech constitutes one of the greatest of human rights. It is "an essential component" of a democracy based on the principle of liberty. It guarantees the possibility of a free exchange of ideas, which is vital to the proper functioning of such a form of government.

The Federal Constitutional Court assigns to the press the task of providing information, of taking a stand, of maintaining a public discussion of issues, and of serving as a guiding institution. It is not merely a medium, according to the Court, but an active factor in the formation of public opinion. It should function "as a regular organ of contact and control, an intermediary between the people and its elected representatives."¹

The leading specialist on press law in the Federal Republic of Germany, Martin Löffler, concluded that the court has granted the press the *de jure* role of "Fourth Estate", "because it is the essential and often the only authority capable of providing fresh impetus to government authority and of controlling it."²

The separation of power today can be considered effective only if there are social forces other than the organs of

State that are provided for by the Constitution to ensure counterbalance.

Through broad coverage and reliable reporting, the mass media can be the "motor" and the "medium" of public opinion, and can thus guarantee the efficiency of democracy. Because of its capacity to publicize, the press, unlike other public bodies, can constitute a healthy counterbalance to the executive, legislative and judicial branches of government. The press is particularly qualified for this task since it holds a constitutional mandate to be a critic of public life. However, the press should be seen, not as a servant of the state, but as a free and critical agent.

A number of authors point to the fact that the media should not limit its criticisms and appraisals to government agencies: "parliament exists and can criticize the government and the administration, whereas the mass media should keep a critical eye on all institutions of public life, the government and parliament, as well as political parties and trade unions."³

Some observers feel that if journalists see themselves merely as mediators of the information that emanates from within the political system and which is then filtered down through the system's institutions, they run the risk of narrowing the political discourse, of restricting its political scope. The journalist should strive to disclose the arcane aspects of politics. Conflict with politicians is not only acceptable but can be eminently desirable.

If journalists do not assert themselves and forgo chances to investigate issues systematically, there is a danger that they will lose influence and potential impact compared with other specialized information systems.

These various reflections and criticisms have led to a demand for a new kind of journalism, whose core is investigative reporting, modelled on the American-style journalism that became internationally famous during the Watergate affair. It is a form of journalism "that uses intensive, critical methods of investigation in order to bring to light that which is hidden, to disclose political and social grievances".

1 BVerfGE *Entscheidungen des Bundesverfassungsgerichts*, Vol. 20, p. 174, Tübingen, 1966.

2 Löffler, M. and Ricker, R., *Handbuch des Presserechts*, p. 19, München, 1978.

3 Wildenmann, M. and Kaltefleiter, W., *Die Funktionen der Massenmedien*, p. 31, Frankfurt/Main, 1965.

According to some observers, certain prerequisites may be lacking for the establishment of investigative journalism in the Federal Republic of Germany, since the structure of the media is more or less oligopolistic and, unlike the situation in the United States, competition for readers based on content is of scant importance. Moreover, stability takes priority in the Federal Republic of Germany, and "a test of liberty through investigative journalism" as Weischenberg called it, "is not welcome". Most of the media do not have the kind of professional "intra-institutional" backing that *Der Spiegel* has perfected after long years of effort: "A reporter's trustworthiness and professionalism are, apart from good legal council, what counts most."

Doubts about the applicability of the American concept go even further. According to some, the trend towards investigative journalism has not only halted, but may even be on the wane.

Empirical investigations about how journalists in the Federal Republic of Germany see themselves do not confirm this pessimistic opinion. In a 1974 study that covered 261 editors working for daily newspapers and the ZDF, one of the two big television channels, 25 per cent of those interviewed stated that the opportunity "to criticize society" was one of the reasons why they chose to become journalists (Institut für Demoskopie Allensbach, 1974). Even more clear-cut are the results of several inquiries about how journalists define their professional role. Asked how they conceive of their role, an impressive 98 per cent of those questioned in the press, radio, and television called themselves "surveyors of grievances"; 82 per cent considered themselves "neutral reporters"; and 68 per cent "guardians of democracy" (Donsbach, 1979).

Even though in all the studies, journalists saw themselves primarily as critics and only secondarily as neutral reporters, "frequent overlapping shows that the journalists see themselves in both roles, and do not perceive a contradiction in terms or else do not regard it as a problem".

Other studies, however, indicate that beliefs and reality diverge, and that the journalist's self-perception does not correspond to practice. It is a fact that reporters practise what has been called "courtly coverage", in other words, they cater to the local political élite.

After a number of empirical studies, Manfred Murck has come to the conclusion that journalists pay attention primarily to organised groups and lobbies, and particularly to those that exert great political influence. But as politicians frequently make decisions on the basis of information provided by the mass media, the "circuit of information is small between the élite and the press", especially on the local level. In other words, journalists as well as politicians operating within a closed circuit run the risk of losing contact with citizens and with social reality.

There is quite a large amount of evidence from empirical studies that points to a close relationship and similarity of attitudes and motivation between journalists and politicians that effectively hinders criticism and the development of a controlling influence over the structure (e.g. Noelle-Neumann & Kepplinger, 1978; Kepplinger & Fritzsche, 1981; Mühlberger, 1979; Rohr, 1979). In fact, this dilemma faces journalists in all democratic societies. On the one hand,

journalists depend upon their good relations with their information sources, with politicians and those in power in general, in order to get the most comprehensive and correct information as early and as exclusively as possible. On the other hand, to correct abuses of power, observers must keep their distance, but most of all their independence. These requirements are difficult to reconcile.

Media in the Federal Republic of Germany as Seen by Foreign Correspondents

To corroborate these impressions, foreign correspondents in Bonn were asked for their opinions of the media in the Federal Republic of Germany by means of a mail survey and in-depth interviews. Almost all the foreign correspondents accredited in Bonn are members of the Foreign Press Association of the Federal Republic of Germany. The target group was confined to journalists from the Western democracies of Europe and North America. Of the 183 persons contacted, 104 completed the detailed questionnaire. In addition, in-depth interviews were conducted using a small representative sample of correspondents. Journalists of the Federal Republic working for the foreign press were excluded.

We shall briefly describe the characteristics of the respondents as a group, and shall restrict ourselves to those features that could have influenced their opinion of the media. Of the correspondents, 28 came from the United States and one from Canada. This subgroup was the largest, and is examined separately and then compared with the group of European correspondents.

Among the European correspondents, the French and the British were the best represented, with 11 and 10 respectively, followed by journalists from Italy (8), the Netherlands (7) and Spain (6). Another large group came from the Scandinavian countries (11).

Thirty-seven percent of the respondents worked primarily for newspapers and magazines, and another 36 per cent for radio and television. The rest were associated with news agencies and so forth.

The majority of foreign correspondents in Bonn have a great deal of professional experience; nearly three-quarters of them had been working journalists for over ten years. More than half had worked as foreign correspondents in other countries. The majority (62 per cent) had been working in the Federal Republic for three years and 42 per cent for over 10 years. Consequently, most of the respondents had sufficient experience of the Federal Republic to have developed sound judgement.

When work conditions in the Federal Republic were compared with those in their own countries, the Federal Republic came off rather well. About half of the respondents rate working conditions in the Federal Republic as "somewhat better" or "substantially better" than at home. Only about a quarter, most of them from the United States, considered that work conditions at home were better.

In order to find out how the correspondents saw their profession, the questionnaire proposed various terms. The role of "neutral reporter of events" came out far ahead of all

Table 1

Overall Evaluation of the Critical and Control Functions of Media in the Home Country and in the Federal Republic

Questions:

It is certainly difficult to give a global judgement on media; but perhaps you think yourself capable of doing it all the same: How well does mass media in your country - that is press, radio, and television in general - accomplish the tasks of political control and of criticism of deplorable states of affairs?

And how well does mass media here in the Federal Republic of Germany generally accomplish these tasks?

	Estimation of the media in the home country %	Estimation of the media in the Federal Republic %
Very well	24	14
Well	43	58
Not very well	25	25
Scarcely, hardly at all	3	1
Other/no answers	5	2
	100	100
(n)	(104)	(104)

the other possible responses. The role of "expressing grievances" came a distant second.

A question was put concerning correspondents' political position inside a political spectrum of "very left" to "very conservative". Most of them put themselves at the centre, a good third left of centre, and about one-fourth right of centre.

Overall Evaluation of the Media in the Federal Republic of Germany

The study focuses on foreign correspondents' assessment of the "watchdog role" of the mass media in the Federal Republic of Germany. In order to explain to correspondents what the study means by a "watchdog" role, the questionnaire began as follows:

"One of the functions of the mass media in democracies is the critical observation and control of government and the administration, as well as the uncovering of political grievances. How important in your opinion are these tasks for the proper political functioning of a democracy?"

Most of the respondents marked this role as "very important". Since this question primarily served to define the subject of the investigation, there is no need to discuss it in detail. But it does show that the subject of the study is considered very important by the great majority of foreign correspondents.

After this introductory question, respondents were asked to give a general evaluation of the media today. They were first asked how the media in their respective countries accomplish "the task of political control and of criticizing a deplorable state of affairs". They were then asked how well the mass media in the Federal Republic accomplish these tasks. The answers to these two questions are most significant as part of a comparison. By juxtaposing the answers, as has been done in Table 1, it becomes evident that the journalists judge the media in their own countries, as well as those in the Federal Republic, in a predominantly positive way.

However, the judgement "very well" was applied more often to the situation in the correspondent's own country than to that in the Federal Republic. Most likely, this is because journalists are more familiar with their own countries, and thus feel more sure of their opinions.

The opinions of the correspondents are quite uniform. The influence of factors such as professional experience, the length of time they have been working in the Federal Republic, their political stand or concept of their profession (cf. Table 2), is insignificant.⁴

⁴ In Table 2, the results for both groups have been combined. When examined separately, both have similar opinions.

Table 2
**Overall Evaluation of the Critical and Control Functions
of the Media in the Federal Republic**

	Very good %	Good %	Not very good %	Others/ no answer %	(n)
Total respondents	14	58	26	2	= 100 (104)
Own country					
Europe	15	55	27	3	= 100 (73)
North America	14	66	20	-	= 100 (29)
Years in profession					
Up to 14 years	13	59	26	2	= 100 (39)
More than 14 years	15	57	26	2	= 100 (65)
Professional activity in the Federal Republic					
Up to 6 years	11	58	29	2	= 100 (52)
More than 6 years	17	58	23	2	= 100 (52)
Have you been working as a correspondent in other countries?					
Yes	15	57	24	4	= 100 (54)
No	14	58	28	-	= 100 (50)
Work mainly for:					
Press	15	59	23	3	= 100 (39)
Radio, television	22	49	27	2	= 100 (37)
Various media, news agency	4	68	28	-	= 100 (28)
Own political standpoint					
Left of centre	11	57	32	-	= 100 (37)
Centre	15	64	18	3	= 100 (39)
Right of centre	16	52	28	4	= 100 (25)
Concept of profession					
Spokesman for underdogs ²	17	56	24	3	= 100 (59)
Purveyor of grievances ³	17	57	24	2	= 100 (46)
Proponent of new ideas ³	17	54	29	-	= 100 (35)
Someone who entertains the public ²	12	63	23	2	= 100 (51)

- 1) Includes the answers "scarcely, barely at all"
2) Considered to be "very important" or "important"
3) Considered to be "very important"

Assessments also varied according to the respondents' home country. American journalists generally rate the media in the Federal Republic a little more positively than their European colleagues do. Correspondents from Scandinavia, as well as from some Western and Southern European countries, have a comparatively negative view of how the media perform their "watchdog role" in the Federal Republic.⁵

In this regard, the following excerpts from in-depth interviews show that various and partially contradictory aspects can be important.

"The Danish media are more critical. In the Federal Republic, the press is informative but the dailies practise court coverage."⁶ (Danish broadcasting correspondent)

"The language used by the media here is somewhat harsher than in Finland, which may be due to the structure of the political system. On the whole, the differences are not very important; but there is greater political variety in the Finnish media." (Finnish newspaper correspondent)

"In Holland, there is a greater tendency to criticize and to control. The way in which politics are handled is different, and criticism is harsher and more trenchant." (Daily newspaper correspondent, Netherlands)

"If the media are conceived as a means of enabling citizens to express criticism, the media in England accomplish this task better because they are better-balanced and more open." (Broadcasting correspondent, United Kingdom)

"The press in France is more committed politically than the one here, so that it is possible to assume that the French press exerts control in a better way. Here, there is greater consensus between politics and the press." (Daily newspaper correspondent, France)

5 This is fundamental with respect to the journalists' judgement, which depends on whether they are inclined to assimilate or to contrast the situations in their home countries and in the Federal Republic. We therefore correlated the answers to both questions. The result shows a distinct tendency to assimilate: the more positive the judgement about the media in the home country, the more positive was the judgement about the media in the Federal Republic, and vice versa. In other words, the journalists' judgements were influenced by their general attitudes towards the political function of the mass media.

6 This kind of journalism adopts the views of the administration and sometimes even functions as a mouthpiece for the Government.

In the questionnaire, two questions directly addressed the basic relationship between the mass media and politics. Foreign correspondents were asked to estimate the influence of the media in the Federal Republic on politics, on the one hand, and the political dependence of the media, especially on the Government and political parties, on the other.

The vast majority of respondents deemed that the influence of the media on politics in the Federal Republic is quite strong; a small proportion even thought it very strong. Only a very small minority felt that the media exerted little or no influence at all.

On the other hand, the impression prevails among the correspondents that the political dependence of the Federal Republic media is rather strong or even very strong. During the in-depth interviews, several respondents pointed to the political dependence of the broadcasting system in the Federal Republic, but also spoke of the symbiosis that exists between journalism and politics.

Among those who differentiate their judgement further, the group which considers that the political influence of the media is great, but that its dependence is negligible, clearly predominates.

The assessment of the political influence of the mass media in the Federal Republic varies according to nationality, profession and political views. Americans consider the political influence of the media greater than do Europeans; correspondents with experience in several countries consider it to be greater than do those who have only worked in the Federal Republic; and journalists who hold more conservative political views consider the influence to be smaller than do the other respondents.

Evaluation of Individual Media

More instructive than the overall judgement is the foreign correspondents' evaluation of the different media in the Federal Republic. Table 3 shows opinions on the press, again compared with correspondents' opinions on their own press.

In the opinion of most foreign correspondents, the press in the Federal Republic performs its "watchdog role" just as efficiently as the press in their own countries. Journalists from the United States, however, clearly rate their own press higher. This opinion results most probably from a different conception of journalism in Europe and in the United States, as the following quotation illustrates:

"In Europe, it is much more frequent that a newspaper takes a definite political stand and that coverage is consequently always seen from this angle. In the USA the ideal of objectivity is more prominent. Here there are many papers loyal to the Government; apart from them, there are *Spiegel* and *Stern* which have always seen themselves as critics. (US daily newspaper correspondent)

Table 3

Evaluation of the Critical and Control Functions of the Press in the Home Countries and in the Federal Republic

Question:

How well does the press overall accomplish the tasks of political control and of highlighting grievances in your own country/ here in the Federal Republic?

How well do the regional and local press in the Federal Republic accomplish these tasks?

	Press in home country	Press in Fed. Rep.	Regional and local press in the Fed. Rep.
	%	%	%
Very well	23	18	7
Well	49	55	47
Not very well	21	22	27
Scarcely, barely at all	1	1	7
Other/no answers	6	4	12
	—	—	—
	100	100	100
	(104)	(104)	(68) ¹

1) Respondents who claimed they did not have enough knowledge about the German regional and local press (35 %) were excluded here.

The regional and local press, which constitute the vast majority in the Federal Republic, rank lower than the national press. Most are not committed to a political line and do not usually handle politicians and lobbies in an especially critical way.

Correspondents were asked to indicate the papers that they read most frequently; these are the four leading national dailies, the political magazine *Der Spiegel* and the weekly paper *Die Zeit*.

Among the quality newspapers, the *Süddeutsche Zeitung* ranked highest for critical and control functions, and *Die Welt* lowest. Politically, the *Süddeutsche Zeitung* may be considered moderately left. During the last few years, it has been very busy uncovering major political affairs. *Die Welt*, on the other hand, is politically conservative and is put out by the publishing house of Axel Springer.⁷

⁷ The journalists' opinions on the critical and control functions of individual newspapers is also determined by political views. Journalists who consider themselves to be on the political left grade *Die Welt* extremely low, the *Süddeutsche Zeitung* extremely high, followed closely by the *Frankfurter Rundschau*, also graded very high. The *Frankfurter Rundschau* is seen as being even further to the left than the *Süddeutsche Zeitung*. Respondents who consider themselves as being rather conservative rate the moderately conservative *Frankfurter Allgemeine* somewhat higher than the *Süddeutsche Zeitung*. They rate the *Frankfurter Rundschau* a little lower than *Die Welt*.

Most foreign correspondents also rate the critical and control functions of the newsmagazine *Der Spiegel* and the weekly newspaper *Die Zeit* high or very high. As various studies show, *Der Spiegel* exerts a very strong influence not only on politics but also on the other media in the Federal Republic. It is critical of all political viewpoints and pressure groups, and spares the conservative groups the least. *Die Zeit* caters to intellectuals. It alternates between moderately left and moderately conservative.

In the in-depth interviews, the foreign correspondents named these two papers as outstanding examples of the way in which the press in the Federal Republic handles the task of political control. However, not all comments were favourable.

"Magazines are very important in the Federal Republic, and the position of *Der Spiegel* is unique. *Time* and *Newsweek* cannot compare. *Der Spiegel* has the time and money to examine subjects in detail; all the other publications copy them." (Correspondent for a weekly, United States)

"The weekly press exerts the strongest control. *Der Spiegel* has become a political force." (Broadcasting correspondent, Belgium)

"*Der Spiegel* is always very critical, but I do not always consider it good because one knows on Sunday what it will write on Monday. *Die Zeit* is better. It is critical,

well-balanced and makes you think.” (Daily newspaper correspondent/Netherlands)

“Not only did *Der Spiegel* bring to light the facts about the Flick case, it also kept the subject before the public eye. That is very good journalism. During the scandal about party-financing, *Der Spiegel* also took the lead. This is precisely its image; and it has the necessary resources. *Der Spiegel* is the only publication in Germany that can uncover a case like Watergate. Its negative side is its style: it is too long-winded, like a novel, and sometimes angles the facts. It is good that an organ of public opinion plays this role.” (Economic correspondent, United States)

Foreign correspondents rate radio and television very differently from the press (Table 4). In comparison with the broadcasting companies in their own countries, it was felt that the broadcasting system in the Federal Republic of Germany fulfilled its critical and control functions better. This evaluation was made by correspondents from all European countries, whereas only a certain number of Americans ranked the system higher than the broadcasting media in their own country.

American correspondents obviously felt that the public service broadcasting system in the Federal Republic of Germany was too dependent on political parties and too closely oriented to party politics. This is illustrated by the following statements:

“Public broadcasting depends on politics too much. Sometimes I have the impression that they (the politicians) call up right away if something that does not suit them is being broadcast. In my opinion, decentralization was a mistake. The leading magazines are very critical, but I do not watch programmes like *Report* or *ZDF-Magazin* any more because their criticism is too closely aligned to party politics.” (Economic correspondent, United States)

“Political coverage by the American broadcasting media is more superficial but less involved in party politics.” (Broadcasting correspondent, Denmark)

Many European journalists, on the other hand, feel that the political alignment of the broadcasting system in the Federal Republic of Germany is an advantage since different channels have different political viewpoints.

“There are two television channels here with differing political tendencies. Consequently, the coverage is more diverse than at home.” (Broadcasting correspondent, Austria)

“There is more variety on television here than in Denmark. German television at times comes up to one’s expectations. There are amazing stories and commentaries, and things are being said which could not be said in Denmark. Particularly good programmes are *Panorama* and *Monitor*.” (Broadcasting correspondent, Denmark)

“Criticism and control are handled better by German television, if you compare it to France. This means quantity as well as quality.” (Daily newspaper correspondent, France)

Table 4
Evaluation of the Critical and Control Functions of Radio and Television in the Home Countries and in the Federal Republic

Question:

Generally speaking, how well do radio and television accomplish the tasks of political control and of criticism?

	Radio and television at home %	Radio and television in the FR %
Very well	11	9
Well	36	58
Not very well	33	26
Scarcely, hardly at all	14	3
Other/ no answer	6	4
	100	100
	(104)	(104)

As these remarks illustrate, the evaluation of the broadcasting system depends first of all on how television has been rated, and the evaluation of television in the Federal Republic is again very much determined by political programmes like *Panorama*, *Monitor* and *ZDF-Magazin*.

Programmes of investigative journalism generally have a pronounced political tendency. Some are very much or moderately to the left (*Monitor*, *Panorama*, *Kennzeichen D*), while others are markedly or moderately conservative (*ZDF-Magazin*, *Report*).

In comparing the evaluations of the individual programmes one notices that those with leftist tendencies are generally graded somewhat better and the programmes of the ZDF a little worse throughout. These differences are in part conditioned by the journalists’ own political views.

Summary

The majority of foreign correspondents replying to the questionnaire believe that the mass media in the Federal Republic of Germany perform their “watchdog” role effectively or very effectively. This role was defined in interviews as the “critical observation and control of the government and the administration and the uncovering of political grievances”.

Table 5

**Critical and Control Functions of Media at Home and in the Federal Republic;
A Synopsis of the Foreign Correspondents' Evaluation**

Averages of a four-point rating scale (the *lower* the value, the *more positive* the evaluation)

Respondents from:	n	Media in general		Press		Broadcasting	
		home country	FRG	home country	FRG	home country	FRG
Switzerland	(4)	2.25	<u>1.50</u> ¹	2.25	<u>1.50</u>	2.33	<u>2.25</u>
France	(11)	2.46	<u>1.91</u>	2.46	<u>1.82</u>	3.09	<u>2.09</u>
Austria	(5)	2.33	<u>2.00</u>	2.00	2.00	3.00	<u>2.25</u>
Spain	(6)	2.60	<u>2.00</u>	2.17	<u>1.50</u>	3.20	<u>2.17</u>
United States	(28)	<u>1.61</u>	2.11	<u>1.59</u>	2.07	2.23	<u>2.22</u>
Italy	(8)	2.25	<u>2.13</u>	<u>1.86</u>	2.00	2.63	<u>2.38</u>
Scandinavia	(11)	<u>2.09</u>	2.18	2.09	2.09	2.46	<u>2.27</u>
United Kingdom	(10)	<u>2.00</u>	2.30	<u>2.10</u>	2.20	<u>1.90</u>	2.33
Netherlands	(7)	<u>1.83</u>	2.50	<u>1.83</u>	2.50	<u>2.33</u>	2.67
Total respondents	(104)	2.13	<u>2.07</u>	2.06	<u>2.00</u>	<u>2.24</u>	2.54

1) In order to facilitate the interpretation of this table, the more favourable figure in each comparison between the correspondent's own country and the Federal Republic has been underlined.

Most foreign correspondents consider that the influence of the media on politics in the Federal Republic of Germany is rather strong or even very strong. However, the majority also feel that the media's political dependence is rather strong or very strong. This applies particularly to broadcasting.

Opinions of radio and television are less favourable than those of the press. Most correspondents, and above all those from the United States, consider that the relationship between the broadcasting system and the political parties in the Federal Republic of Germany is too close. However, they generally rated the broadcasting systems in their own countries even lower.

Evaluations of the broadcasting system in the Federal Republic of Germany are especially concerned with television, and in particular such political programmes as *Monitor*, *Panorama* and *Report* which were judged favourably by the foreign correspondents. They see them as being important for the critical and control functions of the mass media in the Federal Republic of Germany.

This study was designed in such a way that the foreign correspondents could use their own countries as frames of reference. Judgements are therefore most significant when viewed comparatively. Table 5 gives a synoptic view of the evaluations of the media at home and in the Federal Republic of Germany. To this end, correspondents' evaluations of the critical and control functions have been converted into numeric ratings, ranging from 1 ("very well") to 4 ("scarcely, hardly at all").

The data in the Table give average ratings of the practice of critical and control functions by the media in the Federal Republic of Germany and in journalists' home countries. The lower the rating, the more favourable the judgement.

In addition to the total average for all respondents' judgements, group averages for correspondents from various countries are given, but only if the number of respondents per country seemed to justify such a grouping.

This synoptic comparison of judgements on the media in the home country and in the Federal Republic of Germany again illustrates the following:

1. Foreign correspondents from Switzerland, France, Austria and Spain take the most positive view of the way in which the media in the Federal Republic of Germany play their role of watchdog: They rate the media in general, as well as the press and broadcasting in particular, more favourably than the media in their own countries.
2. Journalists from the United States, Scandinavia, the United Kingdom and the Netherlands judge the media less favourably than the media in their own countries (except for the American and the Scandinavian correspondents' opinions of the broadcasting system).
3. Correspondents from all countries (cf. bottom line of Table 5) rank the media in the Federal Republic of Germany on average only slightly less favourably than their own media. The same holds true for their

judgement of the press as compared to their own. However, the watchdog role played by broadcasting in the Federal Republic was given considerably higher marks than the broadcasting media at home.

The Press in Action

The case studies presented here are among the best-known exposures in recent years, and no doubt go a long way to explain the opinions expressed by foreign correspondents on the role played by the media in the Federal Republic of Germany.

Initially the case studies were to cover the period January to September, 1985 and to be based on an examination of the daily papers *Frankfurter Allgemeine*, *Süddeutsche Zeitung*, the weekly news magazine *Der Spiegel* and the political television magazines ARD and ZDF. These are also the media most frequently cited by the foreign correspondents. To enlarge the scope of the study, however, the year 1984 was included to cover the *Frankfurter Allgemeine*, *Der Spiegel* and the television magazine *Monitor*.

It was not always possible to determine which events were a direct consequence of media coverage nor the precise influence of the media on the course of action. Frequently, interaction between politicians and journalists was so close, the succession of events so rapid, that it was impossible to pinpoint who initiated what and when.

Nonetheless, the case studies do explain some of the pivotal points of the inquiry. One of these is the outstanding role played by *Der Spiegel*, which was the prime mover in the disclosure of a series of recent scandals. This led one British correspondent to exclaim: "In the Federal Republic, the danger is that if it were not for *Der Spiegel*, nobody would take up certain subjects ... *Der Spiegel* has in its way become a sort of institution."

Financing of Political Parties

In November 1975 during a routine inspection of the "Union Betriebs GmbH", a company owned by the Christian Democratic Party (CDU), it was discovered that the company had been selling useless expert studies to various industrial enterprises. The enterprises then deducted the expenses for these studies from their tax declarations by calling them operational expenditures. In fact they were disguised donations to the CDU. In the course of the ensuing investigations, it became evident that this method of financing a political party involved not only the CDU but also the coalition parties CSU and FDP, as well as the opposition party SPD. It was revealed that other illegal ways of financing political parties were also being used. One method which was used frequently was indirect financing via party-related foundations and fictitious firms at home and abroad.

On December 7, 1981, the newsmagazine *Der Spiegel* reported, with reference to documents from the Public Prosecutor's Office, that preliminary proceedings had been started against several leading politicians for aiding and abetting tax evasion. *Der Spiegel* further reported a secret

meeting of representatives of the parties concerned in which they had made plans to amend the law in such a way that offenders against the donation and tax laws could be pardoned.

Excerpts of the bill were printed in a subsequent issue. In the following weeks, *Der Spiegel* regularly printed news based on documents from the Public Prosecutor's Office, giving the names of leading politicians and associations involved in the scandal. Following a story by *Stern*, the media came under violent attack by certain politicians involved in the case for practising "hangman" journalism. In April and again in October 1983, *Der Spiegel* drew attention to plans to pardon illegal donors. Such plans were vehemently denied by the politicians. Meanwhile, it was made known that some 1,800 proceedings for illegal party financing were underway.

On May 3, 1984, Bonn officially announced that a bill had been approved by the CDU/CSU and FDP coalition which would bring most of the proceedings to a halt. This move, which would primarily have benefitted the politicians in these parties, was strongly criticized by the media. As the public debate widened, the Government withdrew its plans for an amnesty.

In the summer of 1985, *Der Spiegel* reported that numerous insurance companies in the Federal Republic of Germany had also been involved in illegal donations to political parties. These revelations were once again based on documents from the Public Prosecutor's Office. This gave rise to a controversy on the legitimacy of such disclosures.

Of the 1,800 or so initial proceedings for tax fraud, as many as 800 had been stopped by late 1984. As for the other proceedings, sentences were handed down and several associations lost their tax-free status while others were dissolved. The projected amnesty for politicians was blocked. A suit filed at the Federal Constitutional Court resulted in the re-organization of the system of party financing.

The Flick Scandal

In 1975 the industrial magnate Friedrich Karl Flick, head of one of the largest family enterprises in the Federal Republic with more than 40,000 employees, sold his share of stocks in Daimler-Benz for almost 1,000 million Deutsche Mark to the Dresdner Bank, one of the leading banking establishments. Normally, he would have had to pay 56 per cent of this sum to the state as corporation tax. He was, however, dispensed from this liability because the Federal Ministry of Economics considered the investment made with this sum as especially worthy of support in respect to the national economy. Several years later Flick was suspected of having obtained this tax exemption by bribing certain federal ministers.

On April 10, 1978, the newsmagazine *Der Spiegel* informed its readers that Flick wanted to use part of the profit from the Daimler-Benz transaction to purchase a block of shares from the Gerling insurance conglomerate and that he had applied for tax exemption. Several months later *Der Spiegel*, referring to the decision on tax exemption, drew attention to the close personal relationship between the acting Minister of Economic Affairs, Otto Graf Lambsdorff,

his predecessor Hans Friderichs and the director of Gerling, Eberhard von Brauchitsch, who happened to be one of Flick's associates. Scepticism grew when Flick once again received a promise from the Federal Ministry of tax privileges for the purchase of a large plant for one of his paper-manufacturing enterprises and for investing in the American conglomerate "Grace". In its December 7, 1981 issue, *Der Spiegel* for the first time established a connection between Flick's donations to political parties and the ministers' behaviour. Moreover, it reported a house search initiated by the Public Prosecutor's Office. One after another, documents that corroborated the accusations of corruption were published. The scandal gradually took on major proportions and reached its climax when *Der Spiegel* and *Stern* published excerpts from a list of donations in the possession of the Flick's head accountant Diehl, in which the names of many of the Federal Republic's leading politicians appeared. In July 1983, preliminary proceedings on charges of corruption against the chief agents of the scandal were undertaken. A year later, charges were brought against the offenders.

Von Brauchitsch's work contract with Flick was not renewed when it expired at the end of 1982. He also had to step down from his position as chairman of the Association of German industrialists. Otto Graf Lambsdorff resigned as Minister for Economic Affairs. Hans Friderichs was suspended from office as speaker of the executive board of the Dresdner Bank for the duration of the proceedings. Flick subsequently had to pay taxes on the profits he made from the sale of the Daimler-Benz shares and in December 1985 sold his entire empire to the Deutsche Bank.

Die "Neue Heimat" Scandal

The president of the executive board and other top managers of the Neue Heimat building conglomerate were accused of obtaining illicit gains in various building projects with the help of fictitious firms. Owned by the Deutscher Gewerkschaftsbund DGB, the German Federation of Trade Unions, the conglomerate has the status of an institution of public utility, and its main activities are in public housing.

On February 7, 1982, *Der Spiegel* ran its cover story on documents that allegedly proved that top managers of the building conglomerate had made unjustified sums of money out of building projects in Berlin and Hamburg. They worked with front-men and fictitious firms. The executive board of Neue Heimat labelled the accusations malicious, but one week later removed the accused persons from office. On February 24, the Prosecutor's Office in Hamburg began proceedings against members of the executive board. Two months later, *Der Spiegel* gave new information, this time concerning the vice president of the legislative assembly of the Land Nordrhein-Westfalen, Konrad Grundmann, and another leading politician of the Social Democratic Party in the area. Both were accused of having profited from the transactions of the building conglomerate.

Early in May, the economic magazine *Capital* reported that Vetter, the president of the DGB, was involved in the scandal. Two weeks later Vetter was dismissed. His attempt to sue the magazine *Capital* was thrown out of court in

Düsseldorf. In a second cover story in May, *Der Spiegel* revealed that certain executives of the conglomerate had made some 30 million Deutsche Mark through a building project in Munich. A few weeks later, *Stern* reported that Vetter had also transacted business in Berlin through front-men. The scandal continued to spread as new discoveries were published week after week and more and more people were drawn into the scandal. Though the accused took legal action against all the media involved, they were unsuccessful.

As a direct result of the media's coverage, all of the accused were removed from office or resigned, and proceedings against the former executives of Neue Heimat were started.

The Kießling Affair

In December 1983, the Deputy Commander-in-Chief of NATO, General Günther Kießling, was relieved of his post and prematurely retired without military honours by his superior, Minister Manfred Wörner. In this case, customary notification of journalists did not take place.

On January 5, 1984, one of Germany's elite papers, *Süddeutsche Zeitung*, reported that Kießling had been retired and that no official reasons had been given. The next day, rumours were circulating in Bonn that the reason for Kießling's dismissal was homosexuality. In government circles, the official explanation was Kießling's poor health. The spokesman for the Ministry of Defence refused to comment on the unofficial version. Media coverage was so great that the subject was taken up in the January 11 cabinet meeting of the Federal Government. Following this meeting, Defence Minister Wörner declared that Kießling had been relieved of his post because he was susceptible to blackmail given his homosexual disposition, and thus presented a security risk. This had been proved, he claimed, by investigations carried out by the Criminal Investigation Office of the Land Nordrhein-Westfalen and by the Military Counter-intelligence unit which, among other things, deals with counter-espionage. Time after time, Kießling repudiated these accusations as false and absurd. Thanks to investigations undertaken by certain publications, and especially by *Der Spiegel* and *Kölner Express*, a tabloid distributed chiefly in Cologne, Bonn and Düsseldorf, as well as to pressure from the public and from his own party, the Defence Minister found himself obliged to clarify the evidence. Further investigations by the media proved after a comparatively short period of time that the witnesses were unreliable and that the allegations were unfounded.

Given the amount of counter-evidence, Kießling was rehabilitated only two months after being dismissed, and all personal allegations against him were retracted. Defence Minister Wörner remained in office after Chancellor Kohl refused his resignation and a certain amount of reshuffling on lower political levels took place.

The Müllemann-Affair

On October 1, 1982, Jürgen Müllemann was appointed Minister of State at the Foreign Office. According to the law

on conflict of interest, a minister is not allowed to pursue a trade or a profession while in office. On October 1, in an official statement, Möllemann claimed to have given up all his business interests.

On June 18, 1984, *Der Spiegel* published an article maintaining that Jürgen Möllemann, who happened to be the leading candidate of the Free Democratic Party FDP in the on-going Nordrhein-Westfalen Landtag election campaign, had become an associate of the PR + Text agency after his appointment. As a denial, Möllemann reiterated his statement of 1982. In its September 24 edition, *Der Spiegel* published evidence in the form of a contract that Möllemann had signed with the agency six weeks after taking public office. Möllemann attempted to invalidate the evidence by claiming he had signed the contract months earlier and that the document published by *Der Spiegel* bore the wrong date. This statement was also disproved by *Der Spiegel*, and Möllemann became entangled in contradictory explanations.

Shortly after the *Spiegel* publication, Möllemann stepped down as the leading candidate of the FDP for the new Landtag, but he remained in office as State Minister. In the long run, the affair did not hurt his political career; after the 1987 general elections, he was appointed Minister of Education in the newly formed cabinet of Chancellor Kohl.

The Barzel Scandal

In October 1984, the then President of the Bundestag, Rainer Barzel, was accused of having received 1.7 million Deutsche Mark over a period of six years from the Flick industrial group via a lawyer's office. This sum was declared as operating expenditure by the Flick company and was tax deductible.

On October 7, 1984, *Der Spiegel* reported that the Flick industrial group had paid a very large amount of money to a lawyer's office from 1973 to 1979. During the same period of time, it reported, Rainer Barzel had received payments of roughly the same amount from that office. According to the magazine, the whole affair was a laundered transaction between the company and the lawyer's office. It had been arranged by friends in Barzel's party, the Christian Democrats, so as to make it easier for him to resign from his position as chairman of the party in 1973 and clear the way for Helmut Kohl, the present Chancellor. The money was certainly not tax-deductible because it had never been used for operating expenditures. In a subsequent edition, *Der Spiegel* published memoranda from the Tax Investigation Office which confirmed the accusations. It was never made clear how *Der Spiegel* had obtained these internal documents. In response, Barzel felt compelled to state that he had no intention of resigning. Two days later, the *Süddeutsche Zeitung* reported that Barzel had known that the money

came from the industrial group. After several official denials, Barzel admitted before a Bundestag committee that he indeed knew about the business relations between the lawyer's office and Flick, but that he himself had never received money from Flick. On October 25, a former associate of the Flick enterprise testified that Barzel had told him that he had signed a contract in the lawyer's office.

The pressure upon Barzel continued to build till he resigned from his position as President of the Bundestag the day after his interview with the committee. Proceedings against the Flick industrial group for tax fraud and against the lawyer and Rainer Barzel himself were then instituted.

The "Sonnenschein" Scandal

High concentrations of lead were found in the soil and water in the area around the Sonnenschein accumulator factory in West Berlin. The factory belonged to the family of the Federal Minister of Post and Telecommunications, Christian Schwarz-Schilling, who had been director of the firm before taking office in 1982.

As early as 1980, preliminary proceedings against Sonnenschein for environmental pollution had proved inconclusive. A citizens' group was formed to fight pollution, but did not obtain a hearing at the political level. After repeated public protests in early 1985, the broadcasting station *Sender Freies Berlin* paid researchers at the Technical University of Berlin to carry out soil measurements in the area surrounding the factory.

The researchers found concentrations of lead in the soil that were much higher than the admissible level. On January 6, 1985 a programme called *Panorama* broadcast an interview with the head of the factory's works council who incriminated the board of directors. He maintained, among other things, that lead-dust residues were regularly being fed into the sewage system instead of being disposed of legally. Not only was the company contaminating the environment, but it disregarded the legal safety precautions for personnel. In response to the interview, the man was fired, and Minister Schwarz-Schilling accused the media of having caused a scandal simply to harm him and his political party. An official investigation, however, confirmed the high level of lead contamination and pinpointed the cause, which lay in a faulty filtration system. Investigators also discovered that leadsmelting furnaces had been installed without the required licence.

Certain production sectors of Sonnenschein were shut down until a new filter system could be built. In the vicinity of the factory, the contaminated soil was replaced by fresh earth at Sonnenschein's expense. The company received a number of ultimata from the local administration and legal action was taken against several persons in authority, including the Federal Minister of Posts and Telecommunications.

SELF-CENSORSHIP AS SEEN BY SWEDISH JOURNALISTS

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This report focuses on the more or less subtle forms of self-censorship which are practised in the Swedish press for a variety of reasons. Even though research in this area is not very advanced, it can safely be stated that self-censorship plays a minor role in the mass of information that goes out every day to Swedish citizens. The information purveyed by the mass media is as a rule both complete and correct. If this were not so, the long period of observation spent in the editorial departments of the Swedish press, which forms the basis for this study, would have produced more points for discussion than those presented below. On the other hand, in the opinion of journalists themselves, self-censorship is one of the most difficult problems that they face in their daily work. This, in any case, was the opinion of the professionals who participated in a seminar held in 1978 on the professional role of the journalist.

Before examining the various forms that self-censorship can take, it is important to review the instruments and institutions that have been set up in Sweden to ensure the free flow of information, while at the same time providing for the necessary protection of citizen's rights.

In Sweden, legislation expressly forbids Government authorities to examine material before it is published or broadcast. In other words a publisher cannot be made answerable to a court of law until the information has been made public and made available for public scrutiny. On the other hand, censorship of films and video material exist. The State film bureau can forbid the sale or viewing of films or video programmes that depict sexual violence or force, or prolonged scenes of grievous violence against people or animals. This particular provision does not apply to films or video programmes shown on television, or to similar descriptions in print or on the radio. However, in the agreement between the State and Sveriges Television, mention is made of restraint as regards violent scenes; and the print media are prohibited from publicly displaying pornographic material.

To a certain extent, the job of censor in the media falls to those in the profession and journalists realise that not all the information that comes their way is fit to print, and that they must therefore exercise self-restraint in their daily work.

Self-made Regulations

Some of the solutions to problems that the media are likely to encounter have been institutionalised. Rules have been laid down jointly by publishers and journalists, and the Swedish Journalists' Union has devised its own code of honour.

Observance of these rules is monitored by a press ombudsman (*Allmänhetens pressombudsman*) and by a press committee (*Pressens Opinionsnämnd*). A person or persons with a grievance may complain directly to the ombudsman who may also act on his own initiative. Compliance with the professional code of conduct is watched over by the Journalist Union's board. In addition a "Text Advertisement Committee" (*Textreklamkommitté*) monitors compliance with the rules drawn up jointly by publishers and journalists to govern advertising standards.

Publication Regulations

The primary aim of the publication regulations is to protect individuals and companies against unjustified or unfavourable publicity. Other rules deal with the restraint necessary in the handling of criminal cases.

It would seem that Swedish journalists, with few exceptions, are familiar with these regulations although their detailed knowledge may vary substantially. Journalists do not, however, seem unduly concerned with them. When questioned, they usually have no definite opinion about them nor any suggestions for reforms. This can perhaps be explained by the fact that the regulations when formulated did not provoke a debate at grass-roots level. In fact, they originated in media organisations to cut short suggestions in parliament that legislation dealing with freedom of expression be tightened.

In recent years, two new trends seem to be emerging as regards the way the regulations are being applied. One is that ordinary citizens are receiving more and more protection. This no doubt reflects the general trend in Swedish society. The press committee, which judges such cases, is in fact an organ of opinion and not a court of law.

The second trend, which also seems to correspond to a swing in public opinion, is that members of the establishment are far less well-protected than before. The attitude toward economic wrongdoing, for example, has changed radically, and the public is placing much stricter demands upon those in power. They are now expected to live up to the high standards they profess.

Another and more regrettable tendency is that the Press Committee does not seem to be very effective. Year after year, it reprimands the same small group of extremely commercial newspapers for breaking the journalists' code. Yet just as regularly, these papers pay the relatively small fines imposed on them and continue to rely on sensationalism to build up circulation.

The Code of Conduct of the Swedish Journalists Union

The code of conduct established by the Journalists' Union relates mainly to work methods, and is based on a clear conception of the journalist's role in society as being to inform citizens and act as watchdog over those in power. The publication regulations set out no such goals, but, curiously enough, journalists are more familiar with the code of conduct than with the publication regulations.

Observance of the code is supervised by the Union board. To date, little of its activity has come to the attention of the public, but it would seem that no member has ever been barred from the union for contravening the code of conduct.

Text Advertising

As mentioned earlier, journalists' and publishers' organisations have adopted joint regulations concerning concealed advertising. The Text Advertising Committee was designated to watch out for abuses, but its power of sanction is no stronger than a verbal statement.

Journalists generally consider it part of their professional honour to uphold these regulations. The majority of them have no wish to pass off advertising as editorial content. Another common practice, which most journalists find objectionable, is that of placing a favourable article on a given subject, alongside matching advertisements covering the same subject. Indeed, most professionals consider that their task is rather to scrutinise goods and services, and criticise them when necessary.

Since the parties concerned drew up the advertising regulations for slightly different reasons, their interpretations of these tends to differ, and conformity is rather poor. For example, one study showed that 1.5 per cent of the editorial content of regional newspapers dealt with their own promotional activities (free travel, competitions and the like). Texts drawn directly from company press releases accounted for as much as 8.8 per cent of the copy in the big city morning newspapers and 3.1 per cent of that in regional papers. It is highly likely that at least some of this material was text advertising.

Other Forms of Self-Restraint

Rules cannot cover all situations and there are many instances in which the media withhold information so as not to "hinder development of the community". This rather sibylline phrase refers to events that could have adverse effects on the public. One of the best examples is the editorial decision not to mention bomb threats or the activities of a pyromaniac prematurely, so as to avoid creating unnecessary panic. Editors have also been known to "bury" stories on an inside page about youngsters who, by way of political protest, commit suicide by setting themselves on fire. By playing down these accounts, editors hope they will not incite others to do the same.

In cases such as these, the editor's decision would no doubt meet with the approval of most media professionals. But there are other cases where it can legitimately be asked whether self-censorship is not in fact a form of protection or an attempt to angle information so that it reflects the values held by the publication or by the journalist, as opposed to those of other groups in society.

Subtler Forms of Self-Censorship

Self-censorship is usually seen exclusively as the withholding of information, but there are other ways of distorting reality. The suppression of information may be the most obvious and pernicious form of ethical compromise, but it is not the only one. There is also the conscious distortion of information which allows the media professional to give the public an erroneous picture of reality. There is also what may be called disinformation. This is the presentation of material with no news value or importance to the public in order to promote other interests.

In many societies self-censorship is caused by the journalist's fear of direct government censorship. It may also result from the desire to gain favour with those in power. Neither of these reasons apply in Sweden. Self-censorship, as defined above, often results from quite practical considerations, which can be divided into roughly four categories: the media's operating framework; demands by journalists' sources; the journalist's own convictions; and consideration for colleagues.

These four areas have rarely been explored since no established body can monitor spontaneous forms of self-censorship. A large amount of material which is relevant has been amassed over the past five years by the School of Journalism in Stockholm. As part of their practical training, students were assigned to participate in the work of some 40 newsdesks around the country. The newsdesks were observed over a period of four and a half years albeit by different groups of students and each term (four months), from 50 to 60 studies on specific themes were conducted. One of the themes was self-censorship, which alone gave evidence of over 300 different instances. There were also examples of self-censorship in the other themes. But for reasons of brevity, as well as to safeguard anonymity, it is impossible to go into detail.

Although nothing definitive can be said about the full scope of self-censorship in Swedish newsrooms, it is possible to pinpoint certain conscious forms of self-censorship, which were noted by the student, the journalist or a colleague.

The Conflicting Goals of Journalists and Publishers

There are both ideological and economic reasons for the commitment of the owner to the publication. On the ideological level, there may be a wish to promote a certain political view or to further the interests of a particular group in society. This tendency has become much more pronounced in the Swedish daily press in recent years as the political parties have become newspaper owners. What they have bought is clearly not just the right to present their opinions on the "op-ed" page, but to control what goes onto every page and so to ensure what, in their opinion, is a "correct" presentation of the news.

Journalists, on the other hand, have diametrically opposed reasons for their commitment. This was brought out in an enquiry by an official commission on the journalist's perception of the role of the press, as well as in an independent study. It appears that reporters and editors-in-chief share the same view as to what constitutes good journalism:

- there must be no factual errors;
- articles should be clear and well-written;
- they should convey new information or shed new light on an old story;
- the reporter should remain critically distant from his sources;
- the subjects should be important; if the reporter is interested in his subject, this will stimulate readers' interest.

Given these exacting demands for quality, it is no wonder that the editorial staff may find themselves on a collision course with the owner, who is often concerned with making a profit or holding down losses, not to mention ideological motives. In such cases, journalists may find themselves obliged to practise self-censorship, if they do not wish to jeopardise their employment.

There are endless examples of ways in which journalists have concealed or distorted information so as not to clash with the owner. One of the most pathetic cases concerns a daily paper that simply omitted to run a story the day the Three Mile Island nuclear accident occurred. The owner was apparently an ardent supporter of nuclear energy and did not want to "disturb readers unnecessarily"! Much more common is the situation of journalists asked to write a favourable story about some cause or idea the owner wants to promote. One newspaper, for example, ran a major campaign on defence issues: there were nearly 100 articles, but not one could be said to have handled the material objectively, much less critically.

In cases where a reporter shows little enthusiasm for an assignment, the editor or one of his assistants has been known to write the article or else to call upon a free-lance writer. It is common knowledge that free-lancers have no job security and, for that reason, tend to be more co-operative.

The editor-in-chief who is the owner's representative in

the workplace does not necessarily share the owner's opinions. The editor also has independent likes and dislikes, which soon become apparent to colleagues. In some cases, this may lead staff members to refrain from writing about events or subjects that are not to the liking of "the boss".

It is the editor's responsibility to make clear to the staff what is expected of them and it is the way in which the editor presents the paper's profile that determines whether reporters will, against their better judgment, distort the truth by fragmentation, exaggeration or other biased forms of reporting.

It is a moot point whether it is the editor's expectations or house loyalty that induces journalists to take self-censorship further than required. Traditionally, reporters have always shown great loyalty to their publication and this was reflected in the difficulties encountered when trying to organise journalists' trade unions. It was only in the 1960s that the Swedish Union of Journalists managed to attain the present, extremely high, 95 per cent membership figure.

Only two editorial departments of the 40 studied had anything resembling a written policy that was concrete enough to guide day-to-day operations. The first had a two-year plan for editorial content. The other set out its policy under two headings: "This is how we operate now" and "This is how we are going to operate", which set down guidelines for the coming year.

A number of other news departments had policy documents, but they covered only general ethical problems. The reasons given for this were, "The staff doesn't want to be bound by a specific policy" or else "We need something vague enough to meet with general approval".

The explanation is simple enough: written policy provides a precise operational framework and prevents arbitrary interference from above. A written document can also be important as a basis for discussion in the event that the staff, through its union or other means, wishes to alter the thrust of the paper's content. It is, of course, the journalists who stand to benefit from clear-cut policy lines, while the employer has good reasons for maintaining a more fluid situation.

That the staff refrains from maximising its potential to act is borne out by various statements from those with editorial authority. Nowhere, apparently, have reporters gone so far as to demand a voice in determining long-term editorial policy. What is more, journalists' have not perceived editorial content as a matter for union concern. This is somewhat surprising; considering that journalism deals with ideas, and that the direction and quality of editorial staff content must affect the "job satisfaction" of the staff.

At the national level, however, the Swedish Union of Journalists has presented a proposal for editorial consultations that would influence long-term policy. The stated goal is "to create guarantees that readers will have access to a paper that can satisfactorily fulfill its function in the democratic process".

The Constraints of Form

Whereas policy on content is deliberately vague, the opposite is true in regard to form. Precise rules on presentation

exist and are generally accepted throughout the profession, as well as specific rules developed by each editorial office. One general rule is that events with little news value should be treated briefly. This conception is so widespread that even readers have developed conditioned reflexes: the longer the story, the more important it is. But there is no law of nature that dictates that an event of minor importance can be satisfactorily described in a short space and that events of great news value necessarily require a lot of space. Indeed, one of the most common complaints in the newsroom is that journalists find they are forced to compress a large amount of material in some cases to such an extent that it no longer makes much sense. Nuances or else important background material may have to be left out, as well as the reasons for decisions and actions.

At the other extreme, to fill up space, journalists may at times have to embroider upon a trivial subject or else pursue a story that has "died", in other words, to which there is nothing of any importance to be added to previous articles. In feature sections, a common complaint is that of having to produce a text to accompany a good photo, even if the photo speaks for itself, or to write a fixed number of lines or words for reasons of balanced layout. Far more serious is the fact that an often frivolous item will run because of a good photo, while another, much more newsworthy item that has no photo is "killed". The journalist's moral dilemma is further complicated by the fact that a strong layout or a powerful photo will stand out better in relation to advertisements which, of course, is highly desirable.

Time Constraints

It is commonly believed that the mass media are on constant alert, and are frequently confronted with sudden, dramatic events that require lightning action and an ability to improvise. In fact, such situations are not very common although when they do occur, a certain amount of stress is created. In the material we compiled, there is only one instance of a newsroom that has developed a plan to deal with unforeseeable events. Justifiably, it had a good reputation for covering "hot" news.

One example shows how time constraints may distort the news. A reporter was asked to cover a labour problem for the following day's issue. Since the sources at the company were not available for an interview the reporter asked to file his story on the subject for a later day as the trade union had then promised its assistance. His request was turned down since "it was labour week, and there was a hole that had to be filled." The reporter therefore wrote an article based on the information gleaned from interviewing the company's security guard through the entrance gate. It is not surprising, then, that journalists sometimes disown articles that they have written.

Generally speaking, there is probably less improvisation in newspapers than before. This is due to the growing specialisation of staff, who are on the whole regularly assigned to specific subjects: developments at the town hall, trade union activities, economic news and so forth. There are

only a few remaining specimens of the profession's "heroes" - the general reporter who excels at operating under pressure and who comes back with a scoop.

The Effects of Understaffing

Editors and journalists often complain that understaffing means hurrying through both general information and the latest news to meet deadlines. They argue that such conditions are not conducive to producing well-balanced, carefully thought-out articles. The problem is often compounded by poor planning with the workload crammed into a few hours. This can mean that reporters inadvertently distort reality. For lack of time, they fail to get both sides of the story or they sacrifice nuances. At times, they may even fail to fully comprehend a situation and consequently produce an article which they themselves, much less the readers, do not really understand.

Staff shortages can also lead to the kind of text advertising examined earlier. A study done in 1980 on the way in which news is evaluated showed that priority was given to material which required the least amount of editorial work. Much of this material consisted of press releases from companies, organisations or an official board. This was especially true of the smaller, regional papers. On the other hand, material that required a good deal of editorial input was confined to the major evening tabloids in big cities.

Cost Restraints

The reasons for such a state of affairs are pretty obvious. The type of reporting that requires a relatively large amount of work seldom appears in the smaller local or regional papers because of their financial constraints. Cost considerations often dictate quality and since the cost of good newsgathering can be high, in many cases content does not live up to the media's professionals' hopes and expectations. Time-cost considerations may therefore dictate not only the quality of the copy that is printed, but also the type of news that is presented.

Most newspapers, and especially the smaller ones that cannot afford to have correspondents around the country and abroad, rely on news agencies to which they subscribe. For reasons of credibility, such agencies tend to put out information that is not in dispute, such as the statements and actions of those in power, for they interest all the agency's media customers, regardless of their nationality or political convictions.

This state of affairs is reinforced by the fact that many papers direct their newsgathering activities towards whatever is least expensive to produce. So the reporter also seeks out those in power for their comments. In turn, members of the establishment are only too happy to be in the limelight.

All this leads to the subtle form of censorship we call distortion: journalists know perfectly well that humanity does not consist entirely of a power structure, where 80 per cent of those at the top are men.

Withstanding Pressure from Sources

In Sweden, the rules governing freedom of information, and more precisely access to written and live sources, are usually favourable to the mass media. The operative regulation is called "*offentlighetsprincipen*", and its effect is to make all documentation in the hands of the authorities available not only to the mass media but to the public at large. Exceptions to the rule are military secrets, company secrets and information potentially harmful to individuals.

The authorities are obliged by law to furnish the information immediately. If they claim the information is protected, they must produce a written statement to that effect, giving the relevant clause, as well as information on how to challenge their decision. As a rule, appeals are dealt with rapidly.

What is more, any source can claim the right to remain anonymous. In that case, should journalists or civil servants reveal their identity, the offence is punishable by law. There is however nothing to prevent representatives of companies or organisations, or even private individuals from trying to find out who these sources are, since protection of anonymity applies only to the public sector.

The special regulations concerning police activities are less favourable to the media. Preliminary police investigations enjoy complete secrecy until charges are laid. However, thanks to the law to protect sources, police officers and public prosecutors can and do reveal preliminary investigation information to the press without risking censure or exposure. This nevertheless places media professionals in a situation of dependency with respect to the police, and may also lead to self-censorship.

In the private sector, the principle of freedom of information does not apply, and the mass of material published emanates directly from the companies and organisations themselves, which initiate contacts with the media for the sake of publicity.

Access to Written Sources of Information

Written material is made available unconditionally in the public sector in Sweden. It would therefore seem plausible that such material would not give rise to self-censorship. The reality is more complex in fact.

Government offices obviously cannot send everything they produce to the media. It is up to the journalist to seek out the information he needs. If the reporter telephones an official to find out what the material contains, the official may be selective in giving the source material, thereby slanting the information. Media professionals are only too aware of this kind of risk and admit that in some cases the material would have been presented differently had they read it through.

Another type of source material consists of press releases from companies and organisations. Journalists readily concede that they are wary of such information, which is intended to advance the interests of the company or organisation. However, the lack of regulations concerning the freedom of information in this area and the imperfect safeguards for anonymity prevent them from checking information they

receive. They may therefore submit for publication information which they suspect may be seriously distorted.

The most common form of written source material is the paper's own clippings or those of other publications. Professionals are aware that the clippings often contain errors, but they maintain that they cannot possibly take the time to re-examine the foundations of a story that has already appeared in print. Unfortunately, the mass media have not established routine procedures for correcting mistakes that have been discovered.

In the future, Swedish journalists may find themselves in a better position, for the journalists' union has asked that the principle of open information be extended to include companies and organisations. Moreover, following a government inquiry, there is a proposal to strengthen the safeguards to protect informants working in companies and organisations. This would mean that senior staff would be forbidden to conduct investigations to determine who had leaked information to the media. Obviously, this would greatly help journalists check the information that is being released.

A Network of First-Hand Sources

Self-censorship comes into play much more often in dealing with first-hand sources. If the reporter does not wish to accept the conditions set down, a live source may simply refuse to transmit the information.

Working through a network of sources, journalists often receive confidential news, which they are obliged to refrain from disclosing until the source judges that the time is ripe. Another paper may of course find a way to break the news first, but in the meantime the public is being denied information. For example, news of environmental risks can be hushed up systematically until the company involved has found a way to remedy the situation. Business transactions with local authorities may be kept secret until a company's competitors are definitely out of the running. Police activities that could harm the image of the police force can be suppressed, or published at a time that is favourable to the police.

Reporters may find themselves censoring part of what they know so as to please an important live source. For example, a reporter might refrain from mentioning the waiting list for kindergarten places and describe plans for expansion at an unspecified date in the future. An article may refer to relocation plans for a factory and the advantages of this for district X, but make no mention of the problems the move would create in the original district.

Brief as this review may be, it clearly demonstrates the myriad forms of self-censorship caused by the journalist's dependence upon his network of sources. What is curious is that reporters sometimes resort to a first-hand source when it is not strictly necessary. Even when they have amassed enough knowledge to be able to write their story correctly and be their own first-hand source, as it were, they rarely do so. Their usual course of action is to find a "specialist" who can be quoted and who will say what the reporter knows already.

In the near future, access to information in Sweden should be radically improved when Swedish journalists are linked to official archives that are in the process of being computerized. This means that the angling and other distortions created by quoting officials will most likely disappear.

On the other hand, it will become comparatively more expensive to rely to the same extent as today on first-hand sources. As these sources become more expensive because more time-consuming, media professionals may come under pressure to use them less often. This is a cause for concern: live sources with their "soft" information are what makes journalism what it is today, giving it its human value.

The Reporter's Conviction

Although journalists have been known to exaggerate in the name of fairness and objectivity to the point of depicting politicians with whom they do not agree more favourably than they deserve, the contrary, of course, is far more common. Reporters refrain from publishing things that might harm fellow sympathisers or suppress news because it might damage the cause they believe in. One reporter refused to give voice to "anti-trade union elements", while another suppressed criticism of day-care centres.

These are straightforward examples. More difficult to judge are those borderline cases that lie somewhere between self-restraint and self-censorship. How would one classify the reporter who consciously conceals anything that might be construed as criticism of immigrants? Or the one who fails to mention that certain athletes are using anabolic steroids? Or even more questionable, the reporter who deliberately withholds the information that a highly placed official is an alcoholic who can no longer do his job.

It is probably impossible to draw a hard and fast line between self-restraint and self-censorship based on the journalist's own convictions. In the last resort, it comes down to a question of politics. Self-restraint leads to the type of omissions of which the majority of citizens would approve. But how big a majority should that be? And how and when should it be measured, especially when public opinion changes so quickly? Until recently, for example, incest was a taboo subject for the media, but today it may be openly discussed in the news.

Those who set the highest standards for the media claim that it is the media's task to discern the changes that are taking place in society and to act as a kind of early warning system. This would enable the public to keep informed of new developments and to re-evaluate their beliefs and attitudes in time to take action.

In societies where so many factors are at work to maintain the *status quo*, it is important that the media act as a dynamic force. This requires a good deal of knowledge on the part of media professionals, as well as a high degree of awareness and the capacity for discernment. Good journalists are often able to divine what is of relevance to society. This ability is exactly what those in power dislike because re-evaluations often result in shifts in the power structure of society.

Rituals for Conscience-Salving

When a reporter is distressed by an assignment or the way a story is to be handled, he may discuss the matter at an editorial meeting or with the editor-in-chief. As a result another reporter may be asked to do the job. There are however a number of other ways in which the journalist can salve his conscience. The task can slip his mind: it proves "impossible to get hold of people"; he delays doing the assignment until it is no longer newsworthy; he avoids the issue by writing so briefly and so cleverly that he can save face. He can write something other than what has been requested.

These indirect means are far more usual than disputes at a meeting or an out-and-out refusal to do an assignment. This is perhaps surprising when one considers that there is a clause in the journalists' collective agreement in Sweden which forbids employers from ordering journalists to write against their will or to undertake humiliating tasks. Reality may be somewhat different.

If a reporter cannot find a way out of a difficult situation by one of the means mentioned above, there are other possibilities. If, for instance, he feels he might damage his relations with a particular source, he can arrange for another reporter to write the article. If there is no chance of getting some important information published in his own paper, he can feed the item to a reporter or another paper or to a freelance journalist.

The Uneasy Status of Journalists

In most professions, it is common for the most skilled, well-established members not only to adopt an increasingly independent positions but also to use their authority and courage to challenge the policy and actions of those at the top.

This is not the case in journalism. In all the material amassed by students of journalism, there is no trace of this type of challenge, and only rarely did staff dare to refuse an assignment. This seems to indicate that even well-established journalists do not wield much power in relation to the owner and the editor-in-chief. They can, of course, operate quite freely in the preserve they have carved out for themselves, but they are not the intellectual "alarm bells" found in other professions. Journalists suggest that this may be traced to a fear of losing perquisites. However it is hard to understand why even well-known journalists feel that they cannot take a stand that runs counter to accepted editorial policy.

Obviously, newsrooms are not free from conflict. Differences of opinion and difficulties arise, especially when it comes to senior staff appointments. It is, however, extremely rare that the conflicts become openly bitter; they are usually handled in a "considerate" manner and a compromise solution is sought. But because of this general tendency, established journalists cannot force discussions on acceptable forms of self-censorship out into the open. This is one reason why the situation we have just described can continue to exist.

Another explanation lies in the particular skills that distinguish journalism from other professions. To be good,

a journalist must be able to select from a myriad of events those that are useful to the public. He must be able to discover the best sources for each situation and to evaluate source material with a critical eye. He must be able to present the information in such a manner as to allow thousands of people to grasp the essentials. It is not a question here of the ability to popularise complex concepts, but rather to look at events with a fresh eye and communicate information in everyday language.

These are fairly uncommon skills, and yet many people feel themselves competent to judge a journalist's work. Although no one would dream of telling a doctor or a lawyer how to go about his business, doctors and lawyers do not hesitate to rewrite an article, even though they have only been asked to check whether they have been quoted correctly.

What is worse, journalistic competence does not receive adequate recognition even within the media. Advertising managers are apt to "order" editorial content and, clearly, the management feels it can ride roughshod over the journalist's conscience and sense of professional pride. Moreover, when a journalist maintains that his interpretation of the facts is the correct one, his editor-in-chief will not necessarily support him, especially if his stand is questioned by a professor or other "authority".

Even established journalists feel their status is constantly threatened. It appears that professional skills are recognised only when the journalist's considered opinion happens to coincide with that of the observer. This raises the question of the reporter's training and knowledge.

According to the old but still vigorous myth, the best journalist is the one who knows as much about a subject as his readers and it is this attitude which may account for certain deficiencies in training.

It should nevertheless be remembered that a journalist's approach is completely different from that of a specialist in the field. The experts know their subject and, above all, can see the implications of a breakthrough for his or her particular field. A journalist, on the other hand, wants to know what consequences the breakthrough will have for the average citizen and for society as a whole. In this sense, journalism is a humanistic pursuit.

This approach presents a number of problems. One is that the journalist cannot obtain the knowledge he needs merely by attending university courses, at least not at the undergraduate level. He must therefore forge his own understanding of the subject while he works. Another problem is that the knowledge the journalist requires lies somewhere between science and politics, which is an area that specialists tend to avoid because it is liable to endanger their credibility. This means that the journalist who knows his subject well will put questions to the specialist that the latter would prefer not to answer. Instead, the specialist will claim that the questions are not central or that he has no personal opinion. For the journalist with insight, answers like these are simply not acceptable, and this can lead to conflict. Given the social hierarchy, however, the journalist will no doubt lose out to the specialist, should the disagreement reach the ears of the editor-in-chief.

The same applies to politics. Politicians like to "keep to the agenda" and decide how what they have to say will be presented. Here, the enlightened journalist may stumble into a conflict situation in reverse. Though the journalist does not agree with the politician's interpretation and knows he should present the news differently, he is not always able to do so. In Sweden, this situation is all the more complex because of the close connection between the press and the political parties. Politicians expect that their "own" newspapers will present the news as they see it. The journalist's position could not be worse: if he wants to protest, he will arouse the wrath of the establishment on which his paper depends for its existence.

It is not surprising, consequently, that self-censorship is common when journalists interact with politicians, and it is probably true that in certain fundamental respects this situation holds good whatever the nature of the political system. It is clear that the journalist's power in all societies is inferior to that of those who own the media and those who hold the political reins. It also appears that, so long as the owners tolerate it, journalists will try to use their position to promote opinions which they themselves consider to be of prime importance.

This can be taken a step further. Journalists believe it is worthwhile to risk presenting the news as they see it, even if this jeopardizes their position, so long as they are dealing with central issues. Owners and sources undoubtedly feel the same way. Given this, it is likely that the distortions that we have qualified as self-censorship will as a rule involve just such major issues.

What becomes of the citizens in all this? No matter how freedom of expression is regulated in different societies, their plight is similar in that they are unable to assess how far-reaching self-censorship actually is. When information is manipulated in this fashion, they are at a loss to ascertain which subjects have been twisted, and how much.

The freedom to publish in Sweden implies that the media should monitor those who hold the power in society. In so doing, they act in the interests of the citizens and on their behalf. The media's power derives from its ability to make matters public, and it can be an effective means of preventing the misuse of power.

But who watches over the mass media? According to liberal doctrine, the citizens do. If a newspaper does not fulfill its mandate, then the public stops buying it and it goes out of business. Developments in the newspaper industry, however, have rendered this theory meaningless. In practice, the dominant trend in the mass media is towards concentration. This is such a driving force in Sweden today that the inhabitants of 80 districts must be content with only one local newspaper, while only 20 still have more than one paper. As citizens cannot determine the degree to which self-censorship is distorting information, in areas where there is only one paper, this can become especially serious, even though the local radio station can at times act as a corrective.

Who then is left to watch over the media? It appears that the only answer is the research community. Though it does not wield power directly, it is in somewhat the same position as the media, in that it can spread information. If the research

community were to take an active interest in journalistic practices, the citizens would then have a basis on which to judge media conditions and activities and exercise a corrective influence, if necessary.

The ideal answer to self-censorship would be for citizens to demonstrate their displeasure and put pressure on owners, sources and journalists. Owners and sources would perhaps give up their pretensions to power and allow a more honest flow of information. Journalists would abandon their own claim to power, proclaim an open ethical code and institute a surveillance system that would reveal the forms of self-censorship that cannot be tolerated.

We do not however live in an ideal world and any attempt to give journalists greater freedom *vis-à-vis* owners and sources and at the same time ensure that they do not manipulate information for their own ends will involve a

long, hard struggle. Indeed it is probable that the struggle will never be won for all time, since the borderline between self-restraint and self-censorship is hard to define and, in this sense, self-censorship can probably never be eliminated completely.

From our examination of self-censorship in Sweden, it is obvious that it can affect the treatment of major issues, but it should be equally obvious that multiple sources of information continue to exist. Compared with countries where journalists have to struggle against a state censorship board and other forms of regimentation of opinion, Swedish society has made a tremendous effort to make the machinery of power transparent. Set in this perspective, self-censorship can be said to be of negligible importance, and our examination, in a sense, an intellectual exercise in nuances.

HUNGARY'S NEW PRESS ACT

Tamás Szecskó

There have been a number of major debates on communication in Hungary in recent years. The first, entitled "Objectivity, Commitment and Criticism", was held in 1982-83. It was initiated by journalists of the Hungarian Radio, who were joined by social scientists, and journalists from television and the press. Participants tried to analyse the complex web of connections between politico-ideological commitment, social values and conflicts of interest, using everyday examples of journalistic and editorial practice.¹ The following excerpt set the stage for the debate.

"What are we looking for? Objectivity, by means of the greatest possible professional fairness. In this way we can achieve a realistic, that is, an independent and intelligent, view of the community. Some of us seem to believe that objectivity requires preliminary information on the part of the public (i.e. without prior knowledge a reader may not realise that he is not being told the truth). If we take this too seriously, we may arrive at the Achilles paradox: since the listeners do not know enough, they will never recognise that they are in fact listening to the truth and therefore even what is good will have no influence. We should therefore interpret this paradox optimistically: it is time to consider the listeners as adults and trust that their confidence and a realistic view of the world will slowly develop."²

The second debate dealt mainly with theoretical-conceptual matters, analysing contemporary understanding of the term "freedom of the press". The third debate, which continues, concerns the interpretation of the new Press Act passed by the Hungarian Parliament in 1986.

The ideas raised in the debate are not presented here as an opposition between censorship and freedom of the press. Even in the 1950s, when civil rights were severely curtailed, there was no institution of censorship in Hungary. Nor have efforts to increase the freedom of the press ever appeared as a struggle against censorship (obviously, whenever the question of censorship or self-censorship arose in the debates

described here, it will be noted). We set out to show how the regulations and relationships governing a mass communication system are undergoing qualitative changes in order to adapt to the changes taking place in the country's economic and political system.³

Hungarian society is seeking ways to remodel its communication system in the context of greater socialist democracy and in order to provide an up-dated social sub-system capable of expressing and influencing this process.

A political scientist participating in the debate pointed out that: "The choice today is not between capitalism and socialism, but between alternatives concerning the quality of socialism".⁴ He argued that the two basic principles of democracy are political security and freedom. In addition to providing political equality, an appropriate set of organizational measures for democracy should be created. One area of concern is a system of organizations capable of expressing opinions, desires and interests. The other is an adequate system of political control. Lastly, and most interesting from our point of view, "the third component is equality of access to politically relevant and full information, through the process of making political affairs public, thanks to the mass communication system. In short, a mass communication system responsible to the people and a democratic decision-making process are necessary."⁵

Aspects of Freedom

"Either there is freedom to print or that freedom is repressed. There is no half-way house. As for myself, I vote for freedom of the press." These were the words of Lajos Kossuth, the Prime Minister of the first accountable Hungarian Govern-

1 The debate was published (in Hungarian) in the quarterly *Jel-Kép*, in 1981 (Nos. 3-4) and 1982 (nos. 1-2).

2 "Objectivity, Commitment and Criticism," *Jel-Kép*, 1981, No. 3.

3 On the connection between Hungarian socio-economic reform and changes in mass communication, see the author's article in the *New Hungarian Quarterly*, Winter 1985 and in *Media, Culture, Society*, April 1986.

4 Bihari, M.: "Freedom of the Press and Socialist Democracy," *Jel-Kép* Special Edition, 1986, p. 39.

5 *Ibid.* p. 43.

ment who crystallised the political sentiments of the Hungarian reform movement that began in the early 19th century and continued in the anti-Habsburg revolution.⁶ But certain aspects of this same ideal of press freedom are now and then evoked in present-day debates.⁷ It is symbolic that the 1986 Press Act incorporated in its phrasing the first press law, as elaborated by Kossuth in 1848: "Everyone has the right to communicate his or her views through the press."

According to the historian Sándor Fekete, two extreme viewpoints exist concerning the freedom of the press. "One is that of those who are satisfied with the *status quo*; during the initial phase of the new system, this concept was reflected in a militant stand which saw the freedom of capitalist democracies as only "formal", as "pseudo-freedom", and the press merely as the instrument of monopolies. For Hungarians, on the other hand, it may be said that the press belongs to the people, consequently, "we can say that Hungarian democracy inherited and materialised" the legacy of Kossuth and Petőfi,⁸ including the freedom of the press."⁹ At the other extreme, in the author's opinion, there is the teleological view, in which historical necessity justifies the means adopted. The author adds, "while the former view is empty from a theoretical point of view, and is merely propaganda, the latter concept is the product of an unhistorical approach: it sets the abstract demand for freedom of the press against the fast-changing relationships in a given historical situation."¹⁰

The poet and playwright puts it in another way. "Many consider the free press to be an accomplishment and a solid institution, and forget that in each and every instance we must defend this constitutional freedom even though it has been provided by the Constitution.

"Indeed, such a view is harmful because it implies that the concept of freedom in general is something that is acquired once and for all, something to be taken for granted, which scarcely changes, and is immovable. But freedom is within us, too, in our recognition of possibilities. This means that, instead of looking for historical occasions, we must recognise lasting opportunities, workable paths for ourselves and for our people."¹¹

An historical analysis of the practice and theory of the freedom of the press reveals that "the ideologues of first the socialist and then the communist parties, which were once oppressed and underground movements or in the minority,

6 Fekete, S.: "The Press and Its Freedom," *Jel-Kép* Special Issue, 1986, p. 6.

7 In addition to the fact that some theoreticians go back to the young Marx often results in giving certain statements romantic and idealistic overtones.

8 Sándor Petőfi was the greatest Hungarian poet of the early 19th century and the plebeian ideologist of the war of independence.

9 Fekete, S. op. cit. p. 5.

10 Ibid., p. 7.

11 Páskándi, G.: "The Free Press and Synonyms of Freedom," *Jel-Kép*, Special Issue, 1986, p. 24.

were enthusiastic patrons of press freedom before their victory. But they themselves began to limit this freedom."¹² Fekete notes that Rákosi, who considered the freedom of the press to be the most important criterion of democracy in 1943, revised his opinions following "The Year of Change". From then on, even the weather forecast for May Day had to conform to the organizers' notion of this "exceptionally brilliant" holiday and this was the least of the drawbacks of mass communications in the 1950s."¹³

Since Fekete is not only an historian but also an editor, he expresses principles which he puts into practice when editing his own magazine. He starts by saying "As all Hungarian newspapers and periodicals (with the exception of church publications, which in my opinion can be overlooked) are owned by the party, by the State or by enterprises representing the interests of the State,¹⁴ to take a job in these organs (also) means to agree to represent these interests."¹⁵ His second editorial principle is that, in his position as editor, he must not act as "the advertising agent for what exists" but rather as a critic of whatever hinders development. But such criticism - and this is the third editorial principle - does not apply that peculiar "division of labour" according to which "the State and the party make mistakes and we of the press (or of literature or art) chastise, thus posing as courageous heroes ..." ¹⁶ Do these requirements not impose a moral dilemma for the journalist? "Isn't he lying if he keeps quiet about certain things, and speaks only of such matters that fit his convictions? As a moral maximalist, one can define such an attitude as a lie. Nevertheless, for my part, I accept the principle of the greatest of Hungarian editors. According to Kossuth: "I understand that my pen cannot write everything I think; but it can write nothing other than what I feel and think."¹⁷

The poet-playwright participating in the discussions offered a fairly realistic interpretation: "The essence of freedom of the press for us is, I think, that the leaders of the people receive the necessary preliminary information from untainted, trustworthy sources. Paradoxical though it may

12 Fekete, S.: *Press and Freedom*, Budapest, 1986, p. 138-139.

13 Ibid., p. 145.

14 Although none of the participants quoted here mentioned it, the real situation is much more complex. First, even the largest publishing companies might just as well be owned by the party, the State or the trade union. Second, in certain instances there is a difference between the owner of the publishing company and the so-called "proprietor of the newspaper." For example, the Patriotic People's Front is the proprietor of a traditional national daily but it is published by a State-owned company. Third, most publishing companies are profit-oriented, though on the editorial level this scarcely affects most dailies, and especially the political dailies. Finally, as the discussion on objectivity showed, it is very difficult to define the "national interest".

15 Fekete, S.: op. cit.

16 Ibid., p. 17.

seem, freedom of the press is of as much interest to those in power as to those who are not directly connected with power. This is especially true of a society like ours, which is intent on removing the last vestiges of exclusion from power.”¹⁸ The author claims that freedom of the press is not a kind of “psychotherapy”: it is worthless if it offers only a possibility to “act out” without a sense of responsibility. The press should be analytical; it should reach to the heart of the matter in order to have a real impact and it must not be satisfied with pointing to the superficial connections in society.

The press may achieve a certain success through sensationalism, “but can a press be said to be free if it is full of such matters, even if its freedom is guaranteed by the Constitution? It can of course publish “daring” articles that would not be permitted “elsewhere”, but this is of no real use if the press is full of shallow thinking and platitudes. In other words the press may appear to be free and courageous when it deals in the superficial, while ignoring the underlying truth.”¹⁹

The notions of tolerance and the freedom of the press are intertwined in a special way by the author, who believes that tolerance must moderate and mediate the desire to achieve goals. In pursuing an aim it is all too easy to forget about those of other people. Reaching one’s own goal may imply that others must wait to achieve theirs. But “we ought not to accumulate historic debts. This is one of the basic conditions for freedom to act. If we cannot pay back the whole sum, we must pay by instalments; instead of a revolution, we shall have reforms and small changes. Instead of fighting the fire, we should prevent it. The freedom of the press is one of the best ways to prevent our accumulating historic debts. ...” This is one of the most important functions of a free press in history.²⁰

Páskándi’s discussion of journalistic style concerns problems that are reminiscent of the young Marx’s ideas on press freedom. Since everyday language itself is full of euphemisms, the press has the right to be ambiguous: “Some things should remain in the dark while others, on the contrary, should be simplified and their contours sharpened.”²¹

A Web of Functions

Political scientist Mihály Bihari who also participated in the debate on the freedom of the press, considers it necessary to outline the political functions of the press, since press freedom must be weighed in the light of these functions.

The functions of information need no further explanation. Referring to György Lukács, Bihari believes that another, manipulative function has to do with the “secondary teleological aim theorem” of political activities, thus it is more than simple persuasion: “During manipulation the aim

formulated by the secondary aim theorem becomes the primary aim of individuals. As they follow their own aims, individuals also accomplish the secondary aim, which is in fact contrary to their own interests.”²²

As for competition and the press’s corrective function, press organs, openly abiding by their commitment, give conflicting explanations and judgements on the same topic and this helps to give the public fuller information. There is no need to go into detail about the critical function of the press, a function that aims to organize the political community, and to achieve social integration. In this respect, the author emphasizes that this is “the most basic factor for organizing and mobilizing political life. It is an essential instrument for reaching compromises and achieving political consensus.”²³

These press functions influence political decisions and contribute to the legitimization of political power, while at the same time controlling this political power, not only on a national but also on a local level. In a country like Hungary, where the profit motive did not influence the basic structure of mass communication, the traditional, commercial function of the press deserves special attention. Emphasis on profit-making and the development of a specific model for a socialist market economy has begun to change the way in which the press is financed. As Bihari pointed out, large-scale State subsidies have meant that employees are not selected primarily for their professional aptitudes and experience. This has led to a lowering of professional standards of the press.

The so-called mediating function is of great importance since it serves as a framework for all the other functions and has a feedback effect on them.

“This function can be fulfilled by the press and public discussion only if the press is relatively independent, and public debate is pluralistic. Indeed, if each press organ becomes an agitator and propagandist of the central authority, or if the controlling power of the central authority is too strong, then the mediating function of the press can only be unidirectional: from the central authority to society. In such a situation, the propaganda function becomes all important, and the border between informing the public and interpreting information disappears, because the critical function and the wish to improve the central authority ceases to exist. Instead, the press’s role of improving and enlightening society prevails. To all intents and purpose, the decision-influencing function ceases to exist as does the organising, integrating and legitimating function. The extent to which the press informs public debate cannot be measured by the functions it fulfills, but by the number of functions it has been assigned.”²⁴

Lastly, there is the political socialization function, which shapes “homo politicus” through public opinion and political culture. “Press openness can fulfil this very com-

17 Ibid., p. 17-18.

18 Páskándi, G.: op. cit., p. 23.

19 Ibid., p. 31.

20 Ibid., p. 35.

21 Ibid., p. 36.

22 Bihari, M.: op. cit., p. 45.

23 Ibid., p. 45.

24 Ibid., p. 47.

plex function by its almost unique potential to link the political system to the value system of society. By comparing these two systems, by pointing up the discrepancies between the two, press openness can enhance positive values and set an example for society. It can improve political culture and raise the level of public awareness (by heightening society's sense of tolerance, by improving its awareness of issues, by pointing up the need for integration, democratic morals, a sense of duty, etc.).²⁵ Bihari adds that this function of the press helps politicians to avoid two major dangers: moralizing and their own moral backsliding.

It follows from the above that freedom of the press is, paradoxically enough, not freedom for the press but rather for the citizens. "It is not the press that has to be liberated from society ... Rather it must be ensured that citizens freely utilize the press for the publication and distribution of their ideas and opinions."²⁶ This idea was already proclaimed in the 1848 Press Act. In paragraph 1, Article 18, it is stated: "Everyone can freely declare and propagate his ideas by way of the press." The second Press Law, passed in 1914, repeated this almost word for word: "By way of the press, everyone can freely express and propagate his ideas." Again, the preamble to the Press Law enacted in 1986 is very similar: "Everyone has the right to publish his/her opinions and works by way of the press."

The ubiquity of press freedom, as Bihari points out, can be judged by three relationships. First, the relationship of the press with the power structures, which regulate the basic questions concerning the establishment, editing and circulation of press organs. Second, the relative degree of freedom each of the media enjoys, since this is the key to monopolistic tendencies. And, finally, press freedom vis-à-vis citizens and their associations, for the danger here is that of "dictatorship by the community" or even of a sort of "terrorism of public opinion".

Beyond Censorship

The problem of censorship and self-censorship have been raised both in the debate on the new Press Act and in academic discussions. The secretary of the Party in charge of ideological issues categorically rejected such a frame of reference for the Press Act. In his speech to Parliament, he stated: "The Hungarian press has successfully passed the examination of international comparison. It is common knowledge that the press is guided by the requirements of self-reliance, responsibility and public service. Our ideological adversaries characteristically, call this state of affairs "self-censorship", since they cannot imagine anything other than the bourgeois use of censorship. They would like to be able to point to examples of censorship that were done away with long ago. But their attempt is in vain, since our practice

of press direction is based on self-awareness, on the principle of serving the Hungarian nation and the acceptance of responsibility."²⁷ In the same Parliamentary debate the head of the government Bureau of Information raised the question of censorship in relation to the conscious acceptance of responsibility: "Just as there was no need for censorship in the past," he said, "there will be no need for it in the future. But there will be a need to increase the discipline as well as the professional and political responsibility of editors-in-chief, managing editors and journalists."²⁸

Géza Páskándi took a stand against those who attach a positive value to the institution of censorship. From the point of view of press freedom, he claimed, instituting censorship for writers and journalists "would mean accepting an overly insured existence, instead of an adventurous, creative and hence, more dangerous way of life. The idealization of censorship, which to a certain degree can be serious, can also signify the downfall of creative responsibility. It only goes to reinforce the traditional image fixed in the public mind in which artists, writers, journalists, and even scientists are capricious bohemians, eternal dissidents, unaccountable, mad, hardly responsible for their own deeds, and consequently, in need of censorship."²⁹

But, according to Bihari, a system of *post facto* accountability of the press may distort press functions just as much as censorship. "If the sovereignty of the head of a press organ or that of an author, be he a journalist or a citizen, is not assured, then an informal censorship effectively develops, because responsibility has been divided and shifted down from the controlling political bodies of the press through the producer and the editor-in-chief to the author."³⁰ "It is a result of social conditioning, a psychological residue of the past that continues to exist within almost everyone of us. Even so, the more responsibility each individual takes, the more circumspect he will be. This is all very well, if in a position of responsibility there is a greater opportunity to see the outer limits of private and public courage, and thus, to achieve more. However, if someone with responsibility sees only that this position demands more caution and disregards the creative freedom of decision, then he is unworthy of public trust."³¹

"The existence of the so-called "*samizdat*" or underground press is seen by many as an indication that the press is unable to fulfil some of its functions. Even if there is no censorship, it points to a malfunction in the relationship between the press and the power structure. Páskándi holds a different view: "... This must not be turned into a truly grave problem by giving it too much importance. I think that in a million years' time from now, if mankind still exists, and let us suppose that to be so, even if men have achieved almost total freedom, there will still be some people who will

25 Ibid., p. 47.

26 Ibid., p. 48.

27 Berecz, J.: *Népszabadság*, March 21, 1986.

28 Bányász, R.: "By Power of the True Word", *Népszabadság*, March 22, 1986.

29 Páskándi, G.: op. cit., p. 21.

30 Bihari, M.: op. cit., p. 48-49.

31 Páskándi, G.: op. cit., p. 23.

scribble graffiti and publish “unregistered” papers (or that are “registered” elsewhere). Such issues should be treated in the spirit of “responsible broadmindedness” as has become customary today.”³²

Around the Press Law

The 1986 Press Law was referred to by the Deputy Minister of Justice as “the bill that raises the greatest number of problems of all the bills passed in our country over the past decades.”³³ Here we shall concentrate on those aspects which have provoked the most discussion as far as interpretation and execution are concerned. In contrast to the theoretical debates outlined above, these discussions are of an eminently practical nature. During the course of preparation, numerous amendments to the bill were proposed by: the Hungarian Association of Journalists, Hungarian Radio, Hungarian Television, The Ministry of Culture, the Bureau of Information, the Hungarian Writers' Association, and so forth.

The codification committee of the Ministry of Justice pinpointed the following reasons for the new legislation:

“The openness, frankness and completeness of information accounts for part of the success of a socialist democracy. It is a precondition for the formation of socialist awareness and of the public activities of the masses. This legislation will help to ensure the success of the programme to develop a socialist democracy.

“The principles on which our information policy is based are correct, and they have proved to be useful in practice. It is therefore reasonable that they be reflected at the highest level of the State.

“The act should make clear the concept of freedom of information but at the same time it should clearly and unambiguously set out its legal limits. It must allow for more decisive action against manifestations that run counter to our social and political goals.

“The regulatory system which should take into account major technological advances that have taken place in the field of communications should be developed and made more transparent.”³⁴

From the start, there was a general consensus concerning these basic principles. But the exact wording of the Bill quite naturally gave rise to further debate. There was a long discussion on the regulation of press coverage during court proceedings. There were numerous complaints that in the draft bill, institutions and organizations were obliged to provide information only about “public matters”. But who is to decide what constitutes a “public matter”? Some would have liked to specify by law the functions of the Bureau of

Information. Journalists wanted more legal safeguards for themselves, while others proposed that the Bureau of Information be authorized to prepare a Code of Ethics for Journalists. These are examples of the list of issues that were raised during the long years of preparation. Compromise solutions were finally hammered out. An example taken from a report of a legal expert who participated in the preparation of the bill illustrates the process:

“Contrary to what had been planned, two diametrically opposed suggestions, one stricter and another more liberal, were put forward in a discussion of the way in which licences are awarded. The Ministry of Culture and the Bureau of Information, for example, wanted additional conditions attached to the process of issuing licences. Meanwhile, the Board of the Hungarian Writers' Association proposed that the existing system of licences be kept. In their opinion, “freedom of the press built on a system of licences” works against the development of democracy. The jurists preparing the bill chose an intermediate solution: licences are subject to certain normative conditions (which exclude subjective judgements) which make clear to all concerned the situations in which a licence can be refused by the authority.”³⁵

One of the much debated issues in the preliminary discussions was the question of secrecy. The Law clearly states that organizations and institutions may or must refuse to divulge state, official and business secrets. Many pointed out that, unlike state and official secrets which are both defined by provisions of law, business secrets were not clearly defined.

One of the economic weeklies provided an illustration of the chaotic situation reigning: “In the case of industrial firms, for example, a 1981 directive of the Minister of Industry classifies as official secrets *post facto* evaluations of large-scale investments, reports on major offences and abuses, as well as company balance-sheets. In addition to a director's right to decree any fact or figure secret, the Ministry of Industry has outlined what constitutes a business secret: any kind of fact or figure or information of any kind which, if released, could harm the company, any of its departments or employees.”³⁶

Given that one of the major tasks of the Hungarian press is to create economic openness, it is easy to see why the issue of secrecy was the object of so much criticism. The upshot was a provision in the Press Law that allows editors to go to court in instances where they consider that information has been withheld illegally. The situation will no doubt become more transparent with the forthcoming reworking of the rules and regulations on state and official secrets. The State Office for Labour and Wages is in charge of the day-to-day definition of business secrets, but the transformation of the organisational structure of the economy may in itself make for a more coherent functioning of economic openness. In the future, for example, every economic unit that issues

32 Ibid., p. 37.

33 Quoted in: “Open Secret - Bill on Press”, *Heti Világgazdaság*, March 22, 1986.

34 Quoted in Bodnár, L.: “Born: from 68 to 86 ...”, *Jel-Kép*, 1986, No. 3, p. 125.

35 Ibid., p. 127.

36 “Open Secret ...” p. 4.

bonds — and their number is increasing rapidly — will be obliged to publish basic information on its activities.

The same economic weekly published the following statements a few days before the parliamentary debate on the bill: “Many things have been said about the proposal in the last few weeks. It was called a ‘draft bill’ or, even worse, a Janus-faced bill. The latter reflected the fact that the bill is a compromise between the interests of the press, the state and other authorities.”³⁷ It is worth noting that such compromises are necessary to a process of democratization. According to one opinion poll, four-fifths of the respondents expect the new Press Law to improve the standard of information. Yet the law is seen to be the business of journalists rather than that of the public. And what about the journalists? Their viewpoint might best be represented by the statement of a Hungarian editor, quoted in a UPI dispatch from Budapest, in September 1986: “Any kind of Press Law is better than none.”

What does this brief outline of events in Hungary mean to a political scientist or a sociologist concerned with communication systems? Above all, that the reform movement that has been going on in Hungary for the past twenty years, and which first affected the economic sphere and then the system of political institutions, has also affected the structure and functioning of social openness. The theoretical and empirical debates on freedom of the press and openness or, in another context, on the rights and duties of communicators, aim to create a communications system that is better adapted to the changing economic, political and institutional structure, and that better expresses and more purposefully cultivates the basic values of a socialist society. That is, they are to make the Hungarian model of societal development more consistent.

There is broad consensus concerning the fact that society should control its own communication processes and that,

moreover, these should be planned in the short and long term. Bureaucratic, *ad hoc* decisions must be discouraged in favour of accepted or innovative legal and economic regulations. Not only does this increase the transparency of the regulatory system, but it also strengthens the development of self-regulating mechanisms, which contribute to the establishment of a democratic political culture.

The question of censorship and self-censorship has played only a minor role in discussions on press openness. Rather, the concern has been to avoid social dysfunctioning which might result from the development of regulations and self-regulations. Consequently, discussions stressed the selection of communicators, the professional standards of journalism, the connection between objectivity and commitment, that is, in a wider sense, the professional socialization of journalists.

Postscript

As evidenced by its reference, the manuscript of this study was completed at the end of 1986. Since that time the pace of change has accelerated in Hungary, becoming even more rapid from May 1988, and among the different spheres of socio-political life it is perhaps that of social communication which is experiencing the most radical change. The author believes, however, that this “echo of the past” merits publication, because it demonstrates the first cracks in the traditional stalinist model of mass communication which have subsequently opened out into today’s broader public debate. This debate remains centered, nevertheless, on the same issues: objectivity and responsibility, freedom of the press or freedom of the citizen ... and on the elaboration of a new reference frame for communication. The author hopes therefore that this kind of “reminder” will portray in clear and specific terms the transition from an authoritarian to a democratic model of communication.

37 Ibid., p. 4.

CENTRES OF POLITICAL POWER AND CENSORSHIP IN YUGOSLAVIA

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The basic ideological and political guidelines for the development of the public information system in Yugoslavia are laid down by the League of Communists. In this area the League is more concerned with developing an awareness of human values in a socialist, self-management society than with exercising political power.

When social and worker self-management was introduced in 1950, the role of the Party was transformed. As far as the press was concerned the Party was to provide ideological and political guidance, leaving the press to develop its own self-management mechanisms.

The League of Communists sees its ideological role as that of promoting an information system geared primarily to serve the needs and interests of the population. Among other things, it encourages socialist self-management orientation in publishing and in organisations engaged in information activities, a democratic managerial policy, the transmission of truthful information and respect for professional ethics, as well as the provision of objective information about events in Yugoslavia to the outside world.

The League of Communists aspires neither to a monopoly on information nor to censorship. Indeed, since the information system now permeates every segment of society, the League of Communists would be hard put to assume absolute control over the information system or to introduce censorship, for it would meet with a good deal of resistance.

The Socialist Alliance of the Working People also influences the development of the public information system. It has a constitutional basis on which to do this, and is involved in legal regulations, the material development of the system, organisational aspects, editorial policy, the status of journalists and so forth. The Socialist Alliance is a socio-political organisation bringing together workers and other citizens committed to socialist self-management. Organised vertically, from the local level up to the federation of republics, it has no instruments of coercion or mechanisms for censorship at its disposal. It seeks to ensure that possession of information remains an element of social integration rather than a source of power.

This is not to say that there are no power centres capable of gaining control, in one way or another, of the sources of information, or of its processing and transmission. There are local and higher-placed authorities who would like to influ-

ence public opinion and behaviour through control over the content of information. Journalists often complain that these authorities want to impose their own interpretation of political, economic, cultural and other events. Other forms of manipulation also exist, as do specific monopolies, which derive from both official and unofficial centres of power.

The decentralisation of government power and decision-making has made it necessary to decentralize information activities. At each level of the country's social organisation there are government officials, socio-political organisations (the League of Communists, the Socialist Alliance, the Confederation of Trade Unions, and the Federation of Socialist Youth, among others), self-management, workers' control and judicial organs, all of which act as social powers. They are entitled to be informed of developments at every level, from the community to the autonomous provinces and from the republics to the federation.

The principle of democratic centralism is applied only in the League of Communists. However, the federalist tendencies within the Party and the aspirations of the individual republics to develop in their own way mean that it is rarely effective. Unlike those other countries with a one-party system where the principle of democratic centralism is strictly applied, the power centres in Yugoslavia cannot withhold data or information without suffering the consequences.

It is important to note that under the present system, representatives of socio-political organisations are elected for a limited period of time which leads to a certain amount of instability. Delegates in socio-political assemblies are obliged to advocate the views of their constituencies and the fact that they must stand for re-election, may even be recalled and that many posts are for a one-year term, makes delegates even more dependent on the local communities and working organisations which nominate candidates.

Local, national and other interests call for an unrestricted flow of information, and the authorities at these various levels ensure that flow as a rule. Nevertheless, power centres at the local, regional or republican level seek, within the limits of their political competence, to control the transmission of information from their particular area, especially in politically sensitive situations or when the information in question sheds an unfavourable light on their own reputation.

Jurisdiction in one republic however does not oblige journalists in another to remain quiet or to be answerable to a given power centre in the event of its trying to manipulate, censor or impose a ban on objective information. Often, unfortunate events such as nationalist excesses, poor investments or patent economic egoism are first made public, not by the media in the area where they took place, but somewhere else. Naturally, the information eventually filters back to the place in which it was originally withheld. There have been more and more such instances of late, and in many cases, journalists have been blamed for "upsetting the public."

Information practices in the highest-ranking forums of the League of Communists and other socio-political organisations, as well as the Yugoslav Assembly, are worthy of note. Accredited journalists are allowed to cover the proceedings even when matters of a secret nature, be they state, military or official, are being discussed. In such instances, journalists share with the power centres the responsibility for informing or not informing the public. In this way decisions on what should remain outside the realm of public knowledge are taken in a democratic fashion. Past practice, whereby individuals, acting on behalf of these organisations, made bureaucratic judgements about what constituted the general interest of society and what should or should not be made public, is now deemed unsatisfactory.

Still, the question may be asked whether certain power centres in Yugoslavia are in a position to censor information. We have seen that they are unable to institute legal censorship of information, but this still does not mean that they cannot, in one way or another, circumvent legal and self-management norms to manipulate information.

To sum up, in a self-management democracy, there is less scope for centres of social power to influence the distribution of information than in multi- or one-party systems for the following reasons:

- Members of formal centres of social power are elected for a limited term of office and are subject to re-election;
- Delegates and holders of public office are dependent upon their constituencies and in order to be an elected representative in the Federation of Republics a person must first have been elected by the community, working organisation or commune;
- Self-management democracy depends upon a comprehensive flow of information in order to function properly;
- The plurality of interests which exist are made public and harmonized by self-management procedures at the local, republican and federal levels;
- Modern technology, which is being used to democratize society, provides more and more possibilities for satisfying the information needs of these various interests;
- Information and information resources are becoming internationalised as Yugoslavia establishes closer links with the contemporary world.

Control of Information at the Local Level

The theoretical argument underlying the information system that has been taking shape in Yugoslavia at the local level

may be summarized briefly here. Throughout its history the working class has tended to devise its own ideological symbols and define its own goals. It has thus emerged as a distinct social group with its own specific interests, which have led to the development of its own information system geared to both its social role and its aspirations.

The 1974 Constitution of the Socialist Federal Republic of Yugoslavia and the Associated Labour Act of 1976 are the two fundamental documents which constitute the basis for the rights of the workers and citizens to information. Their provisions concern three areas of freedom relevant to the media:

- constitutional and legal freedoms;
- economic freedom, and freedom from capital and monopolies;
- socio-historical freedom, which entails the truthful expression of social reality and an obligation to maintain and affirm that freedom.

The distinguishing features of the Yugoslav concept of press freedom are, on the one hand, journalism with a sense of commitment and, on the other, the reflection of social influences on the information system.

Historically, the idea of a social influence on the system of information is not new. What is new in the Yugoslav conception is that workers' organisations, local communities, workers and citizens are, as self-managers, placed at the centre of the system and have no illusions about absolute freedom of the press or about its absolute independence.

The way in which workers and citizens perceive freedom of information is complex and has many dimensions. First and foremost, in the hands of the workers, information becomes one of the instruments for the control of conditions for production, distribution and political decision-making. Consequently, it is an instrument they can use to determine their own position in these processes. Under these circumstances there can be no monopoly of information.

Empirical research into information processes, however, shows that workers can and do come into conflict with bureaucratic and technocratic structures in this sphere. Many observers point to deviations in the system, to vestiges of statism and to instances of workers' rights being usurped. It is obvious that between legal and ethical norms and the real degree of influence exerted on the information system by the workers there is a certain discrepancy.

There are a number of reasons for this. First, there is the question of business secrets, whose content and range are determined, not by the workers in keeping with their rights, but by the executives who have always sought to mystify others and have made abusive use of secrecy in the name of higher business interests and the threat of competition. In addition to such bureaucratic tendencies, business executives have a tendency to feel that they are the élite, that they can use the information at their command to keep workers at a distance. They try to justify their actions by showing that workers are incapable of perceiving the real interests of the firm.

It is common practice for the top hierarchy to attack the press whenever the latter reveals some unpleasant truth. Journalists are accused of damaging the firm's reputation

both at home and abroad. However even in cases where a firm is actually discredited, there is no point in blaming objective information, for workers and citizens are entitled to know the truth about each and every work organisation. Indeed, providing workers and citizens with comprehensive, objective information is the best way to educate them for their self-management tasks. That is why the workers must fight to do away with the old forms of mystification, of secrets, of class privileges and demagoguery.

The policies of the worker organisations, such as the League of Communists and the trade unions, foster such an attitude towards information. Yet even these organisations are not always able to adopt the proper attitude. Indeed, both party and trade union leaders can sometimes find themselves in the same boat, as it were, as the executives of a firm or a powerful individual. In such a "personal union", they can assume the function of censors and information-controllers. This can happen primarily in the smaller work organisations, where informal groups may take on power and where an atmosphere of familiarity develops. In such cases, self-management may be under-developed, or a mere formality, and information becomes limited to what the bosses are willing to make public. An analysis of strikes that have taken place in Yugoslavia indicates that a third of them occur because workers are not adequately informed.

Editorial Offices As Power Centres

A controversial issue in Yugoslavia today is whether editorial offices have become centres of political power. Opinions differ widely. Some claim that they wield real power, while others feel this is a gross exaggeration. What is the basis for the controversy?

In the broadest sense, the public information system in Yugoslavia can be seen as an integral part of the socio-political system. Newspaper publishing collectives are organised along the lines of worker organisations. By virtue of their right to self-management, they administer information resources as the property of society. In the division of work prevalent in these organisations, editorial boards can acquire what is akin to social power. They can emerge as political power centres either by articulating the ideology of official policy or by opposing it.

Naturally, editorial boards do not have the power of coercion: their power derives from the economic or political power of some other social force or movement. In Yugoslavia, a given editorial office or an individual staff member can occasionally come into conflict with official policy. They appear as conservative and ideologically and politically hostile, according to criticism from the Socialist Alliance, the League of Communists and other socio-political organisations. Certain editorial boards have aspired to become the partners of official centres of political power. As informal groups enjoying press freedom, they may be tempted to use the publication they run in pursuit of their own political ambitions. They may even find support among certain disaffected groups. In the past, such behaviour provided the official power centres with a motive for restricting information or introducing repressive measures. However such

pressures also provided strong motivation for self-censorship, even in editorial offices that were not in conflict with the system.

Limitations on Freedom of Information

The Constitution defines secrecy as follows: "Affairs and data which are considered secret and may not be made public shall be specified by statute and self-management enactments ... The principle of public information may not be contrary to the security and defence interests of the country or to other social interests specified by statute."

The following categories are recognized in Yugoslavia.

State secrets. These are not explicitly defined by legislation. Documents and data concerning state security and defence are considered as state secrets. It has been left to the discretion of the various state organs to decide which documents fall into this category.

Military secrets. At the heart of the country's defence is the concept of the people's army. Military secrets are therefore very different from those in a traditional army and have been reduced to the minimum.

Official secrets. The increasing application of self-management reveals that any attempts to surround the work of the state administration with mystery lead only to bureaucratic deviations and the usurpation of political authority. Official secrets are therefore comprised of certain projects and draft documents of state organs that have been classified as official secrets.

Business and economic secrets. The range and content of such secrets are determined by the workers themselves and by their self-management organs, the workers' councils. In their deliberations these organs try to reconcile the principle of public information and the need for secrecy. However, when self-management is not fully developed, the director or even an informal power centre may attempt to impose secrecy about production data, investments and the like in order to manipulate the organs of self-management, to outwit business partners or the public at large.

Professional secrets. According to Yugoslav legislation, doctors, lawyers, and similar professions are enjoined to professional secrecy. This is not true of journalists. However, the Journalists' Code states that "A journalist is not bound to reveal the source of his information, if that source does not wish him to do so."

Bans. According to Yugoslav law, censorship is forbidden. Administrative bans, however, are recognised, and they have proved highly controversial. The law states that no one may use the means of information to undermine the foundations of the socialist democratic order as defined by the Constitution. Article 2 specifies that "offending the values of our society is a criminal act". On that count, a court may rule to ban the distribution of printed matter, television or radio broadcasts, the distribution of films, etc.

The laws of the republics and autonomous provinces have laid down the content of and reasons for a ban, as well as enforcement procedures. True, some provisions are loosely formulated, leaving the possibility of imposing a ban even when it is not strictly necessary.

Self-censorship. The abuse of the principle of freedom of information is considered a criminal offence, and journalists can be prosecuted on this count. Given the general orientation of Yugoslav society, and according to the Yugoslav Journalists' Code, a journalist is duty-bound to strive to advance socialist self-management, to interpret and propose measures, and not just criticize or merely set out data and facts. This sheds light on the attitude of journalists towards self-censorship.

Self-censorship is a frequent topic of discussion among Yugoslav journalists. "In the editorial offices themselves," said one newspaper editor at a debate held by the Association of Journalists of Serbia, "there exists a sort of artificially provoked cautiousness". Needless to say, it has nothing to do with the socialist system and can only exist to please certain power centres or individuals in those political power centres.

This kind of circumspection or self-censorship can only harm the credibility of the press and have an adverse effect on circulation. It contributes to the growth of what is known as the yellow press, to which the public turns when it fails to find the information it wants in the official press. This is one reason why the yellow press in Yugoslavia became politicised. Its defiance of various embargoes led to growing interest, and increased circulation. Today, any newspaper whose editorial policy is based on a monologue or a partnership with a political or other power centre is liable to lose the confidence of its readers.

Embargoes. From the legal point of view and from the point of view of ethical journalism, the use of an embargo to prevent the publication of certain kinds of information is considered a progressive development, as long as it is seen to protect a social value and the dignity of man.

This is a frequent topic of discussion among journalists, who contend that there has been frequent abuse of embargoes as far as the press is concerned. They claim that the state and party bureaucracy is resorting to more subtle uses, and abuses, of embargoes.

Why is it that embargoes have become a major problem at a time when the sources of information are more open and the press freer than at any other time in the country's history? Never before have journalists been able to write as openly and as freely as today, yet they claim that embargoes constitute a major restriction on their freedom.

There have been a large number of instances in which embargoes imposed by prominent individuals in the state or the party structure, have damaged the reputation of the media. A striking example that journalists often refer to is the embargo that was imposed on reports of the separatist demonstrations in Kosovo in 1981. As one journalist who was an eye-witness put it: "It is common knowledge that we journalists, who were working for *Rilindija*, *Jedinstvos* and *Tan*, watched the demonstrations in the streets from the fifth, tenth and fifteenth floors of the building that houses the Press Centre. Yet in our papers, we wrote that all was well."

The embargo, imposed by the political power centre in Kosovo, effectively blocked all information about the events in question. However their attempt to hide the truth was in vain since reports about events in Kosovo were reported by media that were not within the jurisdiction of the provincial

authorities. These reports caught the attention of the foreign media.

The blockage of information did not therefore last very long. Curiously, even some individuals at the top of the federal leadership had believed that these happenings could be concealed. It soon became apparent however that such measures were counter-productive.

The partnership between the press and power centres in arranging an embargo and in deciding what should be made public and when, has worked to the disadvantage of the press. As the director of the Yugoslav news agency, TANJUG, put it: "We are an integral part of the same system, but I am against any abuse of our own position... If communication is carried out by way of guided information, then that is a negation of the self-management concept of our form of journalism, since it is somebody else who decides what will be published and when."

In such instances, an embargo can only constitute a threat to the constitutional principle of the public nature of work, as it means that information is withheld from the public.

The Right to Information

In accordance with the constitutional principle of the public nature of work, Yugoslav law makes it an obligation for sources of information to transmit what they know to public information channels. This applies to the federal government and its organs, to all lower state bodies and to socio-political organisations, as well as to individuals in public office. The law thus comes close in principle to the idea expressed by Madison, who said, speaking of the American system: "A popular government without popular information or a way of acquiring it is but a prologue to a farce or a tragedy or both."¹

In spite of this broadly defined right, professionals in the Yugoslav media complain that access to information and to sources of information is not always easy. They know that sources are legally obliged to keep the public informed, and that this obligation is explicit. This right, which is granted to the workers and citizens is not subject to interpretation by either the executive or the judicial authorities.

The law governing the fundamental issues of the public information system² stipulates that the subjects of public information are also its sources. In other words, these are the workers and citizens, local communities and work organisations; delegates and assemblies of delegates from the communes, the autonomous provinces, the republics and the SFRY Assembly; socio-political and other social organisations; those with self-management, public and other social responsibilities; journalists and organisations engaged in information activities; and all institutions involved with the recording, collecting, processing and dissemination of data

1 Clark and Hutchinson, *Mass Media and the Law, Freedom and Restraint*, New York, 1970, pp. 79-80.

2 Zakou o osnovama sistema javnog informisanja, Sluzbeni list SFRJ, 1985, No. 39.

and facts relevant to the planning, decision-making and orientation of social development. Article 16 of the law states: "Public information sources are responsible for the timeliness, truthfulness, completeness, objectivity and intelligibility of the information they provide to the public."

Legal experts have recently been paying special attention to information sources and access to information. They have pointed out that in Yugoslavia, as in other countries, the problems relating to information sources have not as yet been treated scientifically, but it has become increasingly clear that the basic information process depends in great measure upon its starting point, that is, on the conditions surrounding what will take on the quality of information.

In Yugoslav legal doctrine, information sources and access to information have three specific aspects: freedom of information; the right of the individual to inform and be informed; and the right to self-management. These constitute the legal basis for access to information. In legal theory and legislative practice, the emphasis is on two aspects of access to information: the obligations of information sources and the journalist's right of access to those sources. The laws of the republics regulating public information contain the following provision: "Information sources are accessible on the same terms to all journalists and organisations of associated labour engaged in information activity."

Access to information is a complex question, since it covers both the rights and the duties of information sources. Experience has shown that sources do not always fulfill their role according to defined rights and that the question of access to sources should be looked into more closely.

The Rights and Duties of Information Sources

Contemporary information systems have shown little, if any, interest in the rights and duties of those who, by virtue of their position, are sources of information. Yugoslavia's political system promotes social relations based on the spirit of self-management and the participation of each - not as a subordinate of the power structure or as an object to be manipulated - but as both citizen and producer. In this context, information sources take on new duties and rights. When information is considered to be social property, sources must understand that the information at their command is not their own.

This position is not exempt from contradictions, for the degree to which sources must remain open is not easily solved. World literature on the subject presents widely divergent views. No national legislation defines the obligation to provide information in explicit terms. In Yugoslavia, the situation is far from being clear-cut. For example, in the Republics of Slovenia, Macedonia and Bosnia-Herzegovina, the laws regulating public information explicitly define the obligation to grant information. In Serbia, Croatia and Montenegro, on the other hand, the law goes no further than

to stipulate "general" and "equal" access to information.

It is of course relevant to ask who the people are to whom a source is obliged to grant information. The laws of the republics refer essentially to journalists and organisations involved in information activities whereas in many countries such laws contain no general rule regarding the obligation to grant information.

Conflicts Between Theory and Practice

A look at the conflicts that arise between the legal norms and principles set out by the League of Communists and the Socialist Alliance concerning the obligations of information sources, on the one hand, and their conduct on the other, points up some of the common causes of journalists' complaints.

Journalists reproach information sources for narrowing the prescribed limits of what can be made public. They also criticize sources, and particularly state organs, for not respecting the right of journalists to attend work sessions, forcing them to be content with press releases. Sources are criticized for interfering not only with the content, but also with the way in which events are handled, especially when delicate economic and political matters are involved. Journalists object to being put under pressure to exercise "self-restraint". All these practices are resented by the Yugoslav media, because they are seen as leading to the unlawful guidance of information.

On the other hand, information sources criticize the media on the grounds that the public is incorrectly and incompletely informed. Journalists, they complain, are superficial and one-sided. Sources reproach journalists for their lack of knowledge of the essentials of a given question, as well as for their sensational handling of material. The press, they claim, is motivated by commercial considerations when selecting and processing data and information. It fails to convey a clear-cut ideological and political message with a view to far-reaching social goals and positive social values.

Obviously, the range of conflicts between ideological and political principles and legal stipulations, on the one hand, and the conduct of information sources and of journalists on the other is fairly large. The underlying causes are different, and so are the consequences. The problem centres around the principles of the public nature of work. In essence, the concept of socialist self-management implies that all work-related information can be made public. The aim therefore is not to prescribe limits to the public nature of work, but rather to promote the conditions for a comprehensive, untrammelled and optimum public information system and for unimpeded access to information sources.

A STUDY ON THE WATCHDOG ROLE OF THE MEDIA: MALAYSIA AND THAILAND

Kahirul Bashar

After the Second World War, as the colonised countries one by one gained their independence, the newspapers were still owned and controlled by Europeans, and served their needs and interests. Slowly but surely, newspapers that highlighted the struggles of the population were established in the Third World countries but they were still not able to counteract the powerful and united strength of the foreign press.

With independence came many new and complex problems. The end of colonial domination was followed by unexpected challenges in Third World countries. Because of the diversity of their populations, racial and religious tensions began to surface in many countries and the newly formed governments found such problems difficult to resolve.

Forceful legal steps proved necessary, and political agitators were put down with a heavy hand. In some countries, political instability led to frequent military take-overs.

It is against this background that one must look at the functioning of the press in Third World countries and compare its performance with that of Western countries. No wonder that Westerners find it difficult to understand the problems of the press in developing countries.

It is, of course, true that certain governments in Asia are overly sensitive to criticism and waste no time in silencing their critics. In the process, they deal firmly, if not harshly, with journalists and publishers.

According to one study, the press in Southeast Asia is working under severe government constraints and is gradually moving away from the Western ideal of a free news flow.¹

There have nevertheless been conscious efforts to improve the situation. In 1975, the confederation of ASEAN journalists (CAJ) was established by representatives of journalists' organisations from the five ASEAN countries. The founding members were: the Indonesian Journalists' Association, the National Union of Journalists of Malaysia, the National Press Club of the Philippines, the Singapore National Union of Journalists and the Confederation of Thai Journalists. The objectives of the Association are to: pro-

mote a free and responsible press, advance the cause of journalism, promote closer relations among journalists of the ASEAN and Asian regions, promote understanding among people for full co-operation in the pursuit of prosperity, social justice and peace, and articulate the aspirations, sentiments, affairs and interests of this region so that they may be understood and appreciated by the peoples of the world.²

Their task is immense, if they are to help liberate their people from domination by the ubiquitous Western media.

The Media in Malaysia: Facts and Figures

Malaysia is a multiracial country with a population of 15.2 million, comprising Malays (53 per cent), Chinese (36 per cent) and Indians (some 10 per cent), the rest being a mix of East Malaysian ethnic groups such as Dayaks.

More than half the adult population in 1984 read one or more newspapers a day; male city-dwellers represented the largest group of readers and women in rural communities the smallest.

Malay newspapers in Roman script (a modified Arabic script called Jawi is also used in Malaysia) have the biggest readership (2.2 million). Over 1.5 million people read Chinese-language newspapers daily, while English-language dailies account for 800,000 readers, which makes a total of 4.5 million readers.

The 23 most important weekly and biweekly publications reach 2.6 million households in Peninsular Malaysia alone, and programmes by Radio Television Malaysia (RTM) and the Government's two television channels and four radio stations have a very large following.

In East Malaysia, data are scanty, but according to the most optimistic estimate, daily newspapers reach some 100,000 households.

In Malaysia, newspapers are published in Bahasa Malaysia, English, Chinese and Tamil. The two papers with the largest circulation are the English-language *New Straits Times* and the Malaysian-language *Utusan Malaysia*, each

1 Study by a Canadian journalist published in the *Korea Herald*, Sept. 2, 1986.

2 *The ASEAN Journalist*, Quarterly Newsletter of the Confederation of ASEAN Journalists, Vol. 5, No. 13, Sept. 1986.

with a circulation of about 190,000.³ In the past 15 years, the Government has taken steps to ensure that all Malaysian papers are owned by Malaysians close to the Government. The *New Straits Times* group is 80 per cent owned by Pemas, the national trading company, which has close ties with the country's political party, the United Malaysia National Organization or UMNO. The latter also owns *Utusan Malaysia*.⁴

Bernama, the national news agency, was founded by the Government in 1986. Although it has an independent status, the Government appoints half the members of the board of directors and provides over half of its funds.⁵

The editors' awareness of what the Government will allow is such that they tend to practice self-censorship, and to steer clear of investigative reporting. Pages are filled with government speeches and campaigns, with the opposition being ignored. There is relatively little foreign news and a high proportion of each paper consists of government press releases.⁶

There is little direct censorship of incoming magazines and newspapers, although on rare occasions an article on Malaysia is either blacked out or cut out.⁷ Under the Control of Imported Publications Act, the Government may keep out any publication it considers prejudicial to public order, public morality or the security of the country. No newspapers or periodicals produced in Singapore are allowed in. The Act has also been used against *Time*, *Newsweek* and the *Far Eastern Economic Review*. The Government has been known to show its displeasure by delaying a publication at customs. (The *Asian Wall Street Journal* was held up for several weeks in 1982).⁸

Official pressure on the media can be great. Politicians and government officials have been known to label newspapers and senior journalists as "thoughtful" if they are pro-government and "irresponsible" if they are anti-government. On occasion, the Home Ministry or a government department has called in erring reporters for a stern lecture.

The Star, still by and large editorially independent, received a letter from the Deputy Home Affairs Minister on 3 January 1985 warning it against what the Government viewed as issues that could heighten racial tensions.

One issue was the controversy over Bukit Cina, a hill in Malacca where authorities plan to develop a site that is at present a Chinese cemetery. Another was about a predominantly Chinese village in Perak State where a nuclear-waste dump was being built and which has since been relocated.

Even the government-owned national news agency,

Bernama, sometimes falls foul of the Government. A number of *Bernama* reporters were transferred after their stories, which were factually accurate, had offended state governments. And honest mistakes are not easily forgiven.⁹

Official Secrets Act

In spite of protests and criticisms from lawyers, journalists and other concerned groups, the Malaysian Government sponsored a controversial bill passed in Parliament that strengthens the law against leaks of "official secrets." The bill tightens the screws on Malaysia's Official Secrets Act (OSA) by making a jail sentence mandatory for those convicted under the Act.

The new preamble to the Bill defines official secrets as follows:

- (i) Cabinet documents, records of decisions and deliberations, including those of Cabinet Committees;
- (ii) State executive council documents, records of decisions and deliberations, including those of State Executive Council Committees;
- (iii) Documents concerning relations between the federal and state governments;
- (iv) Documents concerning national security, defence and international relations;
- (v) Documents in the nature of or relating to opinion, advice or recommendations concerning the operations and functions of Government;
- (vi) Documents concerning the national economy, such as those relating to the currency, budget proposals and foreign investments; and
- (vii) Documents concerning tenders in respect of an official purchase, requisition for works, supplying services and projects.

It also gives the relevant Minister the power to add, delete or amend the provisions of the preamble.

A new section has also been added which empowers the relevant authority to certify a document or material as an official secret and such a certification "shall be conclusive evidence as to what has been certified."

It likewise gives a Cabinet Minister or relevant public officer the power at any time to declassify a document specified in the schedule, including any official document, information or material as may have been classified "top secret", "secret", "confidential" or "restricted".

Reactions to the Official Secrets Act have been lively and varied. According to Deputy Prime Minister, "Critics of the OSA should not put fear and doubts into the minds of the people (and) should not paint a grim picture of the situation in the country if the Bill is passed. The Government will continue to be liberal and the people free to criticise it, but they cannot leak Government secrets."

The Attorney-General was even more adamant: "Publishers deserve what they get if they publish articles which they know to be documents that are official secrets. The law will not be abused."

9 *Far Eastern Economic Review*, Feb. 28, 1985.

3 Rejal Arbee, "Bernama in the ASEAN News Exchange," 1982 *Media Asia*, 10, p 24 (1983).

4 Lent, op. cit. p. 165 and *Asia Week*, June 17, 1983.

5 Andrew Syende in "From Torrent to Trickle. Managing the Flow of News in South East Asia." Institute of South East Asia Studies, Research Notes and Discussions. Paper No. 58. p. 6-7 (1986)

6 Lent, op. cit. p. 174.

7 Ibid. p. 175.

8 See footnote 3.

The opinion of Indian Congress (MIC) Vice-President and Deputy Health Minister is more nuanced: "I agree it is not a good law, but it is necessary to stop the rot in Government. People stealing Government information should not be shown any respect, and the OSA is good to deal with such crimes."

Others have expressed alarm. In the opinion of former Prime Minister, Tun Hussein Onn, "The proposed amendments are like trying to hit a mosquito with a hammer ... If they are passed, the situation in this country will resemble that of the Japanese wartime occupation."

"If passed," said former Deputy Prime Minister Datuk Musa Hitam, "the amendments will affect not only journalists, but also politicians, researchers, government officers, and all those who want to see the Government practise an open and liberal policy." And, according to the President of the Bar Council, "Citizens will choose to remain silent rather than try to show up instances of incompetence, misadministration or even treason in high places. The Bill will erode the power of the judiciary."

Aliran President Dr. Chandra Musaffar summed up the situation as follows: "It is clear that from an Islamic standpoint, there is no defence at all for the OSA amendments. It could also be argued that, from the perspective of Buddhist, Hindu, Christian and Sikh values and ethics, there is no basis for a law that increases the dominance of the executive and diminishes public accountability."

In addition to the proposed amendments, there are other ways of controlling the press. One of them is the printing and publishing permit, which requires all periodicals to have their licences renewed each year. It, too, has come in for severe criticism. Aliran President Dr. Chandra Musaffar felt the law should be abolished. "If we want a more democratic society," he said, "this law, which shackles press freedom, should be removed." Instead of an annual permit, he suggested that Malaysia adopt the system practised by countries, where all that is required is a declaration deposited with the High Court stating that the publisher desires to launch a publication. "If the publication violates the laws of the land, then the Government should have the power to take action against it through the courts," he said.

Another restriction on the press is to be found in the 1971 amendments to the Sedition Ordinance, which forbids any discussion of the Bahasa Malaysia language policy, the special rights granted to the Malay ethnic language community under the Second Malaysia Plan, the special roles of Sultans and other royalty, and the citizenship policy relating to non-Malays.

It is clear then that the situation of the press in Malaysia is not an easy one. Malaysian newspapers are owned by groups close to government circles. Because of this, they have a direct or indirect obligation not to take a stand against government policies.

Legislation such as the Official Secrets Acts and the need to renew the printing and publishing permit annually make it even more difficult for the press to fulfil its obligations to the public in a satisfactory manner.

There is no professional body such as a Press Council to look into complaints or grievances voiced by members of the

Government or by individuals concerning press coverage of a given incident.

In this context, it is worth noting the position taken by the Malaysian Prime Minister on the role of the press, both foreign and domestic. In a keynote address to the World Press Convention, held in Kuala Lumpur in September 1985, the Prime Minister gave his views on the relations between press and government, in which he defended "guided" journalism. "The media," he stated, "must be allowed to compete in the market place and curry the favour of customers, but must do so within the bounds of decency, and responsibility ... There is a need to be educated on the structure and obligations of society ... The media need to educate and themselves be educated with the rest of society, especially since their reach is so vast and their power so great."

On several occasions, the Prime Minister has criticised foreign publications, especially those which appeared to be trying to destabilise Malaysia.

Citing the *New York Times* as an example, Mahathir questioned the editorial objectivity of "all the news that's fit to print". "Does it mean that items that are not printed are not fit to print?" he asked. "What right do these people have to talk about media control by other groups ...? My point is that no newspaper is free, not even in the US, where many of the journalists who criticise the Malaysian Government's alleged press controls come from," he said. "The important thing is not whether or not a newspaper is free but whether such an influential tool is used for the purposes of good."¹⁰

The Media in Thailand: Facts and Figures

Thailand has a population of approximately 50 million. Roughly 20 percent of the population fall into the upper socio-economic strata, while 80 percent make up the lower strata. The former is comprised primarily of Thai-Chinese, while the latter are mostly Thai agricultural workers.¹¹

In Thailand, newspapers are printed in Thai, Chinese and English. The papers with the largest circulation are those in the Thai language, which include *Thai Rath* (750,000), *Daily News* (400,000) and *Baan Muang* (120,000). The three largest circulation Chinese papers are *Thong Hua* (55,000), *Siang Sian* (50,000) and *Jin Hua* (40,000). The English-language papers are the *Bangkok Post* (35,000), the *Nation Review* (25,000) and the *Bangkok World* (6,000).¹²

The Thai-language papers tend to concentrate on crime and entertainment stories and pay little attention to domestic and foreign news. The Chinese and English papers tend to give more regional and foreign news.¹³

Tough, all-encompassing laws and decrees issued by previous dictatorial regimes still remain in force, and press freedom (or the lack of it) still hinges heavily on how each succeeding government handles it on a case-by-case basis.

10 *Far Eastern Economic Review*, Sept. 4, 1986.

11 *Media Asia* 10 (2), 101 1983.

12 Background paper prepared by TNA for the First ASEAN Editors Conference in Manila, pp. 18-22. 1983.

13 See footnote 5.

But the deep-seated phobia against the foreign press has worn off somewhat although, as in other ASEAN countries, there are still isolated instances of it.

In recent years, the Thai press has begun to move away from front-page stories devoted exclusively to sex and crime and is reporting political and economic problems as well. This gradual emergence of more serious news content can be traced to the sudden political awareness triggered by the student-led uprising in October 1973, which succeeded in overthrowing the country's military rulers. This ushered in a new wave of energetic, conscientious and responsible journalists, and gave birth to a proliferation of high level periodicals, publications specialised in economics and other subjects and a number of progressive newspapers.¹⁴

After the coup of 1976, and for the first time in the history of Thailand, all newspapers were banned and had to re-apply for a licence. Although most got their licences back, papers judged to be liberal or leftist, including most Chinese-language publications and the English-language *Voice of the Nation*, did not.¹⁵ Since then, various papers, including *Siam Rath* and *Daily News*, have been closed down from time to time for criticising the Government. According to the censorship code, newspapers may not: print stories that attack the monarchy, the Government, a public institution, or the nation or that give a distorted, disdainful or insulting image of Thailand or of the Thai people, of the Government or an official institution; propagate communism; publish articles that could sow fear or unease among the population or which could be divisive and could have a harmful effect on peace, public order and morality; present material that is pornographic, obscene or coarse, or which could harm the morality and culture of the nation; divulge official secrets.¹⁶

In 1977, the Government established the country's first and only national news agency. Known as the *Thai News Agency* or TNA, it is part of the Mass Communication Organisation of Thailand, a state enterprise under the supervision of the Prime Minister's Office. Foreign publications are allowed into Thailand without delay or censorship, and Bangkok is the largest centre for foreign correspondents in Southeast Asia.¹⁷

One of the most serious incidents of press censorship occurred in 1982, when a correspondent for the *Asian Wall Street Journal* was expelled for a month for writing critical stories about a refugee camp. That same year, the Thai Government made an official protest to an Australian correspondent who had written a story about the succession to the Thai throne, which was considered to be an example of *lèse majesté*.¹⁸

If the Thai press is often considered to be a bit too free-wheeling, then radio and TV are quite the opposite. They are bound by regulations that determine both operating hours and the content of news and advertising. Four times a day,

seven days a week, technicians at the 269 radio stations across the country simultaneously relay the same 30-minute news bulletin from state-run Radio Thailand. Likewise, at exactly the same time, every evening, Bangkok's four colour TV channels begin their daily news programme. Official guidelines ensure that content is uniform and non-controversial.

There are no privately owned radio or TV stations in Thailand. The Government's Public Relation Department (PRD), which functions under the umbrella of the Prime Minister's office, runs Radio Thailand and, in general, acts as the central source of news and information about administration and government policies.

Most programmes are bought abroad, and a "voice-over" commentary is added. On rare occasions, a reporter conducts an on-line interview, but it is usually with a government official who tends to make a statement without being interrupted. Government regulations effectively rule out controversial current affairs programmes.¹⁹

The Thai government has blamed the press for informing the public of, say, the poor state of the economy. Even so, most controversial issues have been covered by the domestic and foreign press. Though the Thai Government certainly has not enjoyed such "unwarranted" publicity, conventional wisdom has somehow prevailed: there is no way a government can tell people in Thailand and abroad what to believe and what not to believe. The only way out of a difficult situation is to answer at least some of the embarrassing questions put by local and foreign journalists.²⁰

Concluding Remarks

In the final analysis, the press, not only in Malaysia and Thailand but in the other countries of the ASEAN region as well, cannot but be affected by the fact that it is going through a period of transition, and that a democratic challenge is emerging. An older generation of leaders may still believe that the press has to toe the government line because developing countries are still "too fragile" to be exposed to a free flow of information, but they, as well as incoming leaders, must also acknowledge the fact that throughout the region a growing, educated middle class is beginning to clamour for a bigger voice in shaping economic and political decisions.

Some governments tend to overlook the fact that restriction of press freedom generally tends to lower rather than raise the credibility of the mass media. Their refusal to allow criticism by domestic and international media must change. Otherwise the new leaders of the ASEAN countries will find it difficult, if not impossible, to turn their populations into dynamic forces ready to participate in the process of nation-building.²¹

14 Far Eastern Economic Review, July 19, 1984.

15 Lent, op. cit. p. 365.

16 Ibid.

17 See footnote 5.

18 See footnote 5.

19 See footnote 12.

20 Far Eastern Economic Review, Nov. 13, 1986.

21 Far Eastern Economic Review, Nov. 18 1986.

THE MEDIA IN THE PHILIPPINES: THE FINE LINE BETWEEN FREEDOM AND ANARCHY

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The people of the Philippines, who for decades had been fighting a seemingly losing battle against an oppressive regime, will remember 1986 as the year that ushered in a new era. In what is now known as the February "EDSA" Revolution, millions of Filipinos fought with nothing but prayers and a firm determination to restore freedom and democracy to their land. The phrase that inspired them was "people power".

Now that the euphoria has died down, social scientists are analysing what brought about this unique phenomenon, that gave power to the people. Many have concluded that the mass media played a crucial role in helping forge the "new" Filipino who was not afraid to criticise the Marcos régime, became involved in the affairs of the nation and felt deeply concerned by its future. During the four-day revolution in February, the mass media were very much in the forefront, informing, mobilising and directing.

What made this media "coup" even more spectacular was that journalists were operating in a climate of fear and apathy created by years of repression. When Ferdinand Marcos came to power, he transformed almost overnight what had been regarded as the freest press in Asia into an instrument for the perpetuation of his own régime.

For many years, the people of the Philippines had no control over the information they received, and no access to media that told them what was really happening in the country. Under the Marcos presidency, information was manipulated, either by direct censorship or by self-censorship based on fear. What struck the observer was the climate of secrecy that reigned. All kinds of information were considered secret, from Marcos's state of health to government investments and the transactions of financial institutions. Research data were difficult to come by: for example, reporters could not even obtain statistics on malnutrition in the Philippines. The only kind of information the Government wanted to see released was what it considered to be "the true, the good and the beautiful".

Secrecy reached such heights that even certain laws that were passed remained secret. This situation was finally redressed under the presidency of Corazon Aquino. In January 1987, the Supreme Court ruled that all laws must be made public. They must, moreover, be published in full in the Official Gazette, and can take effect only 15 days after

publication. The ruling in fact applies to administrative rules and regulations, which are designed to implement existing laws, as well as the laws governing the charter of a municipality, all Presidential Decrees and Executive Orders, and circulars issued by the Monetary Board.

The Marcos régime used a full panoply of measures to control information. One technique was to ban media professionals from access to vital information, to a public bureau or to a leading personality. Even democratic governments may sometimes introduce bans when national security or other national interests are at stake. Unfortunately, the Marcos régime used this method to cover up wrongdoing and government inefficiency.

Various presidential decrees were designed to stop the free flow of information. Presidential Decree 33, for example, penalised the printing, possession, distribution and circulation of certain leaflets, handbills and propaganda, while Presidential Decree 90 penalised any person who published, distributed, circulated or spread "rumours, false news or information" that could prove "divisive" to the people. Because of the sweeping interpretation of these decrees, many Filipinos chose to whisper, as it were. Underground publications quietly changed hands, but those who were caught with them were either sued or threatened.

The intimidation and harassment of journalists was a common occurrence. Those who dared to speak out could lose their jobs, or were the object of administrative and legal charges. Some were imprisoned, tortured or even killed.

Former *Panorama* Editor Letty Jimenez-Magsanoc was forced to resign in July 1981 because of an article she wrote questioning the way in which the election that returned President Marcos to office was run. She received letters from the Ministry of Justice and the Ministry of Local Governments, not to mention the Chairman of the Commission on Elections, threatening her with libel suits and accusing her of subversion. In an editorial that was banned by the publisher, she described what she felt the press can and should do:

"...to inquire after the behaviour of men in public office, to congratulate or censure men whose political beliefs are contrary to those who believe they alone are right and all others wrong ... to expose frauds ... to be the nation's conscience and moral guardian, to be the watchdog, the moulder of public opinion, sometimes kingmaker, too, the

conveyor of information, the champion of truth, the vigilant adversary of lies and hypocrisy, the keeper of the keys to the kingdoms of fame or notoriety and even unto the stirring history of our times.”

Such words are not to the taste of dictators, and Marcos was no exception.

Harassment under the Marcos régime could also take the form of an “invitation to answer some questions”. Eight women journalists were thus summoned by the National Intelligence Board to the military base of Fort Bonifacio in December 1982. Their interrogation lasted for some hours, and the women were questioned about their private lives as well as their political convictions.

There was also the case of a hard-hitting, fearless correspondent for the *Bulletin Today*, who was assassinated in Iligan City on December 24, 1980, after exposing anomalies in the handling of funds at Mindanao State University at Marawi City. It is estimated that 27 journalists were killed during the Marcos years.

Station managers and newspaper editors were not exempt. They were intimidated, risked imprisonment or found that they no longer had a paper or station to run. For example *We Forum*, a paper that criticised the administration during the years of martial law, was closed down.

Immediately after the imposition of martial law in September 1972, the Government took over the ownership of a number of media. The ABS-CBN broadcasting network was renamed the Maharlika Broadcasting Corporation. Other stations and papers were shut down. A number of them resurfaced, but the new owners were friends or associates of President Marcos. During the period of martial law, most big business was in the hands of the President’s sympathisers. This was also true of the media where the owners and managers did not hesitate to dictate the political line the media were to follow.

Indictments against the media increased in force and frequency, creating an all-pervasive climate of fear and insecurity among media professionals. But the turning point finally came in August 1983 with the assassination of opposition leader Benigno “Ninoy” S. Aquino Jr. Suddenly, “alternative” media began to surface. A handful of tabloid newspapers and radio stations created by journalists dared to defy government instructions on how to handle news stories, despite the constant harassment and intimidation. Though they had little or no advertising, they somehow managed to survive and by late 1985, these alternative media were growing in number and had more credibility than the pro-Marcos “establishment” media. In the end, they brought about their own liberation. And in the process, they liberated the country as well. The new Head of Government, Corazon Aquino, the widow of the assassinated opposition leader, kept her campaign promises. One of the first acts of the new Government was to free the media. According to the pronouncements of President Aquino and key officials, the new Government’s policies may be resumed as follows:

- recognition of the people’s right to information;
- pluralism of ideas and recognition of the people’s right to be heard and to participate in development planning and implementation;

- privatisation of the media;
- support and encouragement of media based in rural areas;

- co-ordination of government information services.

For the media, liberation proved to be heady. Newspapers sprang up overnight and ran column after column on opinions and letters to the editor. Never before had the press, radio and television enjoyed such freedom. The press promised the new president a 100-day “honeymoon”, up to June 5, 1986, during which time there was to be no adverse criticism of Mrs. Aquino’s Government. This was intended to allow the President and Ministers time to adjust and make the transition.

But the “honeymoon” had lasted barely a month when criticism of the new administration got under way. As the then Minister of Information Teodoro Loosin Jr. told a *Washington Post* reporter, “... immediately after the Revolution, before anyone had a chance to do anything wrong, the press turned on the Government. There were personal attacks ridiculing the eccentricity of this or that minister”. (Loosin himself came under attack for delays in issuing press passes for the presidential palace.)

As the end of the 100 days drew near, the media began to criticize the President for her “lack of major accomplishments so far”. This struck Corazon Aquino as eminently unfair. “Getting rid of Marcos,” she stated, “was no mean feat, and so was the restoration of freedom, and particularly press freedom.” It is true that the period of transition, which the Philippines is still going through, is far from easy. After decades of “guided reporting”, it will take the country time to develop the habit of free and responsible journalism.

Despite the fact that they enjoy greater credibility, the media are now being accused with some justification of sensationalism, misinformation and disinformation. The problem is partly due to increased competition - there are now 23 dailies - and partly to the fact that the media are still divided between the so-called “Marcos loyalists” and the alternative media.

Even the Government is at a loss as to how to deal with the media. As Press Secretary Teodoro Benigno said, “... If you move to control them, you are not practising democracy. If you don’t move against them, the very democracy you want to protect might just crumble.”

President Aquino herself once said jokingly: “Perhaps it was my mistake that I restored the freedom of the press ... Adverse media reporting gives foreigners and Filipinos the impression that government policies do not do anyone any good...” Even so, there is no doubt that President Aquino is committed to freedom of the press. When she reiterated her commitment, she could not have been more clear: “I would rather have a press that goes overboard than a censored press,” she told the Press Foundation of Asia in April 1986... even if reporters don’t always get their facts straight, and media reporting sometimes takes “destructive forms”.

The President has proved that her commitments goes beyond mere words. Presidential Decrees 33 and 90, which led to the worst abuses against journalists and media institutions have been revoked. More than 500 political prisoners, many of them journalists, have been released. Corazon

Aquino has set up a Presidential Commission on Human Rights whose main function is to investigate all forms of human rights violations, past and present.

Nonetheless, some voices have been raised against Corazon Aquino and have said that she is not exempt from the temptation to control the media and can be accused of instituting certain forms of censorship. These accusations are serious, and should be looked at to see if they are well founded or are merely an attempt to confuse the Filipino people and undermine their loyalty to the new régime.

One of the most controversial questions in this connection is the sequestration of some of the major media organisations under the Marcos administration. When Mrs. Aquino came to power, the new Government created the Presidential Commission on Good Government to investigate corrupt officials of the preceding Government and recover their ill-gotten wealth. The Commission decided to sequester three leading dailies: the *Bulletin Today*, which was allegedly owned by Marcos himself through one of his "dummies" and which has been renamed the *Manila Bulletin*; the *Times Journal*, published by Philippine Journalists, Inc., and purportedly owned by Mr. Marcos' brother-in-law (renamed the *Manila Journal*); and the *Philippines Daily Express* (now *The New Philippines Daily Express*), allegedly owned by a close friend of Marcos'. It was believed that the same friend also owned three broadcasting networks, and they too were sequestered: the Radio Philippines Network (RPN), Bahaw Broadcasting Corporation (BBC) and Intercontinental Broadcasting Corporation (IBC). According to some reports, the ownership of these three networks had been transferred to Marcos' eldest daughter towards the end of her father's régime.

These sequestrations came in for considerable criticism and it was alleged that the Commission was "over-ruling Aquino's commitment to press freedom as a central principle of her Government". The new Government was quick to defend its position. Vice President Salvador Laurel explained that sequestration was designed to prevent "any act that will affect the ... possession, status, condition, integrity, or value of assets or properties, to protect the Government's proprietary interests in these media companies by way of ill-gotten wealth or loans from Government-owned banks".

Teams appointed by the Commission were empowered to examine the books of the companies in question, draw up an inventory of their assets, prevent the removal or concealment of those assets, funds and records, and determine who the true owners of the companies really were. Despite the sequestration, however, there has been no interference in the editorial content of these media organisations.

Unlike the period of martial law imposed by Marcos, when only "friendly" papers were allowed to resume publication, all newspapers have been allowed to operate under the new Government. Indeed, some papers such as the *Manila Times* that had been closed down by Marcos, are now back in business. Although there have been quite a few changes in terms of control and management, some of the old figures of the media oligarchies are still present. Their continuing activities even prompted the editor of the *Manila Chronicle* to ask, "How far will government policy go in

preventing the revival of media oligarchies and in democratising the ownership of the media?" This question is indeed central to the Aquino Government's initial promise to turn the media over to the people and the democratic ownership of hundreds of individual stockholder-citizens.

The mass media, and particularly newspapers, also began to address themselves to the question of greater participation in the decision-making process by allowing citizens to become owners. Jose Burgos Jr., for example, divested himself of his stock in *Malaya*, selling 49 per cent to the employees and readers. (The other 51 per cent is owned by two major stockholders.) Another paper, the *Philippine Daily Inquirer* is now a model co-operative paper. Despite precedents that tend to show that co-operatives in the Philippines usually die a natural death, the *Inquirer* pursued its goal of giving employees exclusive ownership and control of the paper. Employees who work for the paper for at least six months are entitled to a minimum number of shares, equal in value to the monthly salary. In order to prevent an individual or a company from amassing a large number of shares and gaining control, employees are not allowed to sell or pledge their shares so long as they are in the company employ. Should an employee resign, the paper buys back the shares and turns them into treasury shares. Thanks to these arrangements, the *Inquirer* employees not only become co-owners but also participate in management decisions according to the principle of "one man, one vote". They also elect representatives to the papers's management board.

The Dangers of Irresponsible Reporting and Sensationalism

Readers in the Philippines today have never had a greater choice; there is a wide range of publications to choose from. The other side of the coin is that at no time has competition been so ferocious. Many professionals are beginning to wonder whether there are enough readers and especially advertisers to support 23 newspapers, not to mention weekly magazines and other publications.

To attract readers and stay in business, quite a few newspapers have been indulging in sensational reporting. Rumours are exaggerated out of all proportion and sometimes presented as hard facts. The number of complaints about irresponsible reporting is such that the newly regained credibility of the media is once again being brought into question. This even led President Aquino to charge that "there is too much disinformation going around". In the wake of rumours of a coup d'état and an alleged rift among Cabinet Ministers, the President pointed out that it was difficult for citizens to determine which paper was actually telling the truth. She appealed to the media to "give people the truth".

The Archbishop of Manila, Jaime Cardinal Sin, also criticised the media in a pastoral letter that was read in all the Catholic churches in Manila: he accused them of "tale-bearing and vicious rumour-mongering" and asserted that there was a definite tendency to undermine the social order in the critical times the Philippines were going through.

At a national conference on communication and journal-

ism held in June 1986, a group of educators warned that certain publications were tending towards the type of "wayward" media that were prevalent during the period preceding martial law. Certain senior journalists concurred, especially as far as their younger colleagues and the "new" journalistic practices were concerned. The dean of Filipino journalists, Armando Malay, aptly summed up the "signs" of the dailies in the Philippines today. "Mere rumours", he stated, "are blown up as factual stories. Confidence is sometimes violated. Some resort to unethical means in getting stories. All in all, there is mayhem ..."

Whereas in the past Filipinos used to accuse the Western press of depicting their country as if it were on the brink of civil war, many leaders in the country agree that today the Filipino press itself must take a good part of the blame for the climate of uncertainty. They also accuse the media, and especially daily newspapers, of encouraging intrigue among top government officials, a practise that inevitably leads to acrimonious and damaging political infighting.

Another common complaint concerns the type of news covered by the media. By and large, newspapers are urban-oriented and what happens in the provinces tends to be buried in the inside pages. The only occurrences that make headlines are stories of crime, violence or natural disaster. How the regions themselves view national issues is rarely covered.

The military have their own grievances. They have accused reporters and broadcasters of being "sympathetic" to the communist cause, and point to the unusually heavy coverage communist leaders have been getting. Media professionals retort that the communist rebel movement is important, and that its leaders have made themselves readily available for comments and interviews.

Some observers, on the other hand, tend to be more lenient, going so far as to say that after so many years of repression, it is natural for the media to act irresponsibly, at least for the time being. The editor-in-chief of *Malaya* noted that journalists, who were traumatised by the previous régime, tend to adopt a "never had it so good" attitude as far as editorial freedom is concerned. And the editor-in-chief of the *Manila Journal* stated that, even if some headlines are sensationalised to attract readers, at least the public has a chance to come to its own conclusions. The fact that there are complaints, he feels, is a healthy sign.

Among the many shortcomings of the media in the Philippines, there is a lack of journalistic professionalism. In spite of the freer environment, which means that sources of information are easier to approach, some journalists still rely primarily on press releases. According to the president of Radio Philippines Network, "While we may have gained precious freedom for journalistic endeavours, some of us still find it difficult to break the habit of being spoon-fed the news." During the Marcos régime, the lack of press freedom gave journalists an easy excuse for not doing in-depth, investigative stories. Today, one wonders just how many journalists have the appropriate skills for that kind of reporting. If more investigative reporting is not done, it is not for a lack of issues: hidden wealth, human rights abuses, the communist insurgency, graft and corruption... all are stories

worth doing in depth.

It may be that the present orientation of journalists is part of the unwanted legacy of the past. Fourteen years of repression stifled not only the investigative capacities but also the imagination of Filipino journalists. The former president of the National Press Club of the Philippines, Antonio Ma. Nieva, noted that during the Marcos years the Filipino press was incapable of fostering young talent to take over from their seniors in both management and editorial capacities. This was manifest when press freedom was restored: semi-retired and expatriate journalists had to be pressed back into active duty to provide staff for the new publications.

Freedom on the Airwaves

The new-found freedom of expression has also affected radio and TV broadcasters as well as their public: broadcasters have slowly become more vocal in their criticism, and this has led in turn to more demanding listeners and viewers. Traditionally, radio and TV were entertainment-oriented, but during the February Revolution, stations became deeply involved in covering the fast-changing political situation. This departure in favour of the news did not last much beyond the change of régime, though announcers will now cut into regular programmes to cover major national events.

The same mixed loyalties - to Marcos or to the new régime - can be found among radio and TV commentators. Unfortunately, they are also open to the same kinds of criticism as the press. Some radio stations loyal to Marcos have been accused of "abusing freedom of expression", to the point of polarising the population. Even the government-operated station has been taxed with subjective reporting and, in some instances, of systematically taking an anti-government stance.

Concerned citizens have raised the issue, complaining of licentious and even seditious use of the airwaves. "Distortion, libel and sedition are rife in the broadcasting industry", noted a leading columnist of the *Philippine Daily Inquirer*, who attributed this deplorable situation to "overcrowding". There are 308 radio stations and 44 television stations, owned and operated by 96 companies. Of these, the Government operates 25 radio stations nationwide and one television network. As a result, station managers tend to choose "the more sensationalist broadcasters, who attack the Government instead of trying to maintain a balanced newscast". This situation can lead to bribery and corruption among certain radio newsmen.

Another unhealthy practice in radio and sometimes in television is the selling of block-time, whereby the station sets a set number of minutes or hours to an independent producer. This has led certain unscrupulous broadcasters to accept funds from politicians and use the time to attack their opponents.

The new Government has been caught between its seemingly sincere desire to foster freedom of information and the need to protect the democratic régime that was established by the 1986 revolution. Almost all the editors interviewed for this study stated that there is no government censorship in the

Philippines today. There have been a number of cases, however, that show how fragile freedom can be and how great the temptation to intervene.

Apart from the problem of sequestration, mentioned earlier, there have been occurrences that are troubling and that seem to indicate that various forms of censorship do indeed continue to exist. A few examples are presented here.

- A journalist working for DYEC People Power claimed that the management temporarily suspended him for advocating land reform on his programme. According to him, the landlords in question, who also happen to own many businesses in the area, threatened to withdraw advertising.

- A popular broadcaster in Davao City was forced to go on leave after ten armed members of a privately armed counter-insurgency group known as Alsa-Masa paid a visit to the station.

- The Acting Governor of Masbate and his bodyguards were accused of attacking two journalists covering a provincial ceremony. They allegedly mauled three other reporters, harassed a columnist, and threatened two radio men with bodily harm. The Masbate Press Club brought these cases to the attention of President Aquino. The results of this action are not known.

- When newsmen questioned the validity of official figures on cases of cholera, the Minister of Health refused to give statistics, claiming that they might adversely affect export industries. He justified his stand by saying that other countries act likewise.

- Many observers believe that there have been attempts to withhold information concerning aborted coups. In 1986, cases were reported, then denied, only to be confirmed later on. This has proved very confusing to the public. A leading columnist commented that "newspaper desks are starting to get wary of stories based on so-called intelligence reports leaked by the military, then later denied by Ministers as raw intelligence reports."

What is true is that, compared with the previous régime, no one can accuse the Government of arresting or killing journalists. Of the cases reviewed for this study, harassment and intimidation generally concerned government media, and there was only one case of physical harm attributed to a single individual. Cases of withholding information are usually about financial matters, and most instances of banning can be traced to the government media.

In this connection, it is worth noting that when the new government took control of a number of broadcasting stations, it had no clear-cut policy on their role and functions. In the aftermath of the revolution, everyone was anxious to exercise their new-found freedom. Initially, the management of the government stations either took no notice or actually condoned criticism of the government and official personalities as part of the newly regained "democratic space".

In the long run, this decision proved fatal. As various sectors of society attempted to destabilise the Aquino administration, the Government found itself helpless. It could not even count on the State media as allies. Thus, when government station managers decided to dismiss a number of overly critical commentators, the latter accused the Government of censorship.

The Government justified its position by invoking the sanctity of employer-employee loyalty. Whoever wishes to criticize the Government should first leave Government service and join the privately-owned media. But this position inevitably raises a question: To whom do journalists working on state-owned media owe their loyalty? To government officials only? Or to the public as well, who pay the taxes needed to keep these stations operating? Do journalists working for state-owned media not have a duty to respect the public's right to full information?

To answer these questions, it could be said that criticism of the Government can be seen as self-criticism; its aim is to improve government service, and not to malign it. However, it cannot be denied that there have been cases of intentional maliciousness designed to destabilise the Government. Press Secretary Benigno summed up the situation well: in his opinion, criticism of the Government is permissible so long as presentation is fair and balanced. If this policy is faithfully implemented by the Government and the media, then the issue of censorship in the Government media can one day be laid to rest.

In the volatile times the Philippines is going through, journalists must be called upon to use the utmost restraint in the exercise of their profession. As one respected media professional once said, "Freedom without responsibility can only lead to anarchy".

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AN ANALYSIS OF THE PRESS IN FOUR ARAB COUNTRIES

Nabil H. Dajani

For any medium to be able to denounce abuses of power, it must have the right to report freely, a privilege no society has granted to its press without certain restrictions. These restrictions range from total and/or legal control of this right, to a limited and/or concealed control by societal, mostly government, agencies or institutions. Differences in world ideologies, regulations and societal concerns have led to different definitions of the term "power abuse".

Perhaps the most reliable method for studying the role of the media is content analysis. By analysing the product, or output, of the media, a researcher may be able to determine their orientation *vis-à-vis* various power groups, as well as the extent to which they cover the various groups in society. Content analysis can show how much attention these groups receive from the media. It also enables the researcher to suggest whether the media are playing the role of watchdog against power abuses, that of servant to power abusers, or a role somewhere in between. A study of media content may therefore lead to a better understanding of the socio-political characteristics of the mass communication situation in a given country.

Here we shall examine the role of the media in four Arab countries by analysing a sampling of domestic news in the daily press. The four countries selected represent different systems of government in the Arab world. They are: Algeria, with a republican system of government controlled by a revolutionary ideological party; Egypt, a republican system where the ultimate power is in the hands of the President of the Republic; Lebanon, representing a republican system of government in which different religious groups are struggling for power; and Saudi Arabia, a kingdom where power is centred in the ruling family.

The study is based on an analysis of the content of domestic news in three daily newspapers in Lebanon, Egypt and Saudi Arabia over a period of one week during the months of March and April, 1983. Only one newspaper was examined in Algeria since it does not have another Arabic daily.

In so far as possible the papers are representative of the different political trends in the country and include the newspaper with the widest circulation in each of the four countries. Accordingly, the local news content of the following papers was analysed: *Al-Sha'b* in Algeria; *Al-Ahram*, *Al-*

Jumhuriya, and *Al-Akhbar* in Egypt; *An-Nahar*, *As-Safir*, and *Al-Amal* in Lebanon; and *Al-Riyad*, *Al-Jazira*, and *Al-Yum* in Saudi Arabia.

The news item or event (i.e. all information printed under a single heading) was selected as the unit of analysis. When an article contained several sub-headings, the smaller units were examined as separate items. All these news items were measured in column-centimetres and classified according to five major categories.

The first category deals with the types of item: 1) news, 2) editorial or opinion, 3) letter to the editor, 4) specialised column, or 5) picture alone. The second category pinpoints the source(s) of the news item. The third category identifies where the event took place: the capital; another city or town; a village or a rural area; or the country as a whole.

The fourth category gives the subject of the local news items. The following types of subjects were examined: 1) diplomatic, dealing with relations between states; 2) political, at the state level, and including conflicts between parties and political groups, as well as parliamentary matters; 3) military and defence topics, including military conflicts, security matters, military co-operation and peace negotiations; 4) economic matters, including trade agreements, customs duties, imports, exports, investments, stock market, agricultural crops, etc.; 5) labour affairs; 6) government aid (including experts), training and development projects; 7) social services that address themselves to such problems as health, illiteracy, and housing; 8) sports; 9) the arts and sciences; 10) entertainment; 11) natural disasters, and 12) nature and the environment.

The last category is concerned with the actors in the news, of which the following were identified: 1) government, 2) deputies or political figures associated with the government, 3) foreign interests, 4) social classes and interest group, 5) sects, 6) ethnic groups, 7) social figures, 8) political figures, 9) artists, scientists, and 10) non-human actors. These groups were then broken down into three general sub-groups: national, urban and rural actors.

Qualitative Observations

Before discussing the findings of the content analysis, it is important to present some general observations as well as a

qualitative picture of the topics and orientation of the domestic news in the press of each of the four Arab countries under study. This will provide the necessary background for the examination of the findings.

The first observation is that the space provided for the categories examined in this study tended to fluctuate along national averages. The variations between papers in each country and the mean of that country were significantly smaller than variations between the national means of the four countries. This supports the hypothesis that variations in domestic news coverage are generally influenced by the socio-political conditions of a given society. These conditions are among the major factors that affect media performance and orient their selection of news.

The second observation is that the news coverage in the papers of the four Arab countries under study is predominantly oriented to support the existing political authorities. The presentation and analysis of the news in each country is carried out within a framework that is acceptable and/or favourable to the political authorities. In three of the four countries, the state authority, a ruling party or a family represents the dominant political authority. In the fourth country, Lebanon, the Government is not the only representative of political authority. Government news does not dominate the news coverage. Lebanon has numerous active political and military entities that share with the Government the political control of the country. The claim of the Lebanese press, therefore, that it is relatively free from government control, while true, does not necessarily mean that it is free from the authority of other entities in the country.

In general, the economic groups, represented in the Arab countries by merchants, industrialists and businessmen, exert some influence on the press, mainly through advertising. The influence of the other societal groups, particularly the workers, the rural communities and minorities, seems negligible.

The most common item in these papers is the news story, but its style does not follow the western format. News and views are mixed together in the same piece. This may explain why editorials tend to be rare or weak. The scarcity of editorials may also be explained by the lack of journalists qualified to analyse and comment on the news. Most of the domestic news in the Arab press is supplied by local sources, for foreign news agencies rarely cover local stories.

While all the Arab papers under study run feature stories, most of them are rather poor, with the exception of a few Lebanese and Egyptian papers. Most interpretative reporting usually follows the line set down by the political authorities. *Al-Ahram* is perhaps the paper with the best feature stories and interpretative reports. It should be noted here that it has a special institute for studies with highly qualified staff. A noticeable deficiency in the Arab press is the absence of investigative reporting.

Another noticeable difference between the press of the four Arab countries is found in the type of news they select, which not surprisingly focuses on the problems peculiar to that country. Thus, news coverage depends on two main variables: 1) the political relationship between the authority in the home country and the source of news, and 2) the

geographic proximity of the news event to the home country, if foreign, or to the capital (or wherever the dominant authority is located), if domestic. Thus, in the area of regional Arab news, we find that news about the Gulf States is almost ignored by Algerian, Egyptian and Lebanese press, and saturates the press in Saudi Arabia. Similarly, North African news figures large in the Algerian press and is ignored by the press in Lebanon and Saudi Arabia. In all four Arab countries, however, the press gives prominence to news of major Arab events, such as the turmoil in Lebanon, the Palestinian resistance movement and the activities of the PLO.

In the area of international news, there is extensive coverage of the United States, and in particular of events relating to the Middle East and Latin America, and to the disarmament talks between the United States and the USSR. The socialist countries and the non-Arab third world countries receive scant coverage. Only major events are reported, albeit briefly. Domestic news in the Arab press is usually limited to events in the capital or the seat of power (in Saudi Arabia the ruling family has several official residences).

There follows a qualitative picture of the papers under study.

1. Algeria

Al-Sha'b, which is the only Algerian daily paper printed in Arabic, differs from the papers of the three other Arab countries in that it does not support a ruling family or a ruling elite. Nor does it support the *status quo*; rather, it supports a revolution that calls for change in the present system and for the establishment of a new order that will promote the economic and social aspirations of the Algerian revolution.

Al-Sha'b also differs from the other papers in that its content is oriented more towards educating its readers and propagating a message than towards keeping them informed. Its news items are educational rather than informative. The journalistic style is fairly basic, and layout and headlines, and even the printing and advertisements, are simplistic.

The reader has a hard time finding a human interest story, and all the news items support the ruling party and its revolutionary line. The paper deals mainly with the economic and social achievements of the Government in the administrative districts of the country, as well as its social and economic services and plans. While there are few editorials, the paper makes numerous comments on the achievements of the Algerian revolution and the ruling party. These comments are included in the body of the news stories, and even in the headlines. Some samples are: "The Transportation Sector in 'Inayat District: A Good Beginning"; "Job Training in Bishar: Expansion and Dynamism", and "To Help New Institutions and Units Achieve Economic Effectiveness, Organizational Plans Will be Implemented Before the End of the Year", etc.

The Algerian paper also focuses on the activities of the various societal groups, such as the farmers and workers. It makes an effort to show the strong bond between the activities of these groups and the Algerian revolution.

Foreign news in *Al-Sha'b* is limited. Emphasis is placed

on the Arab world and on countries and events that support the Algerian revolution. It thus gives broad coverage to the news of the Palestinian revolution, the Lebanese war and Algerian-Moroccan differences.

2. Egypt

The most striking feature of the Egyptian press is that it supports the state authority and its policies and actions. Domestic news reports focus on government officials and their achievements. This also holds true for Arab and international news; the newspapers play up those items that support the Government and its policies. The following are samples of the news that made the front pages of the three Egyptian papers during the period of the study: "Bahraini Prime Minister Praises (President) Mubarak," (*Al-Akhbar*); "Japan Supports Egypt's Policy and Its Efforts for Peace in the Middle East," (*Al-Ahram*); "Mubarak Inaugurates New Projects to Celebrate the Anniversary of Recovering Sinai - Stability is a Requisite for a Productive Society," (*Al-Jumhuriya*); "The Experience of Doubling Agricultural Production Bolsters the Egyptian Economy" (*Al-Akhbar*), and "One Billion Pounds for New Projects to Increase Productivity and to solve Many of Our Problems," (*Al-Ahram*).

Negative news published by the Egyptian press is usually presented in such a way as to suggest that the Government is active in solving problems. The following are examples of such page-one items: "Heavy Sentences for Construction Violations," (*Al-Ahram*); "Two Officials Imprisoned for Fraud in the Construction of Two Schools," (*Al-Ahram*); "Officials Arrested for Fraud in Allocation of Apartments and a Forestry Project," (*Al-Akhbar*).

Even when editorials are devoted to popular problems or criticise some official error, this is never done in such a way as to undermine the system, or to discredit government policy. An editorial in *Al-Akhbar* is eloquent: "... the failure of a minister does not mean the failure of the Government." Another editorial in *Al-Akhbar* welcomed the "... enlightened government censorship of the press". In an editorial entitled "The problems of Sinai Are Not Solved," *Al-Jumhuriya* stated: "... dozens of other problems ... cannot mar the achievements accomplished ... nor do they diminish their value. But we must remember that this is Sinai, Sinai which we wept for when we lost it, opened our arms for when it was recovered, and which we promised to plant with construction and greenery ..."

While the three Egyptian papers differ in the way in which they handle domestic news, all give prominence to the achievements of the State. On the other hand, they pay little attention to news from the rural areas and to problems of the ordinary citizen, such as labour problems, again excepting those events which illustrate accomplishments by the State, such as the inauguration of a new hospital or new legislation to deal with housing problems. The few items dealing with rural or labour problems which these papers chose to print during the period under study were handled very carefully so as not to antagonise the Government.

A comparison of the three papers shows that *Al-Ahram* has the most balanced presentation. Although it provides the least space for foreign news, it makes up for this by covering more foreign events, albeit in concise form. *Al-Akhbar*, on the other hand, presents foreign news in more detail, but provides fewer items. The strength of *Al-Akhbar* seems to lie in its strong news reports, while that of *Al-Ahram* is in its editorials and background reports, which are usually given serious in-depth treatment. *Al-Ahram* addresses itself to the educated élite of the country, while *Al-Akhbar* appeals to the average educated person. The third paper, *Al-Jumhuriya*, is the most sensational. Its news reports and editorials are weak, and the paper emphasises human interest stories. Its front page is usually devoted to celebrities, and feature stories deal more with personalities than with the news. A regular front page feature gives the names of celebrities whose birthdays or wedding anniversaries happen to fall on that day. There is a good deal of white space in the lay-out, and the paper clearly aims more at entertaining its readers than informing them.

3. Lebanon

If the Egyptian papers are notable for their support of the state authority, the Lebanese press generally tends to oppose the Government. This does not mean that the Lebanese press acts as a "watchdog" to safeguard the public interest. Its opposition to the Government is usually due to the fact that it supports another authority, or possibly several authorities, that are politically or militarily active on the Lebanese scene. This authority need not necessarily be Lebanese.

Because of the extreme politicisation of Lebanese society, the press pays a great deal of attention to political events and this at the expense of news concerning the livelihood of the average citizen, such as spiralling prices, the continued devaluation of the Lebanese currency, the deterioration of the security situation, the sharp increase in thefts and crime, and the regular power failures that can last for days, weeks, or even months, as for example in the south, which at the time of the study had been without electricity for nearly three months. These items are reported briefly, whereas even minor political events receive extensive coverage. To all intents and purposes, the rural areas are rarely mentioned in the Lebanese press. Labour and business news get comparatively better coverage because such news is linked to two groups active on the Lebanese political scene.

The fact that a particular paper supports a particular authority does not mean that it will continue to do so. Lebanon has been living through a war for many years. During this time new political authorities have cropped up, old ones have disappeared, and several have changed position, producing a drastically altered political scene. Similarly, Lebanese papers regularly change their political orientation. That is why the three papers in question are presented here as they were at the time of the study, when a large area of Lebanon was under Israeli occupation.

The three Lebanese newspapers selected represented three different political orientations. *An-Nahar* represented

the moderate right-wing Lebanese political groups. It cautiously supported the West and the Christian right-wing "Lebanese forces" and openly supported the state authority (represented by the President and the Prime Minister who, at the time of the study, were in political agreement). *An-Nahar* also cautiously opposed Syria's military presence in Lebanon. *As-Safir*, on the other hand, represented the Muslim and moderate left-wing Lebanese political groups. It openly supported the Lebanese leftist "nationalist forces", as well as Syria and those Arab countries that had taken a strong stand against Israel. *As-Safir* also cautiously opposed the West and the state authority. The third paper, *Al-Amal*, is the official paper of the right-wing (predominantly Christian Maronite) Phalangist Party to which the Lebanese President belonged. It strongly supported the right-wing "Lebanese forces", the West and the Lebanese-Israeli rapprochement. Its opposition to the Palestinians and the socialist countries was strong.

The papers' political allegiances were amply evident in most of the news coverage, editorials and features. Differences in orientation could be seen in the headlines. For example, the same news story appeared under the three following headlines: "Damascus Fearful of Israeli Moves," "Israel: Increased Alertness Facing the Syrian Forces", "Rosen: 'We are ready to negotiate with Syria'" (*An-Nahar*); "Israeli Army on the Alert", "Labour Party Warns Against a War with Syria", "Peres to Begin: For God's Sake, Decide on a Policy for Lebanon" (*Al-Safir*), and "Israel Warns Syria Against Violations", "Rosen Calls On Damascus and Amman to Negotiate Without Conditions" (*Al-Amal*).

Another front page news item was given the following headlines: "Jordan Pressures the PLO By Imposing Restrictions on the Palestinians" (*Al-Safir*); "King Hussein Tells Reagan: Non-recognition of the PLO Makes Agreement Difficult" (*An-Nahar*), and "Reagan Asks Hassan to Mediate Between Hussein and Arafat" (*Al-Amal*).

As these examples amply demonstrate, it is possible to determine the orientation of Lebanese papers merely by a careful reading of their headlines. It is also possible to do so by examining the type of news covered. At the time of the study, *As-Safir* was giving prominence to resistance to the Israeli occupation, the lack of attention given by the State to the "nationalist areas", and the violations committed by the right wing "Lebanese forces" led by the Phalangist Party. *Al-Amal*, on the other hand, gave coverage to the achievements of the State and the actions of the "Lebanese forces", played down the role of the resistance against the Israeli occupation, and attacked the left wing "nationalist forces". *An-Nahar* took a moderate position by covering the activities of all the groups involved. Its support of the state authority and defence of the right wing "Lebanese forces" was evident in its editorials, and particularly on page two which is devoted to domestic news and commentary. It did, however, play up the news of the Lebanese resistance against Israel.

In the labour and economic spheres, *As-Safir* and *Al-Amal* presented the activities of the labour unions and their demands. Each, however, supported different labour unions. *Al-Amal* supported the right wing unions and *As-Safir* the left wing unions. *An-Nahar*, on the other hand, gave the point

of view of management, represented by the Union of Industrialists and the Chamber of Commerce.

4. Saudi Arabia

The Saudi Arabian press differs from that of the other three Arab countries in that its best papers are not restricted to the capital. Several Arabian regions have their own elite papers, and while they have national distribution, each focuses on its own region. All the papers, however, support the authority of the ruling Saudi family. The Government is always referred to as "the Government of His Majesty the King".

The Saudi Arabian press, like other Arab papers, follows the style of mixing views with the news. Though editorials and features are relatively more abundant than in its sister Arab papers, they are weak. News reports are concerned mainly with governmental achievements at home and with those developments abroad that support Saudi Arabian policies.

The Saudi Arabian newspapers are bigger than the papers in the other Arab countries and thus have more space for details and particularly for domestic news coverage. A single event may sometimes cover several pages. The budget, for example, was given almost the entire front pages of the three papers in question, as well as several inside pages. The front page headlines were similar to the one that appeared in *Al-Yum*: "The Welfare Budget: His Majesty Speaks in Figures About Development Achievements." *Al-Yum* also ran an editorial on the subject, stating, "What an excellent policy, for it aims at the good, all the good of this nation and its citizens ..."

Most of the domestic news in the Saudi Arabian press, and even the business and economic news, is devoted to the achievements of the State and the moves of the royal family. Take, for example, the following headlines: "Decisions by Council of Ministers Considered a Royal Honour Bestowed on Saudi Contractors," (*Al-Jazira*); "Decision by Council of Ministers to Develop the National Contracting Sector is a Certificate of Good Conduct From His Majesty the King to the Saudi Contractor," (*Ar-Riyad*), and "Huge Projects to Develop the Dammam Region: Large Allocations and Big Projects Reflect the Interest of His Majesty the King in the Region," (*Al-Yum*).

The Saudi Arabian press does not criticise the Government, but does open its pages to letters from readers who submit appeals to their rulers. These appeals usually begin by praising the ruler, then asking for his attention to a matter of concern. If the press runs criticism, it is of the Saudi Arabian citizen not the ruler. *Ar-Riyad*, for example, ran a full page article entitled "75,000 Servants, Chauffeurs and Cooks in Our Homes: Do We Need This Amount of Labour?"

Generally speaking, the content of the Saudi Arabian press is more educational than informative. Its news flows from top to bottom, from the authority to the citizen. A very distinctive feature of the content of the papers is their extensive coverage of sports events, though they also include a heavy dose of educational material dealing with the arts, the

TABLE 1
GENERAL CONTENT OF PAPERS UNDER STUDY
(in cm/col.)

Country & Paper	Average News	Average Foreign News	Average Ads.	Average Paper Size
<u>Algeria</u>	43%	28%	29%	
Al-Sha'b	2120.0 42.9%	1438.8 28.5%	1446.8 28.6%	5052
<u>Egypt</u>	48%	10%	42%	
Al-Ahram	3466.0 38.3%	687.8 7.5%	4992.8 54.2%	9208
Al-Jumhuriya	3113.0 56.4%	683.2 12.3%	1718.5 31.2%	5515
Al-Akhbar	4145.0 55.6%	824.3 11.1%	2478.7 33.3%	7448
<u>Lebanon</u>	63%	17%	20%	
An-Nahar	3271.0 52.1%	719.0 11.5%	2286.0 36.4%	6276
As-Safir	3405.0 63.9%	1427.4 26.8%	498.3 9.3%	5331
Al-Amal	3804.0 73.7%	651.5 12.7%	704.5 13.6%	5160
<u>Saudi Arabia</u>	47%	27%	26%	
Al-Yum	4129.0 47.8%	2114.0 24.5%	2385.5 27.6%	8628.5
Al-Jazira	6321.0 46.6%	3408.6 25.1%	3838.4 28.3%	13568
Ar-Riyad	5435.0 45.3%	3684.9 31.2%	2764.4 23.4%	11794

sciences, literature, history, education and religion. The papers run a large number of human interest stories, mainly in the form of interviews with film stars, men of letters and other celebrities.

Foreign news in the press is devoted primarily to the Arab world. At the time of this study, foreign news coverage was largely on the Palestinian problem, followed by the unrest in Lebanon and the Iraqi-Iranian war. The papers also focused on news in the Gulf States, adopting the official Saudi Arabian position for all the foreign reports.

The three papers are quite similar in their news coverage, except that *Al-Yum* concentrates on the Ad-Dammam region, where it is published, unlike *Ar-Riad* or *Al-Jazira* which appear in the capital, Riad. *Al-Yum* also has the weakest editorials, usually dealing with such topics as medicine and science and other non-political matters. The editorials in *Ar-Riad* and *Al-Jazira*, on the other hand, deal mainly with political matters.

Findings

An analysis of content shows that domestic news in the

papers of the four Arab countries represents less than half the total space, except for the Lebanese papers where, because of the civil war, it represents 63 per cent of the total (Table 1). By comparison, an earlier study on the Lebanese press undertaken during a more stable period showed that domestic news covered only 48 per cent of the total space, with foreign news occupying 30 per cent of the space and advertising the remaining 22 per cent, which is similar to results in the other three Arab countries. (Unesco, "Foreign News in the Media", Reports & Papers on Mass Communication, No. 93, Paris, 1985).

Quantitatively, the main differences between the Arab papers are the amounts of space devoted to advertising and foreign news. Egyptian papers allocate on average 42 per cent of their space to advertising, which leaves 10 per cent for foreign news. In general, advertising is usually at the expense of foreign news.

The study also shows that more than 20 per cent of the space devoted to domestic matters is occupied by "columns". Most of these deal with such specialised subjects as sports and the arts and sciences (Tables 2 and 3).

TABLE 2
DOMESTIC NEWS CONTENT OF PAPERS UNDER STUDY
NUMBER OF UNITS

Country & Paper	News	Editorials	Letters	Column	Picture alone	Total
<u>Algeria</u>	118	2	9	84	7	220
Al-Sha'b	53.6%	0.9%	4.1%	38.2%	3.2%	
<u>Egypt</u>	1254	104	77	462	41	1938
	64.7%	5.4%	3.9%	23.8%	2.1%	
Al-Ahram	403	47	43	172	13	678
	59.4%	6.9%	6.3%	25.4%	1.9%	
Al-Jumhuriya	438	29	8	131	11	617
	71.0%	4.7%	1.3%	21.2%	1.8%	
Al-Akhbar	413	28	26	159	17	643
	64.2%	4.4%	4.0%	24.7%	2.6%	
<u>Lebanon</u>	1826	100	-	361	10	2297
	79.5%	4.3%		15.7%	0.4%	
An-Nahar	553	37	-	97	1	688
	80.4%	5.4%		14.1%	0.1%	
As-Safir	609	23	-	125	6	763
	79.8%	3.0%		16.4%	0.8%	
Al-Amal	664	40	-	139	3	846
	78.5%	4.7%		16.4%	0.4%	
<u>Saudi Arabia</u>	1258	177	283	668	46	2432
	51.7%	7.3%	11.6%	27.5%	1.9%	
Al-Yum	377	40	105	126.0	11.0	659
	57.2%	6.1%	15.9%	19.1%	1.7%	
Al-Jazira	456	64	102	292	15	929
	49.1%	6.9%	11.0%	31.4%	1.6%	
Ar-Riyad	425	73	76	250	20	844
	50.4%	8.6%	9.0%	29.6%	2.4%	
Total	4456	383	369	1575	104	
	64.7%	5.6%	5.4%	22.9%	1.5%	

The relatively small number of items and the small amount of space devoted to editorials and commentary by the press of three of the Arab countries (Table 2 and 3), may be misleading: they give the impression that there is not much in the way of opinion. On the contrary, the Arab press is predominantly an opinion press but, as we noted earlier, opinion is included within the news report itself. In addition to mixing views with the news, the Saudi Arabian press devotes the largest amount of space to editorials and commentary.

The lengthy editorials and commentary in the Saudi Arabian press do not contain much news analysis. Rather, they consist of advice to the public, praise of the ruling family or comments on scientific achievements. The Algerian paper, on the other hand, has almost no editorials. This may be explained by the fact that the paper is small, and

domestic items are more educational than informative. The Egyptian and Lebanese papers, with the exception of the Egyptian *Al-Jumhuriya*, carry good interpretations and analyses. Whereas the Egyptian press follows the line of the central authority, the Lebanese papers are more critical of their Government, though each has affiliations with some other political authority.

The Saudi Arabian press also carries the largest amount of "letters to the editor". It is followed by Algeria, and then Egypt; the Lebanese press has no such department, which calls for explanation. Unlike Westerners, Arabs do not view newspapers as fora for dialogue. That is why letters to the editor, expressing opinions or comments on the news, are so rare. The majority of letters, as we have seen, use the newspaper as a channel to address personal complaints to the authority.

TABLE 3

DOMESTIC NEWS CONTENT OF PAPERS
(Average Space in cm/col)

Country & Paper	News	Editorials	Letters	Column	Picture Alone	Total
<u>Algeria</u>	68.7%	1.8%	5.3%	24.2%	-	
Al-Sha'b	1456.3 68.7%	37.5 1.8%	112.0 5.3%	514.2 24.2%	-	2120
<u>Egypt</u>	55.9%	12.6%	4.3%	25.0%	2.2%	
Al-Ahram	1569.6 45.3%	770.0 22.2%	157.3 4.5%	913.2 26.3%	55.5 1.6%	3466
Al-Jumhuriya	2042.3 65.6%	201.7 6.5%	45.7 1.5%	799.5 25.7%	23.5 0.7%	3113
Al-Akhbar	2385.2 57.5%	376.2 9.1%	257.2 6.2%	971.2 23.4%	155.4 3.7%	4145
<u>Lebanon</u>	73.0%	11.3%	-	15.3%	0.4%	
Al-Nahar	2398.0 73.4%	428.7 13.1%	-	439.0 13.4%	5.0 0.1%	3271
As-Safir	2434.2 71.0%	281.5 8.3%	-	670.8 19.7%	18.3 0.5%	3405
Al-Amal	2817.9 74.1%	476.4 12.5%	-	491.0 12.9%	18.3 0.4%	3804
<u>Saudi Arabia</u>	46.9%	21.3%	9.1%	20.6%	2.1%	
Al-Yum	2346.4 56.8%	612.6 14.8%	395.9 9.6%	727.4 17.6%	46.9 1.1%	4129
Al-Jazira	2882.0 45.6%	1206.0 19.1%	708.6 11.2%	1395.4 22.1%	129.1 2.0%	6321
Ar-Riyad	2182.6 40.8%	1540.0 28.8%	333.8 6.2%	1138.0 21.3%	151.0 2.8%	5345
Total	57.6%	15.11%	5.1%	20.6%	1.5%	39119

What is more, the modern Western concept of bureaucracy is foreign to the average Arab. He prefers the traditional way of addressing personal problems directly to the highest authority. It is still not uncommon for a Saudi Arabian to go directly to the King to resolve a dispute with others or with the State. But for obvious reasons, this procedure is becoming more and more difficult in a modern Arab society. Since the average citizen believes that his newspaper constitutes a useful avenue to those in power, he addresses his problems to, or rather through, it. That is why the Saudi Arabian press, which is the closest to those in power, receives the greatest number of letters. At the opposite extreme, the Lebanese press, which keeps its distance from the seat of power, has no letters to the editors at all.

The findings show that 61.3 per cent of the sources of domestic news items in the Arab papers are their "own staff"

(Table 4). Actually, this figure is higher, since it is common practice not to identify the sources of domestic news. Staff writers are given by-lines, or receive credit, only for major news reports and commentary. The sources of 35.4 per cent of domestic items are unidentified.

It is worth noting that foreign sources have a negligible impact on domestic news. Only 2 per cent of the total number of domestic news items comes from foreign sources. The Lebanese press relies more heavily on foreign sources for its domestic news than all the other papers (4.2 per cent). This can be explained by the fact that Lebanon is the most "open" of the countries under study and the most Western-oriented. The Algerian paper does not use foreign sources, because foreign news agencies cannot reach newspapers directly. Their material goes through the official Algerian news agency, which then does its own releases.

TABLE 4

SOURCE OF DOMESTIC NEWS (Number of Units)

Country & Paper	Not Specified	Own Staff	Local Gov. Agency	Other Gov. Source	Local Non-gov. Agency	Other Local Source	Arab Agency	Foreign Source	Reuters	UPI	AP	AFP	TASS	Other Foreign Agency
<u>Algeria</u>														
Al-Sha'b	23 10.5%	138 62.7%	45 20.5%	1 0.5%	-	7 3.2%	-	1 0.5%	-	-	-	-	-	-
Egypt	37.7%	56.2%	0.4%	1.3%	-	3.3%	-	0.3%	-	-	-	-	-	0.3%
Al-Ahram	239 35.3%	401 59.1%	2 0.3%	17 2.5%	-	13 1.9%	-	3 0.4%	-	-	-	-	-	1 0.1%
Al-Jumhuriya	288 46.7%	295 47.8%	1 0.2%	7 1.1%	-	16 2.6%	-	3 0.5%	-	-	1 0.2%	-	-	3 0.5%
Al-Akhbar	203 31.6%	394 61.3%	4 0.6%	2 0.3%	-	35 5.4%	-	-	-	-	-	-	-	1 0.2%
Lebanon	61.8%	26.9%	0.8%	5.0%	0.3%	3.1%	0.3%	1.3%	0.2%	0.5%	0.5%	0.8%	0.1%	0.8%
An-Nahar	384 55.8%	203 29.5%	8 1.2%	45 6.5%	4 0.6%	19 2.8%	3 0.4%	18 2.6%	3 0.4%	6 0.9%	7 1.0%	10 1.5%	1 0.1%	5 0.7%
As-Safir	455 59.6%	222 29.1%	4 0.5%	37 4.8%	3 0.4%	30 3.9%	1 0.1%	4 0.5%	-	5 0.7%	5 0.7%	5 0.7%	1 0.1%	11 1.4%
Al-Amal	580 68.6%	192 22.7%	6 0.7%	32 3.8%	1 0.1%	23 2.8%	3 0.4%	7 0.8%	1 0.1%	-	-	3 0.4%	1 0.1%	2 0.2%
Saudi Arabia	11.1%	70.6%	8.1%	1.3%	0.1%	8.6%	0.7%	0.4%	0.2%	0.1%	0.1%	0.1%	0.1%	0.4%
Al-Yum	58 8.8%	411 62.4%	73 11.1%	12 1.8%	-	92 14.0%	9 1.4%	-	-	-	-	-	-	6 0.9%
Al-Jazira	122 13.1%	648 69.8%	78 8.4%	8 0.9%	1 0.1%	80 8.6%	2 0.2%	1 0.1%	1 0.1%	1 0.1%	1 0.1%	1 0.1%	1 0.1%	2 0.2%
Ar-Riyad	89 10.5%	657 77.8%	47 5.6%	11 1.3%	2 0.2%	37 4.4%	7 0.8%	5 0.6%	3 0.4%	2 0.2%	2 0.2%	2 0.2%	2 0.2%	2 0.2%
Total	35.4%	61.3%	3.7%	2.5%	0.2%	5.1%	0.4%	0.6%	0.1%	0.2%	0.2%	0.3%	0.1%	0.5%

TABLE 5

LOCATION OF DOMESTIC NEWS
(Number of Units)

Country & Paper	Country as a whole	Capital	City Town	Rural	Not specified	Outside Country
<u>Algeria</u>	53.6%	20.9%	6.8%	15.5%	-	3.2%
Al-Sha'b	118 53.6%	46 20.9%	15 6.8%	34 15.5%	-	7 3.2%
<u>Egypt</u>	37.2%	34.2%	8.4%	10.4%	3.0%	6.8%
Al-Ahram	249 36.7%	227 33.5%	53 7.8%	58 8.6%	42 6.2%	49 7.2%
Al-Jumhuriya	246 39.9%	203 32.9%	70 11.3%	60 9.7%	2 0.3%	36 5.8%
Al-Akhbar	227 35.3%	232 36.1%	39 6.1%	83 12.9%	15 2.3%	47 7.3%
<u>Lebanon</u>	12.9%	49.9%	9.8%	13.8%	8.9%	4.7%
An-Nahar	82 11.9%	313 45.5%	79 11.5%	102 14.8%	70 10.2%	42 6.1%
As-Safir	82 10.7%	387 50.7%	85 11.1%	96 12.6%	81 10.6%	32 4.2%
Al-Amal	132 15.6%	447 52.8%	61 7.2%	119 14.1%	54 6.4%	33 3.9%
<u>Saudi Arabia</u>	29.6%	21.0%	19.2%	21.5%	5.3%	3.4%
Al-Yum	149 22.6%	92 14.0%	191 29.0%	161 24.4%	35 5.3%	31 4.7%
Al-Jazira	266 28.6%	222 23.9%	150 16.1%	204 22.0%	61 6.6%	26 2.8%
Ar-Riyad	305 36.1%	197 23.3%	125 14.8%	158 18.7%	33 3.9%	25 3.1%
Total	27.0%	34.3%	12.6%	15.6%	5.7%	4.8%

Because of the revolutionary nature of the Algerian regime, its press is intended for change and is centrally planned. This may explain why 21 per cent of domestic news items in the Algerian paper originate from government sources. The Saudi Arabian press, on the other hand, is for maintaining the *status quo* and is closely linked to the ruling family. Though its role is controlled and it depends more heavily on government sources than the press of Egypt and Lebanon, this dependence (9.4 per cent) is far less than that of the Algerian press.

Domestic news in the Arab press originates most often in the capital and other cities and towns (Table 5). Events in rural areas are less likely to find their way into print, particularly in Egypt and Lebanon, where they represent only a little

over 10 per cent of all domestic news. In the other two Arab countries, the picture is quite different.

While there are relatively more rural news items in the Algerian paper than in those of Egypt and Lebanon, over half its domestic news items concern the country as a whole. This is understandable for a centrally planned press that addresses itself to the entire country. And, while the Egyptian regime is less ideological than that of Algeria, it is more planning-oriented than Lebanon and Saudi Arabia. Thus a high percentage (37.2 per cent) of Egyptian domestic news deals with the country as a whole. The Lebanese press, operating in a politically divided country, has the lowest percentage of domestic news items covering the country as a whole (12.9 per cent).

TABLE 6
SUBJECT OF DOMESTIC NEWS
(Space in cm/col)

Country & Paper	Diplomatic	Political	Military -Defence	Economic	Labour	Gov. Aid	Other Aid	Social Services	Social	Polit. Crimes	Civil Crimes	Sports	Natural Disasters	Arts & Sciences	Enter-tainment	Student Matters	Environ-ment
Algeria	2.3%	2.0%	2.4%	22.2%	1.6%	2.0%	-	29.1%	1.1%	-	1.1%	9.3%	0.6%	20.8%	2.6%	1.9%	1.0%
Al-Sha'b	295.0 2.3%	254.0 2.0%	309.0 2.4%	2819.0 22.2%	208.0 1.6%	260.0 2.0%	-	2785.0 29.1%	145.0 1.1%	-	144.0 1.1%	1184.0 9.3%	71.0 0.6%	2644.0 20.8%	326.0 2.6%	237.0 1.9%	127.0 1.0%
Egypt	8.0%	3.9%	1.9%	13.1%	0.7%	2.2%	2.0%	26.8%	4.3	0.1%	5.5%	6.9%	-	14.4%	7.2%	0.6%	1.2%
Al-Ahram	1925.0 9.3%	224.0 1.1%	186.0 0.9%	2545.0 12.2%	195.0 0.9%	537.0 2.6%	790.0 3.8%	6887.0 33.1%	786.0 3.8%	28.0 0.1%	1395.0 6.7%	1550.0 7.4%	-	2349.0 11.3%	1173.0 5.6%	25.0 0.1%	199.0 1.0%
Al-Jumhuriya	717.0 3.8%	797.0 4.3%	644.0 3.4%	2847.0 15.3%	91.0 0.5%	405.0 2.2%	210.0 1.1%	4395.0 23.5%	1152.0 6.2%	-	1073.0 5.8%	1639.0 8.8%	-	2486.0 13.3%	1908.0 10.2%	149.0 0.8%	158.0 0.9%
Al-Akhbar	2204.0 10.6%	1322.0 6.4%	309.0 1.5%	2517.0 12.2%	126.0 0.6%	407.0 1.9%	160.0 0.7%	4896.0 23.6%	660.0 3.2%	22.0 0.1%	1450.0 7.0%	969.0 4.7%	-	3816.0 18.4%	1278.0 6.2%	183.0 0.9%	397.0 1.9%
Lebanon	4.7%	13.2%	29.8%	8.8%	2.3%	3.3%	1.1%	10.8%	2.9%	0.5%	2.0%	3.9%	0.3%	10.0%	3.5%	1.2%	0.5%
An-Nahar	1036.0 5.3%	2359.0 12.0%	5108.0 26.1%	1800.0 9.2%	395.0 2.0%	551.0 2.8%	151.0 0.7%	2393.0 12.2%	645.0 3.3%	53.0 0.3%	577.0 2.9%	484.0 2.5%	66.0 0.3%	2955.0 15.1%	673.0 3.4%	221.0 1.1%	115.0 0.6%
As-Safir	1036.0 5.2%	2918.0 14.3%	6492.0 31.8%	1535.0 7.5%	538.0 2.6%	720.0 3.5%	251.0 1.3%	2101.0 10.2%	381.0 1.8%	134.0 0.7%	533.0 2.6%	898.0 4.4%	-	1616.0 7.9%	944.0 4.6%	291.0 1.4%	-
Al-Amal	1011.0 3.8%	3517.0 13.2%	8284.0 31.1%	2560.0 9.6%	575.0 2.2%	896.0 3.4%	303.0 1.1%	2712.0 10.2%	956.0 3.5%	124.0 0.5%	722.0 2.7%	1257.0 4.7%	446.0 1.7%	2067.0 7.7%	711.0 2.7%	282.0 1.1%	196.0 0.7%
Saudi Arabia	3.6%	2.4%	2.0%	9.7%	0.3%	6.6%	0.8%	25.2%	6.8%	-	0.9%	14.5%	0.1%	20.9%	2.6%	2.2%	1.1%
Al-Jum	913.0 3.2%	164.0 0.6%	300.0 1.0%	3716.0 12.9%	101.0 0.3%	3602.0 12.4%	182.0 0.6%	3927.0 13.5%	954.0 3.3%	27.0 0.1%	112.0 0.5%	5179.0 17.9%	12.0 -	7405.0 25.6%	1537.0 5.3%	477.0 1.6%	266.0 0.9%
Al-Jazira	1750.0 3.9%	2410.0 5.4%	1289.0 2.9%	4379.0 9.8%	190.0 0.4%	1990.0 4.5%	143.0 0.4%	11160.0 25.1%	4494.0 10.1%	-	331.0 2.0%	5944.0 13.5%	107.0 0.2%	7620.0 17.2%	299.0 0.7%	1361.0 3.1%	227.0 0.5%
Ar-Riyad	1344.0 3.6%	118.0 0.3%	673.0 1.8%	2597.0 7.0%	81.0 0.2%	1702.0 4.5%	0504.0 1.3%	12778.0 34.2%	2026.0 5.4%	-	-	4936.0 13.2%	38.0 0.1%	8132.0 21.7%	1094.0 2.9%	653.0 1.7%	742.0 2.0%
Total	4.9%	5.6%	9.4%	10.9%	1.0%	4.4%	1.0%	22.0%	4.8%	0.2%	2.8%	9.6%	0.3%	16.4%	4.0%	1.5%	1.0%

TABLE 7
SUBJECT OF DOMESTIC NEWS
(Number of Units)

Country & Paper	Diplomatic	Political	Military - Defence	Economic	Labour	Gov. Aid	Other Aid	Soc. Services	Social	Polit. Crime	Civil Crime	Sports	Natural Disasters	Arts & Sciences	Entertainment	Student Matters	Environment
Algeria	5.5%	2.3%	2.7%	10.0%	2.7%	1.4%	-	30.0%	0.9%	-	0.9%	10.9%	0.9%	15.0%	5.5%	2.3%	3.2%
Al-Sha'b	12.0 5.5%	5.0 2.3%	6.0 2.7%	22.0 10.0%	6.0 2.7%	3.0 1.4%	-	66.0 30.0%	2.0 0.9%	-	2.0 0.9%	24.0 10.9%	2.0 0.9%	33.0 15.0%	12.0 5.5%	5.0 2.3%	7.0 3.2%
Egypt	7.7%	3.3%	1.6%	12.4%	1.2%	1.9%	2.1%	25.3%	6.7%	0.2%	5.6%	8.2%	-	15.3%	5.7%	1.0%	1.6%
Al-Ahram	64.0 9.4%	13.0 4.3%	6.0 0.9%	73.0 10.8%	9.0 1.3%	8.0 1.1%	23.0 3.3%	195.0 28.8%	43.0 6.4%	1.0 0.1%	37.0 5.5%	54.0 8.0%	-	93.0 13.7%	47.0 6.9%	2.0 0.3%	10.0 1.5%
Al-Jumhuriya	41.0 6.6%	20.0 3.2%	16.0 2.6%	90.0 14.6%	5.0 0.8%	13.0 2.1%	6.0 1.0%	153.0 24.8%	56.0 9.1%	-	23.0 3.7%	59.0 9.6%	-	93.0 15.1%	30.0 4.9%	4.0 0.6%	8.0 1.3%
Al-Akhbar	45.0 7.0%	19.0 3.0%	9.0 1.4%	91.0 14.1%	10.0 1.6%	16.0 2.4%	12.0	141.0 21.9%	32.0 5.0%	3.0 0.5%	49.0 7.6%	45.0 7.0%	-	111.0 17.3%	33.0 5.1%	13.0 2.0%	14.0 2.2%
Lebanon	6.9%	9.9%	22.1%	9.8%	2.6%	3.0%	1.7%	13.5%	5.1%	1.0%	4.3%	7.2%	0.5%	7.5%	2.9%	1.5%	0.6%
An-Nahar	49.0 7.1%	70.0 10.2%	142.0 20.6%	67.0 9.8%	18.0 2.6%	15.0 2.1%	8.0 1.1%	101.0 14.7%	34.0 4.9%	5.0 0.7%	36.0 5.2%	39.0 5.7%	1.0 0.1%	64.0 9.3%	21.0 3.1%	11.0 1.6%	7.0 1.0%
As-Safir	58.0 7.6%	72.0 9.4%	169.0 22.1%	78.0 10.3%	22.0 2.9%	30.0 3.9%	12.0 1.5%	95.0 12.5%	37.0 4.8%	9.0 1.2%	36.0 4.7%	52.0 6.8%	-	63.0 7.9%	20.0 2.6%	13.0 1.7%	-
Al-Amal	52.0 6.1%	86.0 10.2%	197.0 23.3%	79.0 9.2%	20.0 2.4%	26.0 3.0%	18.0 2.2%	114.0 13.4%	45.0 5.3%	9.0 1.1%	27.0 3.2%	73.0 8.6%	9.0 1.1%	43.0 5.8%	26.0 3.1%	11.0 1.3%	5.0 0.6%
Saudi Arabia	5.8%	0.7%	1.1%	5.8%	0.6%	6.9%	1.1%	25.9%	9.8%	0.1%	0.3%	17.8%	0.2%	15.8%	2.1%	3.2%	1.8%
Al-Yum	46.0 7.0%	5.0 0.8%	9.0 1.4%	42.0 6.4%	5.0 0.8%	62.0 9.4%	9.0 1.4%	121.0 18.4%	54.0 8.2%	2.0 0.3%	2.0 0.3%	150.0 22.8%	1.0 0.2%	105.0 15.9%	20.0 3.0%	19.0 2.9%	7.0 1.1%
Al-Jazira	58.0 6.2%	10.0 1.1%	8.0 0.9%	52.0 5.6%	2.0 0.2%	53.0 5.7%	6.0 0.6%	242.0 26.0%	109.0 11.7%	-	4.0 0.4%	167.0 18.0%	2.0 0.2%	163.0 17.2%	6.0 0.6%	35.0 3.8%	15.0 1.6%
Ar-Riyad	38.0 4.5%	2.0 0.2%	9.0 1.1%	49.0 5.8%	7.0 0.8%	52.0 6.2%	11.0 1.3%	266.0 31.5%	77.0 9.2%	-	-	116.0 13.7%	2.0 0.2%	144.0 17.1%	24.0 2.8%	24.0 2.8%	23.0 2.7%
Total	6.7%	4.4%	8.3%	9.5%	1.5%	4.0%	1.5%	21.6%	7.1%	0.4%	3.1%	11.3%	0.3%	13.2%	3.5%	2.0%	1.4%

TABLE 8

MAIN ACTORS IN DOMESTIC NEWS
(Number of Units)

Country & Paper	Government	Politi- cians, Parties	Foreign Interest	Social Group	Sect	Ethnic Group	Social Figures	Political Figures	Artists Scientist	Non-Human Actors	National Actors	Urban Actors	Rural Actors
<u>Algeria</u>	36.8%	-	13.2%	68.7%	12.3%	-	-	-	1.8%	8.2%	55.5%	10.5%	15.0%
Al-Sha'b	81 36.8%	-	29 13.2%	151 68.7%	27 12.3%	-	-	-	4 1.8%	18 8.2%	122 55.5%	23 10.5%	33 15.0%
<u>Egypt</u>	30.2%	4.2%	20.1%	76.8%	4.5%	0.1%	1.3%	7.7%	2.6%	5.1%	47.3%	25.5%	8.6%
Al-Ahram	160 23.6%	40 5.9%	131 19.3%	497 73.4%	27 3.9%	1 0.1%	9 1.3%	79 11.7%	27 4.0%	46 6.8%	293 43.2%	183 27.0%	49 7.2%
Al-Jumhuriya	201 32.6%	12 1.9%	119 19.3%	495 80.3%	30 4.9%	1 0.2%	6 1.0%	25 4.1%	12 1.9%	24 3.9%	310 50.3%	161 26.1%	55 9.0%
Al-Akhbar	225 35.0%	26 4.0%	140 21.8%	494 76.8%	30 4.6%	-	10 1.6%	45 7.0%	12 1.9%	29 4.5%	313 48.6%	149 23.2%	62 9.6%
<u>Lebanon</u>	39.2%	25.7%	35.2%	60.8%	10.6%	0.8%	8.1%	21.9%	3.8%	3.8%	31.9%	27.9%	12.4%
An-Nahar	240 34.9%	147 21.4%	209 30.4%	364 52.9%	63 9.2%	10 1.4%	27 3.9%	109 15.8%	46 6.7%	28 4.1%	110 16.0%	246 35.7%	81 11.8%
As-Safir	318 41.7%	213 27.9%	301 39.4%	497 65.1%	85 11.2%	4 0.5%	62 8.1%	143 18.7%	30 3.9%	25 3.3%	299 39.2%	190 24.9%	97 12.7%
Al-Amal	342 40.4%	231 27.3%	298 35.2%	537 63.5%	97 11.5%	6 0.7%	98 11.6%	251 29.7%	11 1.3%	35 4.1%	324 38.4%	207 24.4%	109 12.9%
<u>Saudi Arabia</u>	22.3%	10.6%	12.4%	71.7%	1.3%	0.2%	4.8%	4.7%	4.6%	8.2%	29.9%	26.5%	16.8%
Al-Yum	125 19.1%	99 15.0%	122 18.5%	492 74.7%	14 2.2%	1 0.2%	27 4.1%	23 3.5%	13 2.0%	54 8.2%	168 25.5%	205 31.2%	134 20.4%
Al-Jazira	249 26.8%	75 8.1%	91 9.8%	633 68.1%	20 2.1%	4 0.4%	55 5.9%	38 4.1%	66 7.1%	75 8.1%	270 29.0%	233 25.0%	154 16.6%
Ar-Riyad	168 19.9%	85 10.1%	89 10.5%	620 73.5%	-	-	34 4.0%	54 6.4%	34 4.0%	70 8.3%	290 34.4%	208 24.6%	122 14.5%
Total	30.6%	13.5%	22.2%	69.5%	5.7%	0.4%	4.8%	11.1%	3.7%	5.9%	36.3%	26.2%	13.1%

TABLE 9

PICTURES ALONE IN LOCAL NEWS

	<u>No. of Pictures</u>	<u>Space of Pictures (cm/col)</u>
<u>Algeria</u>	19.1%	11.2%
Al-Sha'b	42 19.1%	237 11.2%
<u>Egypt</u>	25.1%	15.5%
Al-Ahram	135 19.9%	664 19.1%
Al-Jumhuriyah	155 25.1%	334 10.7%
Al-Akhbar	197 30.6%	661 15.9%
<u>Lebanon</u>	17.3%	13.8%
An-Nahar	125 18.2%	433 13.2%
As-Safir	124 16.3%	522 15.3%
Al-Amal	149 17.6%	493 13.0%
<u>Saudi Arabia</u>	34.1%	17.4%
Al-Yum	209 31.7%	692 16.8%
Al-Jazira	324 34.9%	1039 16.4%
Ar-Riyad	296 35.1%	1017 19.0%
Total	25.5%	15.6%

The Saudi Arabian press, on the other hand, has the highest percentage of domestic news dealing with rural areas. This may be due to the fact that the press is perceived as a service to the ruling family and to loyal tribal heads, many of whom are located in rural areas.

A further analysis of domestic news shows that, of the subjects covered, "social services" is generally the subject that ranks highest (i.e. per number of items and amount of space; see Tables 6 and 7). This covers problems such as health, literacy and housing. Educational articles on the arts and sciences come next in terms of the number of items and amount of space. These are followed by economic topics and sports.

This ranking applies to the Arab papers as a whole, but there are significant variations within the four countries, according to the type of government. Those with socialist regimes (Algeria and Egypt) give prominence to economic news. Algeria, being more revolutionary than Egypt, requires its press to set aside significantly more space for economic items than the Egyptian press. The Algerian press

runs few social items, while the Saudi Arabian press, operating as it does in a system of government which is more traditional and which is opposed to socialism, devotes the least amount of space to economic items and the most to social items. There are almost no items dealing with political parties and groups other than those of the ruling family.

The Lebanese press, which is the only one in the sample that is not in the service of the state authority, provides the least amount of space and number of items for "social services" and for educational topics on the arts and sciences. The largest amount of space and number of items are devoted to subjects dealing with non-governmental political groups, mainly those that the Lebanese papers are serving. Understandably, the biggest space and the highest number of items are for military events.

Political crimes are almost never covered in these papers. The Egyptian and Lebanese papers play up civil crimes, with the Egyptian papers giving them more space. Environmental problems are also rarely dealt with in the Arab press, as are items dealing with student matters.

“Social classes and interest groups” are the main actors in the majority (69.5 per cent) of domestic items (Table 8) but they are presented in such a way as to be favourable to the powers that be, i.e. social services, government aid, etc. The government is the main actor in the second largest group of domestic items. Foreign interests or groups rank third, while political figures are a distant fourth.

The fact that the Arab world is more dependent on the outside world explains why foreign interests or groups are the main actors in a large number of Arab domestic news items. Lebanon, being the country most open to and dependent on the outside world, has foreigners as main actors in more than one-third of the domestic items. Egypt, which was following a policy of “openness” to the outside in an effort to overcome its economic problems, has this group as the main actor in more than one-fifth of the local items in its press.

Political figures are the main actors in the Lebanese press more often than in any of the others, which is not surprising considering the close ties that exist with political groupings. It is also natural that the highest percentage of “sects” figure as the main actors (10.6 per cent) in the domestic news of Lebanon, a country torn by sectarian grievances.

Breaking down the types of main actors into national, urban and rural sub-types shows that national actors dominate in domestic news. They are followed closely by urban actors, while rural actors are found in a little over 10 per cent of the items. National actors figure in half the domestic items in the two socialist regimes (55.5 per cent in Algeria, and 47.3 per cent in Egypt).

In summary, an analysis of the papers in the four Arab countries suggests the following general comments:

1. The Arab press depends primarily on its own staff to cover domestic events; foreign sources are not significant in this area. However, government sources play a comparatively greater role in the press of the ideological regime (Algeria) and of the monarchy (Saudi Arabia).
2. The Arab press is an opinion press. It mixes views with the news, but it is the views of the political authority, and not the public, that are comforted.
3. Rural areas receive scant coverage; attention is concentrated on events in urban areas. In socialist regimes, the whole country receives more attention.
4. Social services, sports, economic matters and the arts and sciences are the subjects most commonly covered in the Arab press.
5. Social classes and interest groups are the main actors in most domestic news items. Government actors and foreign interests and groups, rank next.

Conclusion

To what extent do the press institutions in these four Arab

countries address themselves to their watchdog role? Or, to put the question differently, to what extent do these newspapers expose abuses of power in their own countries? The preceding analysis has indicated the orientation of the press and its relation to the reigning power structures.

In three of the four countries the press serves the political authority in power, be it a revolutionary socialist party (Algeria), a president in a socialist republic (Egypt), or a ruling family in a monarchy (Saudi Arabia). The press in the fourth country, Lebanon, is more at the service of political authorities other than the government.

In all four countries, the press institutions are generally not public-service oriented. On the contrary, they operate from top to bottom, and the reverse is possible only when the public's interests do not conflict with those of the political authority the press institution is serving.

The findings also suggest that the type of regime affects the papers' contents; the regime can thus influence public attitudes and social values. For example, the press institutions of the socialist regimes and the monarchy are strongly orientated towards domestic news that deals with social services provided by the government. On the other hand, the papers give little political news but include a heavy menu of educational items on the arts and sciences. They thus give the public articles that build up the contributions of the authorities and keep the public away from politics.

In Lebanon where press institutions are not controlled by the ruling authority, newspapers pay more attention to domestic politics than to items about social services. But there are more “foreign interests and groups” and “political figures” as the main actors of their domestic items than in any of the other press systems studied here.

Whatever the differences between the four press systems, none address the problems of the man in the street nor do they try to encourage participation in social affairs. The average citizen is thus distanced from the political process. The average reader can find nothing in the daily papers that is connected to everyday problems. Though the reader is informed about what is happening in the country, events are not brought within his reach. The various press systems divert the ordinary reader's attention from real social and political concerns to marginal problems that are usually either imported or of concern only to the authority the press is serving.

These press institutions view the public from the vantage point of the power centres. They address themselves neither to the public interest nor to the needs of a truly democratic society, nor do they defend the public against power abuse.

The public has a right to information relating to its needs; its media should also interact with and within its society. This is not provided for by the press systems of the four Arab countries under study.

There cannot be full participation of the Arab press institutions in the development of Arab societies unless they allow their readers to “hear” different “voices”, resulting from horizontal rather than vertical communication.

HOW WATERGATE INFLUENCED THE CANADIAN PRESS

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As I write this, more than a decade after Watergate, Canada's Centre for Investigative Journalism (CIJ) prepares to hold its annual convention in Montreal.

Misleadingly titled, the Centre is, in fact, the first and only national professional association of Canadian journalists, with more than 800 members. It is also an enduring monument to the influence of Watergate on Canadian journalists.

The revelation that first appeared in the Washington Post in 1972, and that led to the resignation of President Richard Nixon in 1974, encouraged journalists everywhere to reflect on the role of the press in exposing abuses of political power. If the Watergate scandal seemed to mark a low point in American political morality, it was clearly a triumph of free and responsible journalism. Carl Bernstein and Bob Woodward, the young reporters who were primarily responsible for breaking the story which was to bring about the President's resignation, became heroic figures for many journalists who dreamed of emulating their astonishing feat of "investigative journalism."

In Montreal and Toronto, a handful of this post-Watergate generation of journalists on Montreal's *Le Devoir* and Toronto's *The Globe and Mail* banded together in 1978 to promote the ideals and methodology of investigative journalism among their colleagues. Apparently the time was ripe for such a movement. The Centre for Investigative Journalism took root spontaneously, proliferating in cells across the country to give Canadian journalists their first national political organisation - political in the sense that the Centre represents and occasionally speaks and acts for the community of Canadian journalists.

The reason for citing the Centre is that it is the most obvious legacy, in Canada, of the Watergate affair. As a judge of the CIJ's annual awards for investigative journalism, I felt that I could still sense, in many of the entries, traces of the spirit of Woodward and Bernstein. Yet as I read them, American journalists were once again exposing the internal workings of the White House in a new saga they called "Irangate", another and less positive echo of Watergate.

Abuses of power in the Reagan White House, only two presidencies' remove from the Nixon administration - not to mention the rehabilitation of Nixon himself as an elder statesman - have cast doubts on the durability of the lessons

learned by press and politicians during the Watergate affair, even in the United States. Elsewhere, their effect has probably been even more muted and transitory. Still, in the context of Irangate, it is useful to look back on Watergate.

A Canadian perspective may provide some links between the American experience and that of other countries. As a television journalist dispatched from Ottawa to Washington during episodes of the Watergate story, I felt a mixture of conflicting emotions that was quite typical of Canadians visiting the United States: familiarity and strangeness, sympathetic understanding and bafflement, admiration and distaste. To a greater or lesser degree, in a world strongly influenced by the media-transmitted culture of the United States, these are reactions familiar to many who have been exposed at close range to the workings of the American system. They are, however, exaggerated in Canadians because of our proximity to the United States, our dependence on American trade and defence, our immersion in American popular culture, and the similarity of many of our institutions.

The question that haunted journalists in many countries, at the time of Watergate, was: Could it happen here? In the light of political scandals in all our countries since then, the question remains relevant, and the answers continue to reveal strengths and weaknesses in our own systems.

In Canada, as in many other countries, the usual response to this question tended to be: Probably not. Part of the rationale for this had to do with differences, usually perceived as superiorities, between the Canadian and American political systems. The other part, less comforting, related to differences in the relationship between politicians and journalists in Ottawa and Washington, and consequent shortcomings in political coverage by Canadian journalists. These, in turn, when analyzed, reflected adversely on aspects of the "political culture" in Ottawa and revealed flaws beneath the normally calm and complacent surface of political life in Canada.

Before dealing with the Canadian reaction to Watergate, it might be useful to glance at the perception of Watergate in the two parent cultures of this country. From the United Kingdom, Canadians inherited not only language but political structures and legal codes. From France, we also drew language and culture as well as laws that formed the founda-

tion of civil justice in the province of Quebec. Aspects of the Canadian reaction to Watergate can be more easily understood, and given greater relevance for others, in the context of responses in London and Paris at the time.

According to an American study published in 1980,¹ journalists in both countries, reflecting on Watergate, decided that "it couldn't happen here" but for different reasons.

The study, by James Trezise, James Stovall and Hamid Mowlana, takes as one of its premises that "the press of Western democracies prides itself on being the watchdog of society, protecting the people from the consequences of repressive or incompetent government."

Because Watergate "heightened this image for journalists, politicians and public alike," British and French journalists in general tended to cheer on their American colleagues as the scandal developed because "they, too, are watchdogs of their own governments."

"Yet, curiously," observed the authors of the study, "instead of the British press's sensitivity being sharpened by the events of Watergate, it was dulled. Many elements of the British press concluded that Watergate was purely an American phenomenon and that it could not happen in their own country."

The author of the study agreed that a Watergate-type crisis would not occur in the United Kingdom in exactly the same way as it did in the United States, because of the distinctive British parliamentary system.

At the first hint of serious scandal, a British government can choose to resign and test its popularity with the voters although this course "could just as well have the effect of sweeping a scandal under the rug." If a British government should decide to ride out the storm, the Prime Minister would still have to appear regularly in the House of Commons to answer questions, although a politician who becomes the prime minister "has, by definition, become a master at evasion of pointed questions in Parliament."

The study claimed that the concept of "conflict of interest" is not as strongly held in the United Kingdom as it is in the United States, and that "the British governmental system is so closed to public view ... that there is little adversary relationship between the press and Government."

The study concluded that "when the British press says it couldn't happen in their country, they are missing the main lesson of Watergate and legitimising a very dangerous assumption for their readers."

The lesson, in this interpretation, is that the crisis represented "not a failure for a political system but a failure of the men within that system."

"The American political system is based on men of goodwill acting in good faith with one another," the study stated. "Watergate was the result of a systematic disregard of this principle."

"The British system, too, is based on politicians' respect

for the rules of the game and the rights of the 'loyal opposition'. No political system, no matter how cleverly devised, can sustain itself unless these principles are maintained."

During the Watergate crisis, French journalists also claimed that "it couldn't happen here" but for different reasons. According to the same study, "political corruption and power-broking occur frequently within the French government but abuse of power normally goes unchecked by the press and other forces." In fact, according to the authors of the study, there were reported instances of cover-up of possible fiscal fraud by government officials, questionable electoral contributions, abuse of executive power, election fixing and government wire-tapping for security reasons in France during the Watergate period, but all of these scandals faded away without serious consequence for the French Government.

Some of the reasons for this were cited in various articles in the influential daily *Le Monde*: fewer individual liberties in France, more press restrictions, a more closed system of public life, and general cynicism regarding political corruption among the French public. The study concluded, however, that the factor that "greatly precludes that (Watergate) from happening ... is the French press."

"To a great extent," it stated, "Watergate was brought about by two reporters who refused to let go of a story; who worked for a powerful newspaper in a capital city; and who had the strong backing of their editors. Their continued reporting convinced official Washington that something was amiss, and the investigatory wheels began turning. It is highly unlikely that the press could, or would, play the same role in France."

The authors related this to the structure and political character of the French press and to France's turbulent political history which makes political stability, "taken for granted in America," a characteristic of national life that French journalists regard as a "new, precious and fragile thing."

The study speculated that this is why, in the phraseology of French journalist Henri de Turenne writing in the magazine *L'Express*, the "boxing match" atmosphere of a White House press conference has no parallel in France. Instead, encounters between the press and government spokesmen at the Elysée Palace resemble a gentlemanly fencing match with "capped foils."

Comparing Canadian reactions to Watergate with those of the British and the French produces, not surprisingly, closer parallels to the British experience. Canada's parliamentary system is modelled on the "Mother of Parliaments" in London. Laws governing the conduct of the press have tended in the past to follow British precedents, at least until the adoption of a new Canadian constitution in 1982. Like the United Kingdom and the United States but unlike France, Canada has enjoyed a long period of relative political stability since the Confederation of 1867, although the rise of separatism among French-speaking Québécois in the 1960s and 1970s temporarily disturbed this before and during the Watergate period.

Canadian journalists who used Watergate to draw parallels between Canadian and American systems usually started

1 James Trezise, James Glen Stovall, and Hamid Mowlana, *Watergate: A Crisis for the World*, Pergamon Press, 1980.

by listing structural differences.

Writing in the Summer 1973 issue of *Business Quarterly*, published by the School of Business at The University of Western Ontario,² Maurice Cutler, Parliamentary Editor for Maclean-Hunter Business Publications in Toronto, stated that “one of the most important differences between the two systems is the more direct responsibility in Parliamentary Government of the Executive to the Legislature.

“If President Nixon had been subjected to a daily question period (in the House of Commons) during his administration,” he wrote, “it is likely that the Watergate ‘caper’ might not have reached its present traumatic stage.”

Cutler was of the opinion that “it would be difficult for a Prime Minister to erect the kind of wall that has surrounded President Nixon since 1968, insulating him from dissent and from the Congress.”

According to Cutler, there was no guarantee that Watergate-type scandals could not happen in Ottawa. He noted that electronic eavesdropping or “bugging” could be done “almost with impunity” in Canada in 1973 because Canadian law dealing with this was less restrictive than American law. In fact, it was more than coincidental that earlier in 1973, at the height of the Watergate scandal, the Canadian Government had introduced a long-postponed bill to control bugging.

(Cutler might have written in even stronger terms had he known that members of the Conservative opposition in 1966 eavesdropped electronically on secret sessions of the Liberal Government caucus. Although the “bugging” was inadvertently created by malfunctions in a simultaneous translation system, Conservative Members of Parliament secretly used it for a time to anticipate government tactics in the House of Commons. When this became public in 1986, it caused major embarrassment to one of the Conservative politicians involved, former Deputy Prime Minister Erik Nielsen. Nielsen, who has since resigned from politics for personal reasons, also accused the Liberal Government in 1972 of tapping the telephones of Members of Parliament (the charges were never substantiated).

In his 1973 article, Cutler recalled that the Liberal Government of Prime Minister Lester Pearson, in the previous decade, had “felt no compunction about asking the Royal Canadian Mounted Police to dig through dossiers for evidence of unseemly conduct on the part of members of Parliament and cabinet ministers.” The Prime Minister at that time had asked the Commissioner of the RCMP for “any information indicating any impropriety or anything of a scandalous nature involving any Member of Parliament in any party over the last ten years.”

There were also dangers in the appearance in Ottawa of “the kind of mentality that allowed Watergate to happen.” Cutler claimed that “the West Coast advertising ethos of Nixon’s ‘Orange Country Mafia’ is not foreign to Canada.”

Citing the appearance of advertising experts from

Toronto in the Prime Minister’s election team, Cutler wrote that “former marketing men like Haldeman, Magruder and Ronald Zeigler (members of the Nixon White House staff) have their counterparts in Canada - people whose approach to politics is to sell a party and its leader the way they sell soap.”

“For the people whose occupation is the emphasis of appearance at the expense of reality, it’s a short step to the kind of thinking that set up the Watergate conspiracy.”

Cutler speculated, mistakenly as it turned out, that “perhaps Watergate will stop these trends from infecting Canadian elections.”

He concluded that there were two principal reasons for believing that something like Watergate would not happen in Canada.

He believed, in the first place, that “Canadians are less cynical and insist upon an element of fair play” in political life.

“American cynicism in this regard was demonstrated by George McGovern’s failure to get the voters excited by Watergate, a sure-fire issue, or so it seemed during last year’s election campaign,” he wrote. “It isn’t idle speculation to suggest that Canadian voters would have reacted strongly if such a plot were uncovered during a general election here.”

Cutler also argued, a little more convincingly, that “Canada does not have the long tradition of investigative reporting which culminated in the achievement of the *Washington Post* in the Watergate case.”

“If there are cover-ups in Canada’s government,” he stated, “the press cannot be expected to ferret them out. Based on the record of Canadian journalism, no Canadian newspaper would have touched the kind of information which led to the *Post*’s Pulitzer Prize.”

Another Canadian journalist, also writing in the summer of 1973, stated in the Toronto weekly *Financial Post* that “it (Watergate) could happen in Canada or any other country if some of the men wielding the levers of power were sufficiently unscrupulous.”³

The *Financial Post* columnist, John Bird, noted that “American observers have pointed out, with envy, that under the British and Canadian forms of responsible parliamentary democracy, the head of the Government has to submit to daily questions in the House of Commons ... President Nixon, who has been able to refuse to appear before the United States Senate inquiry, with perfect constitutional propriety, would have to submit to critical questioning if he were a Canadian Prime Minister.”

On the other hand, Bird stated that many Canadians, watching televised hearings of the United States Senate Committee, “have been enviously impressed by the power of the Committee to force into the open a wide range of secrets of the sort any government would want to hide.” In Canada, parliamentary committees, influenced by the government majority, almost never move against the government with

2 Cutler, Maurice, “Watergate: Could it Happen Here?” in *Business Quarterly*, Summer 1973, pp. 11-15, p. 96.

3 Bird, John, “Watergate could happen here despite differences in systems,” in *Financial Post*, July 28, 1973, p. 27.

that kind of aggressive independence. Even judicial inquiries into government corruption in Canada tend to be more circumspect than was Senator Ervin's committee.

Bird interpreted Senator Ervin's authority as deriving in part from the awareness of all American politicians that "young Americans, unlike young Canadians, are brought up to believe their constitution is sacred - not far removed from the Ten Commandments." Whether a national leader has failed to carry out his duty under the constitution is a question that "packs much more clout in the U.S. than here."

Perhaps the most interesting Canadian reflections on Watergate were written during that period in Canada's national newsmagazine, *Maclean's*, by Stephen S. Leopold, the only Canadian staff member of the United States Senate Committee investigating Watergate.⁴ A law student at Montreal's McGill University, Leopold worked for the Committee as an unpaid volunteer in 1973.

Writing at the end of that year, Leopold perceived that the publicity about Watergate had produced an unwarranted sense of complacency in Canadians.

"A Watergate could very well happen here," he stated. "Indeed, in the area that concerned me most - political dirty tricks - we have already had it, not once but hundreds of times over.

"Canadians who think our politics don't contain the same elements as the American campaigns are fooling themselves.

"Nor do I believe that there is anything in the Canadian character morally superior to the U.S. Nothing in our history shows us to be less susceptible to abusing positions of trust, and nothing in our law suggests that we are more vigilant in such matters."

Although Leopold felt that Canadians "have nothing to feel complacent about" in relation to "the kind of behaviour that we demand from our leaders," he agreed with other commentators that Canada benefitted from "that ancient, battered but still serviceable and invincible institution, the parliamentary system."

"In the first place," he argued, "parliament could keep a Canadian Watergate, once broached, from diving underground to fester, as it did in the U.S. A Canadian prime minister is on display every day that parliament sits. He cannot refuse to answer legitimate questions in the House of Commons.

"The second major advantage of the parliamentary system is that it has a built-in release from paralysis such as that introduced by Watergate - namely, in the defeat of the government responsible. No Canadian leader could remain in power with the representative assembly against him, as Nixon has done."

Writing before Nixon's resignation, Leopold foresaw "three more years of potentially lame-duck leadership, because of what *The New Republic* calls 'the fatal flaw' of the American constitution ... it (*The New Republic*) adds: 'Canada could have got this thing over in three months.'"

Being a Canadian law student with a ringside seat at the Senate hearings, Leopold focused on the electoral, legislative and judicial differences between Canada and the United States. As a television correspondent periodically assigned to Washington during the same period, my own special interest was in the role of the press. I identified with Woodward and Bernstein, as did the British and French journalists cited earlier, but perhaps even more closely.

Newspaper journalism in Canada, from its very beginnings, has been part of a North American rather than European tradition, with the exception of Quebec where a few newspapers were influenced by the intellectual tone of the elitist press in France. Many of Canada's first newspapers, in Nova Scotia and Ontario, were started by printers who emigrated from New England. In the 19th century, Canadian newspapers developed along the same lines as their counterparts in the United States, unlike Canadian radio and television in the 20th century, where a mixture of private and public ownership created a distinctive North American system of broadcasting.

As a young journalist in Montreal in the 1950s, my world was the world of Ernest Hemingway and Damon Runyon, the cynical journalist of the Broadway play *The Front Page*, the wistful poems of "archy and mehitabel" by the American journalist Don Marquis, and the political writings of such great American journalists as Walter Lippman and James Reston.

In 1973, despite all this, there were many things about Washington that seemed alien to a Canadian television correspondent such as myself. The political system, although it did have points of resemblance with the Canadian, was different enough to be dangerous territory for a foreign journalist who had to describe and analyse it on the run. In the struggle for news, a Canadian journalist had even less leverage than a reporter from the United Kingdom or France. No one in Washington particularly cared about Canadian public opinion. Coupled to this was the strangeness of moving about a city with a large black population, the ghetto areas more or less out of bounds for outsiders, the city streets at night almost deserted by pedestrians.

But the power and glory of the American press during Watergate was something in which I could share vicariously, take pride in, and envy. It was part of my own journalistic culture. It was almost as if Woodward and Bernstein had single-handedly restored faith not only in American journalism and the American system, but in myself and my colleagues as North American journalists.

A francophone colleague in Montreal, Solange Chaput-Rolland, later to become a politician herself, and a member of the Quebec cabinet, published a small book about Watergate in 1973, in which she compared journalism in Quebec unfavourably to the "honest, dignified and lucid" journalism of the *Washington Post* and other leading American newspapers.⁵

In retrospect, our admiration for journalists and news

4 Leopold, Stephen S., "Inside the Watergate Hearings," in *Maclean's Magazine*, December 1973, pp. 19-21; pp. 64-70.

5 Chaput-Rolland, Solange, *Regards 1973 - Watergate*, Cercle du Livre de France, Montreal, 1973.

media with the power to bring down a President blinded us at the time to other factors that contributed to their power, and without which Watergate could never have happened. The most important of these was the attitude of Americans toward the press and, in particular, the attitude of American politicians and public servants toward journalists and their role in political life.

This was what struck me recently as I picked out, after all these years, the curious third-person recounting of the beginnings of Watergate by Woodward and Bernstein that began: "June 17, 1972. Nine o'clock Saturday morning. Early for the telephone. Woodward fumbled for the receiver and snapped awake. The city editor of the *Washington Post* was on the line. Five men had been arrested earlier that morning in a burglary at Democratic headquarters ..." ⁶

Re-reading *All the President's Men*, originally published in 1974, I found myself marvelling not only at the dogged perseverance of Woodward and Bernstein's investigative journalism but at the co-operation that they received from hundreds of sources. It wasn't always offered willingly; the journalists were not automatically trusted by everyone they approached; many kept silent out of fear or loyalty to the party, the leader or to their own concepts of honour; but enough people talked to Woodward and Bernstein to enable them painstakingly to assemble week by week, article by article, the narrative that ended in the downfall of the President.

These people - government secretaries, clerks and minor officials at the start of the process - were the real heroes of Watergate. And it is clearer to me now than it was in 1973 - now that I can look back on my own years in the Ottawa Press Gallery from 1970 to 1980 - that these people were distinctively American. They were certainly unlike most of the bureaucrats that I encountered in my own country.

All the President's Men is filled with their revelations. Often they were neighbours, friends or working associates of those involved in Watergate, and they shared information with Woodward and Bernstein in a way that still astonishes me as I re-read their account.

Perhaps it had something to do with the "openness" of the American character, in contrast to the reserve that Canadians often show to strangers. But there also seemed to exist, between the journalists and their contacts, an understanding of what the journalists were trying to do, or an acceptance of the journalists' own image of their purpose. The prying of the journalists was recognized as being in the public interest.

Even more astonishing to a Canadian, this view of the journalist was shared by many public servants in fairly responsible positions. There were vital bits of information that came from "a personnel officer in the Pentagon ... a spokesman at the CIA ... a former official of the Nixon administration ... a friend at the committee (Committee for the Re-election of the President) ... a Justice Department attorney ..." and finally, at the head of the list, the anonymous

"Deep Throat" who met Woodward in an underground parking lot in Washington, identified only as "someone in the Executive Branch" who provided him with vital confirmation of his information at critical points in the investigation.

The motives of "Deep Throat" remain unknown but the hundreds of other Americans who provided vital pieces of the puzzle seemed to be based on a visceral understanding of their duties as citizens under the constitution, of the roles of Woodward and Bernstein as journalists under the constitution, and finally, of the obligations of Richard Nixon as President under the constitution. In the end, Nixon resigned because he had acted in violation of his constitutional oath.

The drama was played out within the framework of the American constitution, with all the characters conscious to some degree of their roles within that setting. The journalists, in particular, had worked within a "First Amendment" tradition rooted in the Bill of Rights of the First Amendment to the American Constitution which states: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of people peaceably to assemble, and to petition the Government for a redress of grievances."

There are many other reasons why Ottawa, and Canada in general, is a more hostile environment for journalists. The reticence of Canadians has already been mentioned; we are a more private people than our American neighbours, less effusive. Our society, it has often been said, is more respectful of authority, perhaps more "European" in that aspect. We seem to value law and order even at the expense of freedom in moments of crisis. All this makes Canada a society where the freedom of the press is limited by social convention as well as by law.

In this, Canada resembles the United Kingdom, where the Government has been described as the most secretive in the Western world. In matters related to national security, Canadian journalists operate under an Official Secrets Act based on the legislation which governs their British colleagues. Canadian defamation laws are more restrictive than those of the United States, particularly when journalists are writing about politicians. These were the harsher aspects of Canadian democracy that Watergate threw into relief, and that were seldom mentioned at the time, as most journalists sought to draw attention to the positive features of our parliamentary system.

In those days, Watergate was seen, by Canadians and other foreign media, as a watershed event that would have lasting consequences for the United States. In the book by James Trezise and his associates quoted earlier, there is a section entitled: "Watergate as Apocalypse." According to the authors, there was a tendency to "overstate the possible consequences of the Watergate crisis without any explanation or qualification."

After more than a decade, the effects of Watergate seem less momentous than they once did. The revelations of "Irangate," triggered this time by disclosures made outside the United States rather than by the investigative work of American journalists, have illustrated both the dangers of abuse of constitutional power in Washington and the neces-

6 Bernstein, Carl and Bob Woodward, *All the President's Men*, Simon and Shuster, New York, 1974.

sity of constant vigilance by the press. "Irangate" seemed to indicate that the lessons of Watergate had been quickly forgotten in the White House, and by the American people.

In Canada, where the press had suffered in the 1970s by comparison with the exploits of Woodward and Bernstein, developments since then have perhaps been more positive.

On a professional level, the influence of Woodward and Bernstein continues to be felt within the Centre for Investigative Journalism.

Of greater importance, although unrelated to Watergate, was the adoption of a new Canadian Charter of Rights and Freedoms as part of the Constitution of Canada in 1982, when the constitution was finally "brought home" to Canada from the United Kingdom.

It has been stated that the adoption of the Charter "fundamentally altered the theoretical role of the judiciary in Canadian society by establishing the courts as the guardians of the freedoms and rights that it guarantees."⁷ This move-

ment away from parliament and toward the courts as the definers and protectors of Canadian rights and freedoms has been interpreted as a move away from British tradition and toward a more "American" pattern of constitutional government.

For Canadian journalists, Section 2 of the Charter contains guarantees of enormous importance. It lists, among the "fundamental freedoms" that belong to every Canadian, "freedom of thought, belief, opinion, and expression, including freedom of the press and other media of communication."

Canadian courts have only started to explore the implications of a constitution that specifically includes, for the first time, a freedom of the press provision. It is still far from clear whether the new Charter will ultimately enhance press freedom, but it does hold out the promise of a more clearly defined role for Canadian journalists within the constitution and ultimately within Canadian society. This role would more closely resemble the model provided by the American press during its finest moments in the Watergate drama, when American journalists and their sources worked together with a sense of mutual trust and shared purpose that journalists everywhere admired and envied.

⁷ Anisman, Philip and Allen M. Linden, eds., *The Media, the Courts and the Charter*, Carswell, Toronto, 1986, p. 1.

GUARDING AGAINST THE ABUSE OF POWER: THE ALTERNATIVE PRESS IN THE UNITED STATES OF AMERICA

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Defining Power and its Abuses

Power must be exercised if human beings are to go about their tasks and to reach their goals in communities and nations. Power is intimately tied up with the relationships between persons as individuals and between institutions and individuals. An abuse of power occurs when those in control of a nation or a society take away or abuse the human rights of those who live in it.

The study of history reveals that some of the most common abuses of power have included the abuse of the physical well-being of the people, the refusal of equal opportunities and the refusal to allow the people to have a say about the way in which they are governed.

The printing press, from its earliest times, was seen by those in power as both dangerous and attractive. It could be used to further their goals, but, in the wrong hands, it could be used to thwart their wishes. Rulers quickly sought to repress unauthorized publications. As late as the 17th century the generally accepted rule was, as Matthias A. Shaaber quotes regarding the situation in England: "His Majesty may by law prohibit the printing and publishing of all newsbooks and pamphlets of news whatsoever not licensed by his Majesty's authority as manifestly tending to the break of the peace and disturbance of the kingdom."¹ At about the same time, Sir William Berkeley, governor of the American Colony of Virginia, showing the fear many rulers had of print, is reported to have said: "But, I thank God, we have not free schools nor printing; and I hope we shall not have these hundred years. For learning has brought disobedience and heresy and sects into the world; and printing has divulged them and libels against the government. God keep us from both."²

Nevertheless, there have always been individuals ready to speak or write what they believe to be true at the risk of repression. Joseph Frank points out that there were numerous unlicensed papers in England, publishing without government approval, being repressed, and then popping up again.

One such early "alternative press" publisher was Marchmont Needham, whose unlicensed paper, *Mercurius Pragmaticus*, was a major irritation to the Government. In one issue Needham wrote that he had recently been "routed out of (my) lodgings. . . by Parliament beagles and whole squadrons of rebellious Mermidons and forc'd to build (my) nest in another angle."³

Those in power have for centuries had an uneasy relationship with the press. As long as the press sent messages down from the hierarchy of leadership, enunciating the need for obedience, it served a useful role, in their opinion. But, as Mott notes, "The printing press, wherever it appeared in the world (in the 17th century), was regarded by government as a dangerous engine. It was very useful to men in power so long as they could control it absolutely; but the fact that a press sells its product to large numbers of people makes it essentially a popular institution, and as such it was a constant threat to governmental control which was, in the main, autocratic."⁴

The period following independence for the United States saw a gradual increase in the number of newspapers and magazines, although circulations were small until about the middle of the century. Often, these publications were extremely partisan and indulged not only in free, but often licentious, expression of their political ideas. The press system became basically libertarian. Some unsuccessful efforts were made by the national or state governments to muzzle the press, but these were thwarted by the courts, which upheld the freedom of the press, and thus set the pattern which has existed to this day, of letting publications compete in the free marketplace of ideas without prior restraint.

This does not mean that controls were not exerted over the press, but outright censorship, physical violence sponsored by the government, or actual repression of individual newspapers or magazines has been rare in the United States. Editors taking up popular causes have been killed, their

1 *Some Forerunners of the Newspaper in England, 1476-1622*. Philadelphia: Univ. of Pennsylvania Press, 1929, p. 25.

2 Quoted in Mott, *American Journalism*, p. 6.

3 Quoted by Frank in his *The Beginnings of the English Newspaper: 1620-1660*. Cambridge, Mass.: Harvard University Press, 1961, p. 194.

4 Mott, *American Journalism*, p. 6.

presses destroyed, or their publications burned. But such actions have not often been encouraged by the government itself.

Government repression of the press - mainly the German-language press and socialist papers - occurred during the First World War, and it is estimated that almost 80 publications lost their mailing privileges or only kept them by promising not to write about the war, under the provisions of the Espionage Act not to write about the war. A few dissident pacifists were imprisoned during the First World War.⁵

More insidious has been the denial of access in print to persons supporting unpopular causes. In the United States, the person owning the press determined the contents published by it. There was no automatic access to ensure the existence of a free market-place of ideas. In effect, many newspaper and magazine publishers became powerful figures in their own right and exerted controls upon what was printed.

In a system based on free enterprise, those with the money determined what was printed. By the 19th century, it had become evident that many of the established newspapers and magazines were closed to unpopular ideas. This was not because the government required a certain philosophy to be espoused by newspaper publisher. It was rather a form of social control which was always present: the control by the majority which desired to maintain the comfortable *status quo*. "Right-thinking" publishers reflected the values which predominated in their communities and nation. There was room for disagreement, argument over politics, etc, but only up to a point. Less room was made for voices taking up issues which questioned the very structures of the nation's institutions.

The Rise of an "Alternative" Press

In the 19th century it became apparent that those favouring the abolition of slavery, more rights for women, pacifism, better treatment of labour, protection of American Indian rights, etc., could not depend upon getting their messages to the public through the so-called traditional media. Proponents of radical ideas tried at first to gain access to the public ear through the established media, but without success. They then determined to make themselves heard through publications of their own. These publications espousing less-accepted causes formed an alternative to the more mainstream popular newspapers and magazines of the nation.

One of the earliest examples of an alternative publication, *Freedom's Journal*, published by a freedman

from Jamaica, John B. Russwurm, and the Rev. Samuel Cornish, appeared in 1827. Russwurm was the first black to graduate from an American college (Bowdoin, in 1826), and since he was seeking freedom for slaves, wished to respond to a New York publisher, Mordecai M. Noah, who had made a vicious attack on black leaders.

Finding normal publications closed to his response and to his stand against slavery, Russwurm and Cornish wrote in their paper's first issue: "We wish to plead our own cause. Too long have others spoken for us."⁶

These alternative newspapers or magazines, however, usually counted their subscribers in the hundreds, or at most, a few thousand. Backers of minority causes found it difficult to obtain enough money to publish large-circulation papers or magazines. Few powerful individuals would support radical thrusts at the prevailing institutions. Thus it was left to a relative handful of courageous persons to bring unpopular ideas to the attention of at least a limited number of readers. Because of their very espousal of unpopular ideas, or because they were members of deprived minorities themselves, they had little of the fruits of power. As they struggled to make their ideas heard, they also discovered that they were often "speaking to themselves" - or only to persons who already shared their ideas. Denied access to the mainstream media, these alternative publishers hovered on the fringes of their society, jumping up and down, trying to attract attention and change opinion.

This situation still exists in the 20th century, with those supporting unpopular or dangerous ideas fighting an uphill battle to disseminate their messages and to gain a hearing with the majority of the citizens. Many alternative publications wither on the vine. Others hammer away for decades or generations before some break-through point is reached and their ideas lead to a halt in the abuses of power or to a change of outlook.

There is not enough space to mention more than a few examples of the ways in which alternative publications battled for the acceptance of once unpopular ideas. But the role of publications supporting equality for women is one useful illustration.

In 1948, a convention was held in Seneca Falls, N. Y., to support women's rights. Out of this convention came the founding of *The Lily*, which soon became a strong voice for more equal treatment of women. This monthly could boast of only about 6,000 subscribers, but it helped set the agenda for a discussion of women's rights.⁷ It should be noted, however, that women backing suffrage and more equal treatment for their sex did not obtain the right to vote on a national level until 1920 in the United States. Even today, feminists have been unsuccessful in their drive for an equal-rights amendment to the United States Constitution.

Of course, it should be pointed out that merely calling attention to abuses of power through publications is frequently not in itself sufficient to bring about change. Besides

5 For treatments of repression of the American press in wartime, especially the First World War, see Chapters 5, 6 and 7 in Lauren Kessler's *The Dissident Press: Alternative Journalism in American History*. Beverly Hills, Calif.: SAGE Publications, 1984; and Chapter 19 in Edwin Emery and Michael Emery, *The Press and America*. Englewood Cliffs, N.J.: Prentice-Hall, 1984.

6 Quoted in Edwin and Michael Emery's *The Press and America*, p. 181.

7 *Ibid.*, pp. 304-305.

calling attention to the problem through the press, it is often necessary to use other methods such as demonstrations, parades, boycotts, and so forth. But the mass media can exert a critical influence in setting the agenda for further action. Unless controversies are mentioned in the media, it is difficult to gain a forum for public discussion and action.

As the 19th century entered its last years, changes in education and technology put more powerful tools into the hands of those who wanted to fight abuses of power in the United States. Literacy steadily increased as public education was established, making many more potential readers available. Moreover, and just as important, changes in printing technology through cheaper and speedier typesetting and printing and the use of cheap pulp paper cut the costs of publication.

Hand-in-hand with these changes were changes in political thinking which gave rise to the development of populist and socialist causes and a repugnance at the control of resources by an elite.

Having expanded to the Pacific and outside their continental boundaries, Americans were freer to turn toward a critical examination of the quality of life. While the country had been fleshing itself out, untrammelled growth had been celebrated. Those who exploited workers had been made into heroes as they built railroads, steel mills and worked coal mines to power the dynamic growth of the United States. But little by little, the questioners hesitantly at first began to ask at what expense industrial growth or imperialistic growth had been attained.

The Role of the Muckrakers

Abuses of economic power became evident. As the 20th century began, two out of every three male American workers earned less than \$600 a year - which was then considered the minimum to maintain a decent life.⁸ The pay for child labour and for women was even less.

One-eighth of America's businesses controlled four-fifths of the country's manufacturing. Big business encountered little opposition to its aims - which were generally to make as much money as possible with little regard for society's welfare.

The stage was set for a flurry of opposition to expose and do away with abuses of economic power, political corruption and oppression of the "little man." Writers eager to expose the abuse of power and to advocate change and reform were able to tell their stories to the nation through a number of inexpensive magazines which were looked down upon by the more sedate, conservative established presses. Just as a "penny press" had developed some decades earlier, so now a "nickel" magazine press came into being. These cheap publications appealed to the newly literate citizens and became extremely popular within a few years as they gave a forum to a group of writers who would come to be called the "Muckrakers."

The Muckrackers were given their name by President Theodore Roosevelt who likened them to the man in Pilgrim's Progress who, unable to look up and see a heavenly crown offered to him, continued to rake the filth.

Although they rapidly gained many thousands of readers, these publications containing the investigative efforts and the attempts at protest of the Muckrakers may be termed alternative media. The magazines and newspapers offering a platform for these writers were departing from what was offered in the more mainstream publications of the period. A fortunate congruence of writers seething with indignation against abuse of power and a readership ready to hear the message resulted in much social change as the 20th century began. There were many reforms diluting the power of corporate trusts, passing pure food and drug laws and combating political corruption.

While the Muckrakers certainly didn't invent the literature of dissidence and protest, they honed exposure of the abuse of power to a fine knife-edge, and would give sustenance to later generations ready to question abuses of power in the United States. Although their numbers dwindled as the First World War approached, they formed a solid foundation for more battles against abuses of power in America.

As is true in most countries, war unites a population against outside enemies and makes questioning of the governing institutions more difficult. During the First World War, some German ethnic publications were repressed, especially if they questioned the American position against Germany. Pacifists generally had a difficult time making their voices heard - a situation which was to repeat itself in the Second World War and at first during the Vietnam War.

Support for unpopular positions dwindled in a country preoccupied with winning wars, although a handful of alternative publications allowed some outlet for minority viewpoints. Dissatisfaction with the standard of life in the Great Depression stimulated more persons to criticize the *status quo*, and socialist and communist publications gained fairly large readerships, as did ultra-conservative publications trying to protect the rights of certain groups.

The "Underground Press"

The so-called "underground press" came into being in the United States to protest against what many younger people felt was too much concern with materialism and the work ethic. By the 1950s, the "beat generation" had arrived, soon to be followed in the 1960s by "hippies" and others who felt that the establishment rode roughshod over the rights of the people.

The United States intervention in Vietnam and in other countries at first caused criticism in only a few publications, but by the late 1960s, this had become a storm of protest, not limited to alternative publications, but to demonstrations, sporadic violence against the national government, draft evasion and a revulsion at a national policy unacceptable to many citizens.

Underground newspapers and radical publications proliferated into the hundreds, as large numbers of individuals

8 Ibid., p. 303.

banded together to fight abuses of power mainly by the Federal Government.

Gradually it became impossible for the mainstream, more traditional media to ignore the criticisms and dissidence and they too began to try to effect change in national policy. It was also during the late 1960s and early 1970s that many alternative publications first raised their voices to protest damage to the environment by industry and private developers.

Although in the late 1970s and the 1980s more satisfaction with the *status quo* is noted in the United States, there are today hundreds of alternative publications offering exposure of abuses of power and furnishing a forum for discussion of unpopular ideas. These are trying, with varying degrees of success, to combat what they see as serious dangers to the welfare of the nation. They are only the latest in a long line of alternative media which has been "going against the mainstream" for many generations in America. Perhaps they can be compared to the yeast, which makes the bread rise. One theory might be that the frequently raucous, sometimes bumbling, but mostly sincere alternative media goad the more traditional media into action to combat abuses of power or to seek reforms.

The line is not clearly drawn. Many cases can be cited in which individuals working within the format of more traditional media have successfully called attention to abuses of power. Another hypothesis might be that alternative media alone cannot achieve lasting change, but must be joined by traditional media, uniting in one voice to demand the end to abuses. And while this report deals mostly with alternative media, some attention is given to the role of more traditional publications. It is noteworthy that the nation's highest prize for journalistic excellence, the Pulitzer Prize, is often awarded to mainstream newspapers trying to stop corruption and to improve society. No one kind of publication has a monopoly in seeking the betterment of society.

Insidious Efforts At Control

The investigator looking at the relationship of the press to the Government in the United States will look in vain for very many overt efforts by the Government to suppress the flow of information through formal censorship or action against publishers.

Those in power who desire to keep the public in ignorance about their activities have more subtle means to thwart questioning. Some of these include making access to information difficult, at times practising delay in making information available and by manipulating the press to gain government ends.

Such insidious efforts at press control may also be found in non-governmental institutions through public relations or "public information" efforts. While there is certainly a place for ethical public relations activities, we cannot ever forget that those in public relations are engaged in persuasive communication - and their information should be held up to rigorous questioning.

Those in political power also have a very potent weapon

in setting the agenda for discourse, through press conferences, unattributed "leaks" of information, and through co-opting press leaders by persuading them that they are "shakers and movers" in their community or in the nation.

Even more subtle is the frequent natural congruence of interests of the proprietors of most of the media of communication and of those in power. Both have a stake in maintaining stability and in fostering a society responsive to the protection of private property and the accumulation of wealth.

Ben Bagdikian estimates that only 20 corporations account for more than 50 per cent of the annual sales of magazines in the United States.⁹ "By the 1980's the majority of all American media - newspapers, magazines, radio, television, books and movies - were controlled by 50 giant corporations."¹⁰

Bagdikian claims that these tremendously powerful corporations constitute what he calls "... a private Ministry of Information and Culture."¹¹ He notes that "... it becomes increasingly difficult to hear minority voices over the majority thunder."¹²

Although there seems to be no overt conspiracy to preach the party line of capitalism and acquisition of wealth in the American media, many of the messages conveyed through mainstream media reinforce the system. It is natural for the "haves" to perpetuate a system which benefits them, and to ignore the "have-nots" who are on the fringes of a society.

The immersion of the public in a mass of messages underlining the advantages of the *status quo* and working for its continuance is obvious in the United States. If media are to guard against abuses of power, they must make room for uncomfortable messages which question, or at least debate, the condition of a society.

Michael Parenti is a harsh critic of the mainstream American media in his book, *Inventing Reality, the Politics of the Mass Media*¹³

"The structures of control within the U.S. media are different from the institutionalized formal censorship we might expect of a government-controlled press; they are less visible and more subtle, not monolithic yet hierarchical, transmitted to the many by those who work for the few, essentially undemocratic and narrow in perspective, tied to the rich and powerful, but not totally immune to the pressures of an agitated public, propagandistic yet sometimes providing hard information that is intentionally or unintentionally revealing."¹⁴

9 Bagdikian is quoted in Victor Navasky's article, "The Role of the Critical Journal", in *The Nation Magazine*, June 8, 1985, p. 698.

10 Ibid.

11 Ibid.

12 Ibid.

13 New York: St. Martin's Press, 1986, p. 6.

14 Ibid.

Thus it becomes important to discuss the alternative or non-mainstream press. At a time when conglomerates, mega-corporations and huge chains control most mass communication media, the role of the relatively small, weak, alternative sources of information seems even more essential.

The focus upon alternative publications should not be taken to mean that the mainstream media make no efforts to halt critical abuses of power. Indeed, one case study will be devoted to what a major Texas newspaper was able to accomplish in this regard.

But as Navasky writes in his "Role of the Critical Journal," "Ever since the incarceration of John Peter Zenger in 1734 for seditious libel, the government has paid small publications the compliment of a kind of attention that presumes an important influence."¹⁵ It is the thesis of this report that the alternative press fulfils a very useful function by stressing minority and dissident ideas, and usually by doing so before the mainstream media take them up for treatment. Thus, they may constitute an "early-warning system" against abuses of power and for the protection of minority rights against what can be a tyranny of the majority.

Bringing About Change

What evidence exists that non-mainstream media do cause change and alert the people to abuses of power before the mainstream media do? Space does not allow an exhaustive catalogue of efforts by alternative media to question abuses of power, but it may be useful to cite a few examples in which alternative media have made major contributions to public knowledge about perversions of power, and in some cases to the cause of reform.

These cases will include, but not be limited to, two alternative media considered in this study - *Mother Jones Magazine* and the *Texas Observer*, a newspaper published every two weeks.

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Possibly one of the least-questioned major institutions within the United States Government was the Federal Bureau of Investigation. The popular picture, stimulated by its director, J. Edgar Hoover, was of heroic federal investigators, standing as a bulwark against crime. Americans in general felt they slept safer in their beds because not only the local but also the FBI police protected them. It was not until the last few decades that this entrenched institution was questioned.

An alternative publication, *The Nation*, a small magazine known for its liberal tendencies, pioneered critical pieces about the FBI as far back as 1958 - long before any criticism appeared in the mainstream press. Carey McWilliams, editor of the magazine, said: "Aside from Max

Lowenthal's fine book on the Federal Bureau of Investigation - which came out in 1950, and was in effect suppressed by FBI pressure - the press had failed to take an objective, critical view of the FBI."¹⁶

McWilliams also said his magazine was the first to look critically at abuses of power by the Central Intelligence Agency, doing so in 1962, before the media in general became critical of CIA activities. *The Nation* published special issues on the FBI and CIA. "After our special issues appeared, the ice was broken, and since then many pieces have appeared on these subjects," he wrote.¹⁷ McWilliams disagrees with some cynics who believe that journalism which attempts to reform the system only acts as a safety valve for mass dissatisfaction. ". . . Reform journalism can be effective, but its effectiveness has come to depend on how searching it is and the extent to which it relates the parts to the whole, the symptom to the cause."¹⁸

In another case, Seymour Hersh had to seek out an alternative news service, Dispatch News Service, to publish his account of the My Lai Massacre in Vietnam. The major wire services would not use Hersh's reporting of American atrocities against Vietnamese villagers.

Discussing alternative publications, Michael Parenti, who noted Hersh's problems in getting his story out, also says: "Stories about hunger in America, the chemical poisoning of our environment and our people, the illegal activities of the CIA at home and abroad, U.S. sponsored torture in Iran and Latin America, the dangers of nuclear power plants and other such revelations were uncovered by radical publications long before they were finally picked up - if ever - by the mainstream media."¹⁹

Mother Jones Magazine

Turning to *Mother Jones Magazine*, we find a leftist publication which has been in existence since 1976. Now published in California, the magazine enjoys tax-exempt status as a non-profit organisation run by a foundation. This mode of operation has become increasingly necessary in the United States for journals of opinion, since almost all of them lose money. Although most contain advertising, it makes up only a small percentage of their budget, and they are dependent in most cases upon their tax-exempt status and subscriptions as well as donations to keep publishing.

Mother Jones was named for Mary Harris Jones, who became known as "Mother Jones" during her days as "orator, union organizer and hellraiser."²⁰

16 Quoted in *Muckraking, Past, Present and Future*, John M. Harrison and Harry H. Stein (eds.) University Park, Pa.: Pennsylvania State U. Press, 1973, p. 125.

17 Ibid.

18 Ibid., p. 134.

19 Inventing Reality, pp. 53-54.

20 "Press Guide to Paradise," *Harper's Magazine*, May, 1984, p. 48 (no author given).

15 Navasky, "The Role of the Critical Journal," p. 699.

Although not all the evidence is in concerning the Federal Government's efforts a few years ago to revoke *Mother Jones'* non-profit, non-tax status, it is a fact that the federal Internal Revenue Service did seek to strip the publication of such status.

Robin Wolaner, then publisher of *Mother Jones*, claimed the Federal Government was trying to harass *Mother Jones* for its bitterly critical articles on the Reagan Administration.

Navasky, whom we have cited for his studies of alternative media, also believed the magazine was harassed by the Internal Revenue Service (IRS) when it did muckraking pieces with titles such as "Investigating Reagan's Brain. . . And Other Dark Regions of the Right."²¹

Wolaner stated that the fight against the IRS had by early 1982 cost *Mother Jones* \$100,000 in legal and accountants' fees. Concerned readers at that time had contributed some \$40,000 toward these expenses, he said.²²

Although *Mother Jones* eventually successfully defended its tax-exempt, non-profit status, the money and effort necessary to do so were a severe drain on the magazine. The tremendous financial resources of the Government or powerful institutions can certainly exert a chilling effect on efforts by small or weak publications. The harassment potential is always present when those in power control tremendous resources.

Publications enjoying a tax-exempt status are, it is true, receiving a taxpayers' subsidy to enable them to publish. This, along with the favourable postal rates, can be considered an effort to allow for a greater diversity of opinion. But American publications pay a price for such subsidies: they cannot endorse political candidates. They can publish factual stories which are critical of political candidates or government officials, but they may not favour any specific political candidate.

Mother Jones had a peak circulation of about 220,000 readers, but as conservative politics reached a new ascendancy in the 1980s, this circulation decreased to approximately 170,000. This is large for alternative media, however, and the magazine is readily available on many newsstands.

The magazine receives only about 12 per cent of its revenues from advertising and is dependent upon large injections of money from Adam Hochschild, one of its founders. Hochschild is an independently wealthy multinational corporation with mining interests throughout the world.

According to Mike Weiss, Hochschild has injected at least ". . . \$1.5 million outright and has funneled huge amounts more through forgiven loans and other accounting devices. He keeps the muckraking leftist publication afloat with family wealth. . . ." ²³

One of the most hard-hitting efforts of *Mother Jones* was in 1979 when it devoted most of an issue to what it called "The Corporate Crime of the Century." This was an exposure of the "dumping" by American corporations of harmful products, chemicals, pesticides and medical devices such as the Dalkon Shield for birth-control upon Third World consumers - after such products and materials had been banned in the United States.

Mother Jones has also dared to discourage cigarette advertising. The magazine was sorely tempted to accept such advertisements, since it probably has a deficit of \$400,000-\$500,000 annually. Cigarette advertisements would have provided \$100,000 in income to the magazine (they are banned on television in the United States, but may appear in newspapers and magazines, although the Federal Government requires a health warning on each packet about the dangers of tobacco). Although the editorial board of the publication approved accepting cigarette advertising in a split vote, the dissident editorial board members decided to devote almost the entire content of one issue to "SMOKING: The Truth No One Else Will Print." The stories showed smoking as such a devastating menace to health that the cigarette companies did not place any advertising with *Mother Jones*.²⁴

Mother Jones contends that no other major American magazine accepting such advertising has ever criticized the tobacco industry harshly.

The editors of *Mother Jones* point out that for the last half century all political magazines in the United States - left, right, and centre - ". . . have almost always run at a deficit. Usually a big one."²⁵

The editors pointed out that the ". . . market for ideas has no connection to the market for the advertiser's dollar.

"Commercial magazines, which usually earn anywhere from 50 per cent to 80 per cent of their income from advertising, are structured to sell a particular audience to corporations. . . . But political magazines have quite a different purpose. A magazine like *Mother Jones* is designed to voice a set of concerns: about social justice, ending the insanity of the arms race, undoing the inequities between human beings - and about enjoying some good laughs and some good writing along the way."²⁶

Mother Jones struggles along from crisis to crisis, trying to raise money to keep publishing. In October 1985, it begged readers to send in donations to enable it to publish during 1986. Its appeals were apparently successful.

In making their plea for support, *Mother Jones* editors Deirdre English and Don Hazen noted that "As the world gets more complex and change happens more quickly, citizens need more diverse sources of information, but the opposite is happening. The very multi-national corporations that read-

21 Navasky, "The Role of the Critical Journal," p. 699.

22 Quoted in *Mother Jones* Combats IRS on Challenge to Tax-Exempt Status," Folio, March, 1982, pp. 6-7.

23 "The Good News about the Bad News from *Mother Jones Magazine*," *California Magazine*, July, 1985, p. 67.

24 An account of the *Mother Jones* cigarette advertising issue is included in Weiss' "The Good News" article, p. 77.

25 Letter to editors of *California Magazine*, July, 1985, p. 9.

26 Ibid.

ers and viewers need to know more about . . . are buying up the media companies that are supposed to be reporting on them."²⁷

The editors pointed out that the influence of advertisers over mass media is increasing. "So it becomes increasingly clear how important an independent, authoritative source of information like *Mother Jones* is. No corporation owns or influences *Mother Jones* — we are able to make our editorial decisions purely on the merits of our investigations."²⁸

The Texas Observer

An alternative state publication which has exerted considerable influence in Texas for the past 30 years is the twice-monthly *Texas Observer*. This study has included the *Texas Observer* to show the ways in which a smaller alternative medium can present new ideas and serve as an outpost against the abuse of power.

The *Texas Observer* is typical of many of the under-financed, under-staffed, sometimes derided alternative media which barely survive from year to year. Published by only a handful of staffers, the *Texas Observer* has served since its founding in 1954 as a gad-fly of Texas journalism. Frequently it has taken up controversial subjects before the mainstream Texas media.

Victor Navasky said that ". . . the looming presence of a muckraking magazine like the *Texas Observer* forced other Texas publications to undertake stories they might otherwise avoid."²⁹

During its existence, the *Texas Observer* has favoured minority rights and has been especially strong in defending the rights of Mexican-Americans (Chicanos) in Texas. It called attention to a multi-million dollar life insurance scandal in which thousands of Texans were shocked to find that their insurance policies were worthless. The insurance scandal resulted in the reform of insurance statutes in Texas and criminal charges against several insurance leaders. Other Texas media were then quick to expose the insurance corruption.

The *Observer* is basically a state publication and can therefore concentrate on issues smaller than those taken up by *Mother Jones* or the *Nation*. These are however issues which may be just as vital to residents of another state as they are to those of Texas. The *Observer* was the first Texas publication to question the credentials of the president of one of the state public universities who was finally forced to resign after investigators found that he had plagiarized much of his dissertation.

The small publication struggles along on a total budget of \$250,000 a year and manages to circulate 11,500 copies.³⁰

In its column congratulating the *Texas Observer* for existing for three decades, *The Nation* noted that because of its work, corrupt state officials had been removed from office, gone to prison or fled the country.³¹

"The *Observer* remains a hallowed, sometimes hated, journal of dissent. It continues to be (it has no rivals) the conscience of Texas," *The Nation* said.³²

Knowledgeable Texas journalists agree that the *Texas Observer* serves a useful purpose, although they feel that within the last few years other more traditional media have improved and are doing more to stop abuses of power.

In an interview Keith Shelton, a long-time political writer who is now managing editor of the *Denton (Tex.) Record-Chronicle*, said: "The *Observer*'s political intelligence column gives early warnings about political situations around the state, and other writers use these as a basis for follow-up articles."³³

A nationally known Texas writer, A. C. Greene, of Dallas, agrees that the *Texas Observer* performs a useful service as a dissident voice, although he believes it has less impact than it once had. He believes the *Observer* now has stronger competition among other Texas publications, although the *Observer* ". . . has followed the problems of the state's Hispanics more than some of the other mass media." He pointed out that the *Texas Observer* still takes unpopular stands on public issues.³⁴

The Texas writer says he has noted a tendency in the mainstream media, and especially network television, to practice voluntary censorship. He was interviewed by more than 60 reporters during a recent national Republican convention in Dallas. "Certain statistics and information could not even be brought forward with them if they questioned sensitive areas such as black minority problems." He is concerned that the major media may limit discussion simply by choosing to ignore questions which are controversial but of public importance.³⁵

A recent example of the way in which the *Texas Observer* provided an early-warning system against abuse of farm labourers was its battle to ensure that the State Agriculture Commissioner retained the right to specify pesticide regulations.

Dave Dennison, associate editor of the *Observer*, said that the paper has been publishing articles and editorials to call attention to the dangers that pesticides pose to workers in the field. Agri-business interests have tried to take away the authority of the commissioner to specify pesticide-use regulations. According to Dennison, the state legislature, influenced by commercial interests, also tried to stop the Agriculture Commissioner from regulating pesticides.

"No one put it all together — wrapping it up — like we did," Dennison commented.³⁶

27 "Backstage" Column entitled "Don't Let Our Voice Be Silenced," *Mother Jones*, Oct., 1985, p. 6.

28 Ibid.

29 "The Role of the Critical Journal," p. 700.

30 "Observer at 30," a column (unsigned) in *The Nation*, Dec. 29, 1984-Jan. 4, 1985, p. 700.

31 Ibid.

32 Ibid.

33 Jan. 23, 1986, with the author of this paper.

34 Interview with the author of this paper, Jan. 23, 1986.

35 Ibid.

36 Interview, Jan. 23, 1986.

Dennison agreed that mainstream Texas media are more competitive in seeking out stories the *Observer* formerly did alone. He also said that the *Observer* has not become a non-profit, tax-exempt publication, since that would keep it from endorsing political candidates - something he feels is very important.

A Mainstream Paper Fights Power Abuse

Because of its unusual nature, the writer decided to include one mainstream medium's effort to fight an abuse of power of a highly unusual nature. As has been pointed out, while the focus of the study is on alternative media, to balance the picture it may be illustrative to include what one American mainstream medium accomplished.

The paper singled out is the *Forth Worth (Texas) Star-Telegram*, established in 1895 and with a circulation of approximately 250,000. As the *Star-Telegram* itself admits, it was included among ten worst daily newspapers in a story published by *MORE*, a journalism review magazine. While most Texans would not agree with that ranking, it is nevertheless true that the Fort Worth paper was not known for superlative journalism.

In 1984, however, it embarked upon a series of investigative stories by reporter Mark Thompson - stories which thoroughly documented an appalling situation involving Bell Helicopter Textron Corp., based in Fort Worth. After exhaustive investigation, the *Star-Telegram* published the stories which indicated that over 250 servicemen had died as a result of accidents which it said were caused by faulty design by Bell. The stories also outlined how the military services in the United States had not taken corrective action to see that the flawed design and parts problem was corrected.

Pilots and crew members of the helicopters were killed when rotor blades teetered on the helicopter masts, slicing into the cabin and killing those within.

The situation had lasted for 17 years, the stories said. Although Bell was never able to point to factual errors, it complained of "sensationalism" and did everything within its power to bring pressure to bear on the Fort Worth paper.

"Only after the deaths were detailed on the front pages of the *Star-Telegram* were the appropriate steps taken to eventually correct the problem..." the *Navy Times*, a military publication noted.³⁷

Although the newspaper went on to win the Pulitzer Prize for public service in 1985, it had to withstand an incredible amount of pressure from Bell, its employees, friends, and union members whose jobs were with Bell. With a workforce of 6000 Bell is the second-largest employer in the area in which the newspaper is published.

37 Quoted in "Bell Helicopter Series Sweeps National Honors for Texas Paper," a part of the nomination package submitted by the *Star-Telegram* for the Pulitzer Prize competition, 1985, p. 2.

"Two weeks after the series began, two union officials showed up at my office and dumped on my desk a bundle of 300 (subscription) cancellations, all written on union-printed forms. These were among about 1,200 cancellations directly resulting from the series," Jack B. Tinsley, Vice President and Executive Editor of the *Star-Telegram*, said.³⁸

Leonard M. Horner, President of Bell, said the paper's conduct was "unconscionable." In reply, Phillip J. Meek, the paper's publisher replied: "We do not run such a series in order to sell more newspapers. It just doesn't work that way. But when such a controversy involving a major Fort Worth institution exists and is known within aviation and military circles, we believe it is appropriate for the matter to be aired."³⁹

The Bell corporation also banned the newspaper-sale boxes from its property and encouraged influential businessmen to boycott the paper. A letter-writing campaign was started by the company in an effort to fight the *Star-Telegram*.

Tommy Denton, *Star-Telegram* Op-Ed Page Editor, writing for the Op-Ed page of the *Baltimore Sun*, explained why the Texas paper had taken on a giant corporation whose opposition was "swift and ferocious." He said: "Society does not operate - it cannot operate - on a one-dimensional set of norms limited to corporate profits and economic vitality. These are important, to be sure. But inherent in a democratic society are responsibilities to preserve certain other values. The public has a right, for example, to expect qualities such as honesty, integrity and proper conduct, whether it's in government, the professions, industry or the local newspaper."⁴⁰

Not only did the Texas paper receive the Pulitzer Prize, it was also awarded the Sigma Delta Chi Distinguished Service Award for Public Service, the White House Correspondents' Raymond Clapper Award, and the National Headliners Award for Meritorious Public Service. Thus it can be seen that a mainstream medium was able to voice a concern similar to those raised by the alternative media.

Since its creation in 1917, the Pulitzer Prize has often been awarded for outstanding work by traditional newspapers fighting abuses of power and corruption. The table on the following page outlines awards given to newspapers for fighting abuses of power in the United States.

Some Empirical Evidence

So far evidence from various sources has been put forward to demonstrate that alternative media can serve as an early warning system against abuses of power. A stronger case may be made here on the basis of some empirical evidence.

Modern computer technology now makes it possible to study thousands of articles in hundreds of publications to determine what has been written, by whom and in what publication and when. By using such information stored in computerized data bases, we can quickly answer questions

38 Ibid.

39 Ibid., p. 17.

PULITZER PRIZES AWARDED FOR FIGHTING THE
ABUSE OF
POWER IN THE UNITED STATES
1917-1985

Subject Category	Total Number of Awards
Local political corruption	27
Economic, business corruption	27
Crime corruption, mob power	10
Fighting racism, racial abuses	10
Abuses of federal governmental power	9
Abuse of individual state power	8
Corruption of unions, labour rackets	7
Medical abuses, mental and physical	7
Abuse of judicial powers	6
Abuse of the environment	5
Abuses of religious institutions	3
Education system abuses	2
Abuses of safety in the workplace	2
Abuses of prisoners	2
Violence by governmental units	1
Terroristic abuses	1
Corruption practiced by mass media	1
Abuse of system by communist subversion	1
Abuses by anti-communists	1
Miscellaneous abuses	1

NOTE: Source for reporting and public service Pulitzer Prize awards for cases of abuse of power were John Hohenberg's two volumes, *The Pulitzer Prize Story* and *The Pulitzer Prize Story II*, cited elsewhere in this study.

which used to be impossible or nearly impossible to answer without months or even years of work.

While numerous data bases have been available for scientific areas such as medicine or law, until recently popular magazine articles were not readily available for computerized search. A new data base "Info Trac" now contains a listing of articles appearing in approximately 1,000 different popular magazines, journals and some newspapers, such as the *New York Times* and the *Wall Street Journal*. Both mainstream media and some alternative media have been included in Info Trac and the data base has listings for these publications since 1982.

Although data from 1982 onwards are not sufficient for a serious longitudinal study, it seemed worthwhile to see if quantified data could be obtained to see whether alternative publications do indeed run articles about certain controversial issues or abuses of power before mainstream media do so.

In a limited project, a search of the Info Trac data base was made in two areas - that of the growing sanctuary

movement, and that of the problems of deforestation in the Third World. The sanctuary movement is one in which various religious groups in the United States have defied the Government by sheltering refugees seeking asylum from Central America or elsewhere. The Government has turned down most requests for political asylum from Central Americans, ruling that most refugees are coming into the United States to better themselves economically. Many church groups and private citizens have begun to harbour these "illegal" refugees in the sanctuary offered by the churches. These religious and private groups allege that the United States Federal Government is abusing its power and denying persons in fear of their lives a safe haven in the United States.

The question of deforestation is only now beginning to be discussed in the United States, in regard to the Third World. Clear-cutting of rain forests and jungle in Central and South America, and elsewhere, soon erodes the soil. Many scientists say that the land will produce no more than a few years' crops or grazing after the rain forests are cut. After a few seasons, the soil erodes and the areas become a wasteland. Some American "fast food" chains have been accused of stimulating deforestation to get cheap beef from the pastures in Central America. Some Central Americans, anxious to make money, have gone along with deforestation regardless of the long-term damage to the ecological system.

A search of the Info Trac data base yielded citations on the sanctuary movement, deforestation and clear-cutting for 1982, 1983, 1984 and most of 1985. The data obtained on each subject were divided into an "early publication" category (pre-1985) and a "recent" category (1985). Although the two time periods are not equal, they do apply equally to all types of publications. Publications were identified as "mainstream" and "alternative".

The alternative media published 14 items on deforestation prior to 1985 and the mainstream media 2. In 1985 the alternative media published 4 items on the subject and the mainstream media 2. The mainstream media published 4 items on the sanctuary movement prior to 1985 and the alternative media 8. In 1985 the figures were 12 and 14 respectively. Although not enough data are present for reliable statistical analysis, it can nevertheless be seen from these two subjects that alternative media do run articles sooner than the mainstream media on controversial subjects.

The difference is especially suggestive on deforestation, a subject which has scarcely been treated yet by mainstream American media.

The data are too limited from this brief study to do more than suggest that there is support for the theory that the dissident or alternative media take up certain subjects sooner than the general media.

Influence Out of Proportion to Size

It appears that in the United States, the small alternative media have a vital role to play in injecting controversial ideas into American life. These media also are often the first to sound the alarm concerning abuses of power by the Government or other institutions.

The dynamic between the alternative media and the mainstream media is complex. In a sense neither can function in isolation from the other. We have shown that often the alternative media take up causes and call attention to abuses of power before it is popular to do so. In some cases, the mainstream media follow suit, and then reach a more general audience than that of the alternative media.

From empirical data we find some indications that the dissident or alternative publications discover power abuses earlier than the traditional media.

In the United States, there is no pattern of outright repression of unpopular media or of their messages. However, in the absence of large-scale censorship many methods are used, or tried in attempts to manipulate or co-opt or to deny access to those whose messages are not congruent with mainstream thought.

Nevertheless, hundreds of alternative media do exist in the United States and are able to reach thousands of readers - and what is perhaps as important - to reach the mainstream media and to call their attention to abuses of power or to new ideas. Freedom of speech and expression is vital and alive in the United States, although it is not always easy to convey dissident messages to the public.

The alternative media do seem to provide the required yeast, causing ferment, questioning the *status quo*, and bedeviling those who would abuse power. Because the publishers of alternative media are not usually economically or politically powerful, their voices may be relatively weak, but they have during the country's history had an influence which is unrelated to their resources.

Although the American media system is mainly a profit-driven, free-enterprise system, the environment is not so hostile to minority voices that they cannot be heard - especially over time. Alternative media can serve as the spark to ignite discussion and action to overcome perversions of power. When the social climate is right, traditional media take up the same messages, and eventually public policies can be changed and abuses overcome.

The alternative media do not present neat little packages of effective social agitation or efficient change. Frequently they are only intermittently effective. Sometimes they see abuses where none exist. Sometimes they advocate ideas for which the time has not yet come - or may never come. But the alternative media's ability to be wrong and to question the *status quo* are important elements in creating a receptive society which is open to the need for change and ready to guard against abuses of power.

As a post-script, it may be proper to predict that the future of alternative media in the United States may be brighter. Developments in communications technology may make it possible for those who seek to make themselves heard to do so more easily. Off-set printing, computerized typesetting and cheaper printing methods may make it possible for more citizens to start their own publications. There is already a proliferation of special-interest newsletters which are produced at small cost. These publications allow persons with similar ideas to form networks and to share information.

In 1986, it was already possible to write and to set type by computer and to reproduce it in a good-quality format without recourse to photocomposition devices. This is done by linking the computer video display terminal to the computer, which then gives low-cost typeset output. Laser printers are beginning to take the place of the more expensive photocomposition.

Today it is possible to produce professional-quality, typeset materials ready for off-set printing with equipment costing less than \$10,000. Printing jobs can be given to commercial printing establishments, thus doing away with the necessity to own the press. Many newspapers in the United States are now printed on presses belonging to commercial printing establishments.

In addition, there is a rapid development of personal computer networks, making it possible to exchange information very quickly and at relatively little cost. These informal networks are already beginning to link persons who share interests and causes. Persons owning inexpensive personal computers - in many cases costing only a few hundred dollars - can have access to many newsletters and data bases of organisations or groups sharing common interests. The personal computer, networked over phone lines with other personal computers, may help to bind interest groups more closely together.

Within the next decade, this electronic networking may lead to electronic magazines or newsletters as alternative publications - produced incredibly rapidly and at relatively little cost.

This proliferation of information should encourage more diversity, even in the face of increasing chain ownership of mainstream media.

It is likely that American alternative media will use the new technology to continue their historic mission of serving as an early-warning system against the abuse of power and for the dissemination of new ideas.

BOLIVIA'S DAILY "PRESENCIA" THE PRICE OF INDEPENDENCE

Nazario Tirado Cuenca
and Raúl Rivadeneira Prada

The newspaper *Presencia* paid a high price for advocating a reasonable solution and taking an independent stand on the conflict that broke out in 1984 between Bolivia's Confederation of Workers' Unions (COB) and the Confederation of Entrepreneurs of Bolivia (CEPB). For three months, it tried to keep its head above water following an advertising ban introduced by the CEPB as a result of this stand.

The year the conflict broke out was marked by acute social and political strife, runaway inflation, a huge foreign debt, low productivity and a drop in the prices of raw materials, and particularly ore, on which the Bolivian economy depends. The democratic government of Unidad Democrática y Popular (Democratic and Popular Unity), led by Dr. Hernán Siles Suazo, had come to power in 1982 to restore the democratic process, but was hard put to satisfy the increasingly strident demands of the country's major forces.

Among these was the COB, which had close ties with the national leftist movement, and expressed the interests of the labour force as well as those of the farmers. The CEPB, on the other hand, represented the private enterprise sector with close ties to powerful economic interests and the multinational economic structure. The political opposition was an alliance of the right-wing and centre-right parties, the ADN and the MNR. Last but not least, the armed forces stayed in the wings, silent but vigilant.

Each of these groups was trying to regain the rights and privileges which they felt had been confiscated by previous governments. Consequently, the Unidad Democrática y Popular did not have enough breathing space to carry out a broad programme that could meet the needs of the country. It was too insecure to be able to take decisions when they were opportune, and had to submit to pressure applied by multinationals and the international banks that were trying to obtain repayment of the foreign debt.

Meanwhile, the Government was coming in for criticism from the COB, which felt threatened by an insensitive private enterprise sector. Parliament was behaving in an inconsistent way, and blocked the Government at every turn.

As tension mounted between the workers and private enterprise, the Government was caught in the middle. The COB was demanding better salaries and an acceptable standard of living, while the CEPB wanted to retain certain recently acquired prerogatives.

On January 1, 1984, the COB launched an offensive to persuade the Government to adopt the Emergency Economic Plan that had been ratified at the Confederation's congress. The plan outlined the following moves:

1. An indefinite postponement of repayment of the foreign debt.
2. Recognition of a minimum wage, based on a sliding scale.
3. A joint management scheme for state-owned companies, which would include workers' organisations. The scheme would begin with the Corporación Minera de Bolivia.
4. State control over exports.
5. Nationalisation of private banks.
6. A price freeze on ten staple products for family consumption.
7. A state-controlled system of distribution, with popular participation.

In his New Year address, the President had called for national reconciliation, a social and political truce which he named "National Convergence" and which was to pull the country out of the crisis. In response to the presidential appeal, the COB Executive Secretary stated that convergence was impossible if the Government refused to adopt the unions' proposed emergency plan. The private enterprise spokesman retorted that convergence was impossible because the Government was not exercising its authority and was incapable of putting a stop to excesses committed by the workers' union. He complained that the Government, when taking major political and social decisions, deliberately ignored the private sector.

In an interview with *Presencia* on January 8, he stated: "I do not know if it was by mistake or simply through carelessness that private enterprise was not included among the major groups in the country. Any discussion with representative organisations should obviously include private enterprise ... Otherwise, it's like looking at only one side of a coin."

The CEPB was later to present its grievances to the International Labour Organisation in Geneva, where it accused the Bolivian Government of violating the principle of tripartite agreements (government, workers and private enterprise) concerning salary increases. The Bolivian Govern-

ment had indeed discussed salary increases directly with the unions, without consulting employers.

On January 12, the COB put forward a formal request for a basic minimum wage pegged to a sliding scale. When the consumer price index increased by 40 per cent, a salary raise to match it would be granted automatically. This demand, which was put forward as an indispensable component of the Emergency Economic Plan, came at a time when the Government was virtually paralysed. In mid-December all the cabinet ministers had resigned, causing one of the longest cabinet crises in Bolivia's history. The country went for 35 days without a cabinet. No governmental decisions could be taken, and the public administration was almost at a standstill.

Shortly afterwards, on January 17, the National Press Association broke up, after nine years of existence. It had been set up by newspaper owners to defend freedom of expression and members' rights in the face of power abuses and decided to disband because of a labour dispute with the Press Workers' Federation. This Federation groups journalists and management personnel in the mass media and is affiliated to the COB. The Federation presented a demand for wage increases to the Press Association. The Association rejected the request, on the grounds that it had no authority to negotiate a wage increase involving individual companies. The case was submitted to the Supreme Court, which found in favour of the workers and ordered all press enterprises to pay a bonus to compensate for cost-of-living increases. It was this point that the National Press Association decided to disband.

On January 18, the new ministerial cabinet composed almost completely of former ministers was sworn in. On January 19, the Government notified the COB that it could not contemplate instituting a minimum basic wage because such a measure would inevitably send inflation spiralling, increase public expenditures and aggravate the budget deficit. In retaliation, the COB called a hunger strike of all the top union leaders, who would gradually be followed by lower ranking union officials, and this until their goal was reached.

The Confederation of Entrepreneurs, for its part, rejected the attitudes of the COB, which it qualified as "pressure" designed to eliminate private enterprise. It accused the Communist Party of manipulating the workers' movement, with a view to destroying the foundations of the private sector and to "sovietising" the economy. The CEPB called an Extraordinary Congress of Free Enterprise, to meet on January 23 to discuss these new developments.

On the day the Congress was scheduled to open, the leaders of the COB began their hunger strike. In an emergency meeting, the government decided to grant the COB its demand for a sliding scale based on a consumer price index, but it was to start at the current level of salaries, around \$30 a month. The union's demand for a basic minimum wage of \$100 was rejected. In view of the government's stand, the union leaders decided to continue their strike.

Meanwhile, the CEPB decided to postpone its Congress till February 1. It bitterly criticised the Government's offer, which it qualified as an "irrational wage increase", and reiterated its accusations against the Bolivian Communist

Party. Declaring itself in a "state of emergency", the CEPB adopted the same strategy as the workers and even employed their language. In an unprecedented step, it announced that it would "resist and refuse to recognise any measure that had been dictated in an unconstitutional manner."

This set off a violent reaction on the part of the COB. One Union leader declared that private enterprise had adopted a "subversive" position that was patently "illegal". The union announced that 400 union leaders were continuing their hunger strike.

Six days later, on January 29, the hunger strike was called off, and an agreement signed by the Government and the COB. Among other things, the Government authorised a salary increase of 57 per cent, the implementation of sectorial salary curves, and a price freeze on essential consumer goods, but it rejected the emergency economic plan proposed by the COB.

In response, the CEPB launched a major broadcasting campaign on the following day to publicise its proposals and to announce the extraordinary meeting to be held in La Paz. It was taking action, it said, to defend democracy and to avoid anarchy and chaos. It wanted new incentives for production, real prices, a halt to the state deficit, a coherent economic plan and respect for the law and civil rights.

The CEPB Congress that was held on February 1 received extensive coverage. The deliberations were carried by the radio and television. Newspapers published full accounts of the proceedings, and the CEPB itself paid for the publication of its leaders' statements at the Congress in all the daily papers.

The Congress called for a general 48-hour work stoppage in industry, business and the tertiary sector. It set the Government a deadline for the "elaboration and execution of a coherent economic plan, with the participation of those engaged in production activities." The final resolution stated that a deadline was necessary because entrepreneurs realised that "the only way to attain goals is to apply pressure." This referred to the methods used not only by the workers but also by endless numbers of institutions, associations, regional corporations and the like which, since the advent of the new government in October 1982, had resorted to coercive means such as strikes, work stoppages, mass mobilisation, railway and road blocks to call attention to their demands.

Immediately after the Congress, the CEPB shifted into high gear. It was determined to make its weight felt by paralysing the private sector. Industrialists and businessmen were paid visits or contacted personally by telephone so that they would join the strike. There were veiled threats of reprisal, especially concerning bank credits. This was particularly effective with small businessmen and industrialists.

The Role of "Presencia"

During the wave of strikes that had hit the country since October 1982, *Presencia* had unwaveringly defended the democratic system, calling upon each successive group to reconsider its intransigence, to abide by the law and to avoid hurting the national economy. From the outset, the resort to

strikes was excessive: they were sometimes called for the most trivial of reasons. The paper repeatedly pointed out that such practices could only weaken the impact of strikes; they should be kept for really serious occasions and should comply with the legal procedures set forth in the Bolivian Legal System.

Dozens of articles and editorials appeared in the paper condemning the proliferation of work stoppages. The paper always accompanied its criticism with appeals for negotiations between the parties in conflict. Predictably, when *Presencia* was faced with the prospect of the 48-hour strike by private companies, an eventuality that had not even been foreseen by Bolivian labour laws, it made the following comment:

“As the crisis worsens and solutions seem farther away than ever, the most incredible things can happen in our country, among them one which could be mentioned in Ripley’s: private enterprise has called a 48-hour stoppage to protest the Government’s lack of definition ... (The reason for the strike) can be traced to the decrees the Government promulgated and the agreements that were made without consulting the private sector.

“In taking this attitude, the Confederation of Private Enterprises is only imitating the COB, that is, it has adopted the very same courses that it once condemned. There is no doubt that strikes and work stoppages hurt production and only make the country’s ills worse ...

“Isn’t it absurd to say: ‘Whatever they (the COB) do, I can do better!’ Is this the best way to fight backwardness? Won’t this only make underdevelopment worse? One may ask whether the Confederation of Private Enterprises, as an institution, will not lose out by taking this stand.

“The Government has granted a new wage increase, and even though it seems to be of benefit only to wage-earners, the best way to face up to this obligation is through work, by producing and trying in every way possible to overcome the crisis. Today, the country finds itself in just the opposite situation: things are getting worse and the possibility of finding solutions to our problems is becoming slighter because of the new work stoppage, yet another period of idleness. Entrepreneurs may think that by their attitude they are inflicting punishment, but it is in fact self-punishment. They are hurting themselves and are creating a dangerous precedent because, as we said before, their disturbing decision only serves to comfort those who have made demagogy, chaos and anarchy a common, destructive occurrence.”

On February 6, the strike called by private enterprise was supported by most of the industrial and business community, as well as by services industries. For once, it also affected the mass media, with the notable exception of *Presencia*. Till then, the COB had usually managed to keep the media out of their strikes. But this time, the CEPB decided to show its strength by silencing the media as well. The measure was self-defeating because it left the state-run radio and television stations with a free hand. Public opinion was fed only official governmental views.

Presencia decided it would not comply with the strike called for by the CEPB and the paper managed to reach newsstands on both days of the strike. It was published in the

form of emergency four-page issues with no advertising, except for free obituaries and notices for mass.

On the first day of the strike, *Presencia* published a front-page box spread over three columns, explaining its position: “The CEPB,” it stated, “has decided to call a protest strike today and tomorrow. Although we are a private enterprise, we are not in any way ashamed to say that we are working on both days. This may give rise to erroneous interpretations. That is why we feel obliged to explain the reasons that have led us to adopt this position.

“Our attitude in no way implies that we disavow the solid arguments put forward by the CEPB to protest against the authorities’ action. As always, *Presencia* affirms that any and all work stoppages that break the law must be condemned, no matter where they originate. We are living in a climate of disorder and do not wish to add to it.

“On the contrary, we have always maintained that the crisis will be overcome only through hard work and sacrifice and by increasing production and productivity ... In other words, by abandoning recourse to pressure and by keeping the entire economic apparatus functioning. If we call a strike now, we would lose all our moral authority to condemn the work stoppage of others, be they employees or employers. We would find ourselves in a contradictory position and would rightfully be confronted with it later on ...”

For several days after the CEPB-inspired strike, *Presencia* appeared with the advertising that had been paid for prior to the strike. But on February 15, “punishment” began. The paper was to be deprived of its advertising revenues from old as well as new contracts for a period of three months.

The decision had been taken at a high-level meeting of the CEPB, on the initiative of its president. For obvious reasons, there is no document that sets out the sanctions that the confederation decided to impose on the newspaper.

The advertising figures before and after the strike are revealing. During the week prior to the sanctions, 38.13 per cent of space was devoted to advertising, and almost half that figure was for the private sector. During the first week of the advertising ban, there was a significant drop in the volume of advertising, down to 32.5 per cent of total column space. Advertising from the private sector dropped from 16.56 per cent of the advertising volume to 5 per cent. *Presencia* had never in its 32 years of existence reached such a critical point.

After February 23, there was a slight improvement in the situation, but this was due to advertisements from some foreign companies as well as to space taken out by the Farming and Cattle Chamber of the East that bitterly criticised government policies. But domestic private enterprise was not really affected and continued its ban, firmly intent on punishing *Presencia* for having criticised its strike and for having published emergency issues on February 6 and 7.

To make matters worse, the CEPB decided to concentrate the greater part of its advertising in *El Diaria*, a highly commercial daily that represents the most powerful economic interests in the country.

Presencia became the first example of a mass media organisation being subjected to a total ban from one of its main sources of revenue. The paper was forced to endure this arbitrary one-way measure; there was nothing to negotiate

and no one to negotiate with. The paper was conscious of the special place it occupies in Bolivian society. It is undeniably the most important press organ in the country, where 95 per cent of the population is Catholic. As the organ of the Episcopal Conference of Bolivia, *Presencia*, like the Catholic Church itself, has an enormous impact on political and social affairs and often acts as a mediating force in social and economic conflicts.

Presencia is unlike other newspapers. Although it is a private enterprise and, as such, must make a profit, it nevertheless has goals that distinguish it from other press organs. It has a role in the social services of the Church and is dedicated to educating the community, to influencing public opinion in accordance with Christian doctrine and to the continued evangelisation of the Bolivian people. These are goals that go beyond the merely utilitarian.

Paying the Consequences

The pressure exerted by the CEFB on *Presencia* was no doubt designed to force the paper to change its attitude and

perhaps even its goals to accommodate those of the powerful economic interests in Bolivia. Whatever the intention, the ban had several grave consequences. The paper suffered a sudden fall in revenue at a particularly critical time. Given the severe economic and social crisis, the paper had to meet rising costs of pulp on the international market and rising production costs at home. As a result, the paper had to charge more for each issue. This was coupled with a sharp drop in circulation and a demand for higher salaries on the part of the administrative and editorial staff. But the paper's growing deficit meant that it had to postpone salary increases.

Meanwhile, the paper had to cut down the size of each issue, which meant less space for news and in-depth analysis. It is difficult to judge the extent to which this affected the readership but what is certain is that it weakened the Church's efforts for continuing education and for social change to meet the needs of the country.

Presencia's aim was the pursuit of truth, above and beyond sectarian passions and extremist excesses. For this it paid a high price which reveals the risks involved in for a newspaper which attempts to present objective criticism destined to support the as yet fragile democratic process.

COSTA RICA'S CRUSADING PRESS

Mario Cordero Rodriguez

In Costa Rica, the social responsibility of the press and of journalists is so much in evidence that many observers have wondered how so small a nation, with such limited economic and technological resources, has been able to progress and achieve so much in matters as controversial as freedom of information and expression.

The explanation lies in the characteristics of the Costa Rican people and in the circumstances that shaped their national character. Freed from the sort of external pressures that may distort individual and collective aspirations, Costa Ricans attached great importance to the principle of freedom of the press. They have accepted the need to abide by certain rules and, even more important, have proved their determination to do so through their political parties and religious and social groups.

Costa Rican journalism is responsible because the people hold freedom dear. In the words of a prominent editor: "Freedom is better defended from the foxhole of an honest and responsible newsroom than from a battlefield stained with the blood of innocent people, sent to the slaughter by the cynicism of irresponsible leaders." In this report, we shall see from two specific examples how the press works to maintain standards of honesty and decency among civil servants and elected officials. The fact that the press is ready and willing to denounce abuses of power is the sign of a healthy democracy.

The Tradition of Press Freedom

Costa Rica's mass communication system must be seen in its historical context which is one of respect for freedom of information and expression, together with the protection of free enterprise. Historically, advances in freedom of expression have gone hand in hand with a desire to provide education for all citizens, an effort that dates back to the early years of the Republic. In turn, the media have helped forge the national identity of Costa Rica, as well as strengthen the nation's democratic institutions.

In 1797, the Governor of the Province of Costa Rica, who was appointed by the Spanish Crown, introduced legislation which required parents to send children aged five and over to school. In 1812, the Cadiz Constitution, which

governed all the Spanish colonies in what is today Central America, included freedom of the press and freedom of thought as a right of all the inhabitants of the region.

Costa Rica achieved independence peacefully from Spain in 1821. Seven years later, the first printing press arrived in the country, and on October 20, 1830, the print shop issued a leaflet offering its services to the public. Interestingly enough, the first book to come off its press was a text book for the students at the Santo Tomás centre.

Freedom of the press was officially decreed in 1842. At the same time, the Government proposed to finance the publication of *El Mentor Costarricense*, which though subsidised, could nonetheless follow an independent editorial policy which gave citizens a chance to express their views. One of the executors of this decree was the first President of the Republic, Dr. José María Castro. Firmly committed to freedom of the press, he wrote: "Freedom of the press is a right consecrated by law. As such, I must respect it, no matter what the consequences its application may have for the President."

A systematic effort to organise the country's educational system began in 1869, when elementary education became compulsory and free, that is to say, state-financed. The school system expanded considerably, and with it came a heightened awareness of the need to strengthen and refine the system of political liberties, among which freedom of the press occupies a prime place.

According to the law, libel is a criminal offence. However, in any court case of this nature, the judge must consider the reasons behind the libellous comment. Should the writer have acted from a desire to improve a public institution, acquittal is practically certain.

In 1925, the Constitutional Congress accepted the view of the then President of the Republic, Ricardo Jiménez, who felt that criticism was a healthy practice. "For civil servants," he said, "and, above all, for those of us in public office who hold power, it may be very unpleasant to read libellous or denigrating statements in the press, but what may hurt us is good for the proper management of public affairs. Among the many sacrifices that we must be prepared to make for our fellow citizens, the smallest, in my opinion, is our own pride, hurt by a hostile publication."

The Congressional Committee consequently estab-

lished the principle that: "It is the practice of our civil servants to respect, even in its abuses and excesses, the people's prerogative to criticise national officials and their actions." It was thus officially established that this freedom is accepted openly and without reservations as an essential condition of representative government and of freely exercised public opinion.

Perhaps the most striking example of the people's commitment to freedom of information and expression is the fact that the only decoration awarded by the Chief of State is the Gold Medal for Freedom of Expression, created in 1982 by the President of the Republic, Luis Alberto Monge.

In the second year of its existence, the gold medal was presented by President Monge to the President of the Supreme Court. As it turns out, the latter had drafted the final opinion that had forced Monge to make public a report that he himself had classified as a state secret. In his acceptance speech, the President of the Supreme Court exclaimed, "What a country we have! It is a country where a court can find against the Chief Executive, and the Chief Executive then awards a medal to the very judge who drafted that finding."

No human institution, however, is perfect, and there are still points in Costa Rican legislation that are not as satisfactory as they might be. One of them is an obsolete law that places joint responsibility for published matter on both the author and the newspaper. This sometimes hinders the media from investigating a matter as fully as they should.

A Review of the Costa Rican Press

There is a flourishing national, regional and local press in Costa Rica which includes strictly commercial newspapers, as well as others with pronounced political or religious orientations. There is also a growing number of institutional, trade, professional and student publications. Readers can buy foreign newspapers on the newsstands, and particularly those from the United States, France, Italy, the United Kingdom, Mexico, Colombia and Nicaragua.

The national newspaper with the largest circulation, the broadest geographical coverage and the most influence is *La Nacion*, founded in 1946. Each issue has an average of 60 standard-size pages, not counting supplements and special editions. It is outstanding for its editorials and commentaries by staff writers. These are rounded out with articles by national as well as foreign politicians, professionals and intellectuals. *La Nacion* has some of the best trained staff writers in Costa Rica. Moreover, it employs the most advanced printing techniques.

There are three other national newspapers in Costa Rica: two morning papers, *La Republica* and *Extra*, and an evening paper, *La Prensa Libre*. *La Republica* was founded in 1933, and has changed hands during its lifetime. It has an average of 32 standard-size pages printed in offset, and includes a fair number of photographs, many of which are in colour. *La Republica* also publishes several weekly supplements.

La Prensa Libre which is the oldest newspaper in Costa

Rica, was founded in 1931. It is rather conservative and reflects the economic interests of a family involved primarily in printing and publishing activities. It has about 28 standard-size pages and is printed in offset.

The most recent paper is *Extra*. With a sensationalist style, it emphasizes events called "red notes." It has about 12 pages.

Circulation of Daily Papers in Costa Rica

La Nacion: 100,000 copies
La Republica: 50,000 copies
La Prensa Libre: 52,500 copies
Extra: 39,000 copies

Source: Advertising department of each paper

There are two publications for the English-speaking population and tourists: the *Tico Times*, published twice weekly with a circulation of 8,000 copies, and the *San José News*, published once weekly with 7,000 copies.

The case-studies of investigative journalism which follow were politically significant because they went beyond the bounds of traditional party loyalties. By mobilising public opinion, the press not only put a stop to two abuses of power but encouraged civil servants and the public to expect higher standards of morality from the country's high-level officials.

The Case of the Spanish Trucks

On March 14, 1985, the daily *La Nacion* reported that the Government was going to purchase 250 trucks manufactured in Spain. They were to be bought immediately and the purchase was not to be put out for tender. The paper pointed out that the decision had been taken as an emergency measure to expedite repair work on secondary and arterial roads. The trucks would be purchased thanks to credit extended by the Spanish Government, on condition that the trucks were bought from a Spanish firm. The credit of US\$10,200,000 had been offered by the President of Spain, Felipe Gonzalez, to President Monge during his visit the previous year.

In any other country, such a seemingly minor news item, published on an inside page, would probably have attracted little attention. This was not the case in Costa Rica. The journalists at *La Nacion* felt there were too many questions unanswered and a great many details that needed clarification.

Why, for example, were the normal administrative procedures not being followed for this purchase? Why did the deal have to be concluded so suddenly, when negotiations had been underway for several months? Why did the Government accept a "tied" loan and why did it have to resort to the declaration of a national emergency in order to justify the suspension of normal open-bid procedures? Were there any political, economic or other interests behind the affair? Who was involved? These were some of the questions that were being asked.

The editor assigned one of the paper's most energetic reporters, Carlos Arguedas, to investigate the truck purchase. He was responsible for covering stories originating in the Ministry of Public Works and Transport (MOPT) and therefore knew many officials there, as well as the information channels for such matters.

Arguedas learned that negotiations to obtain the Spanish credit for the truck purchase had been initiated in 1983 by the First Vice-President of the Republic and the Minister of Public Works and Transport. Shortly afterwards, both resigned.

In December 1984, answering an inquiry from the Minister of Public Works and Transport, the Office of the Attorney General said that "In contracts involving the State or any of its institutions, the principle of the public-bid procedure is to be followed." It also recommended that the Minister approach the Office of the Controller-General to find out whether this could be considered as a special purchase, in which case a direct purchase would be authorized.

The Office of the Controller-General answered that, in order for the negotiation to be valid, it had to be in accordance with the procedures of administrative contracting, as set forth by the Law of Financial Administration of the Republic and the Administrative Contracting Regulation. The document was sent to the Ministry on February 7, 1985 and a week later the Minister reiterated to the Controller's Office the "need" for a direct purchase, since the deadline for the loan was rapidly drawing near.

The Controller-General again stressed his opposition to the direct purchase by the Government of the 250 trucks in a note sent on March 13, 1985, the day before the Government Council decided to extend the declaration of a national emergency so as to include secondary and arterial roads.

On March 15, a day after *La Nacion* reported the agreement reached by the Government Council, the representative of several trade groups, including the Asociacion de Importadores de Vehiculos, Maquinaria y Afines (Association of Importers of Motor Vehicles, Machinery and Others) issued a statement criticising the procedure adopted by the Government for the truck purchase.

"La Nacion" Launches Its Campaign

The Government was obviously reluctant to reverse an administrative decision, the legality of which was based on the declaration of a national emergency, and the newspaper once again voiced its opposition to the conditions under which the Government had agreed to buy the trucks.

The campaign began on Saturday, March 16, with an interview with the Controller-General, under the headline: "Controller States Opposition to Direct Purchase of Trucks." The news item also included statements by the leader of the opposition in the legislature and by the Minister of Public Works and Transport. The intention was very clear: to build up opposition to the direct purchase of the trucks.

The Sunday editorial, "The Direct Acquisition of Trucks," raised interest in the matter, and invited the mana-

gerial groups concerned as well as the opposition parties to persuade the Government to withdraw its acceptance of the deal, at least as it stood. It pointed out, among other things, that "in spite of the firm opposition of Lic. Rafael Angel Chincilla, Controller-General of the Republic and the pertinent criticisms of the Asociacion de Importadores de Vehiculos, Maquinaria y Afines, the Government Council decided to extend the declaration of emergency in order to be able to buy directly, without a public bid, a batch of trucks for an amount exceeding 500 million colones.

"The legal analysis of the appropriateness, or lack of it, of the direct bid was initially made by the Office of the Attorney General of the Republic and later by the legal department of the Office of the Controller-General of the Republic. According to both institutions, and especially the second, it is understood that the correct form of action is through the bidding procedures provided for by the Financial Administration Law and the Regulation for Administrative Contracts."

On the same day, *La Nacion* published statements by the Ministry of the Presidency, according to which the only reason for the decision was "to alleviate as quickly as possible the difficulties of the small- and medium-sized farmers who have to put up with the poor condition of the roads in rural areas." He added, "Under normal circumstances, the correct procedure would be to call for a public bid. However, given present conditions, which are not normal, and the farmers' urgent needs, this is not feasible."

In a second editorial devoted to the truck purchase, *La Nacion* looked at the problem from another angle. The paper pointed out that the Government might possibly want to speed up the truck purchase in order to help its party win the coming elections. The paper's hypothetical question set off a fireworks display. The newspaper's Chief of Information published a piece in the daily column reserved for staff writers' comments. In it, he noted: "Despite the objections of the Office of the Controller-General of the Republic to the contract with Spain for 250 trucks, the Government has been unbelievably active. Rarely have we seen such speed and efficiency.

"Some people may think that the rush to close the deal and put the trucks to work on the construction of new roads and the repair of old ones may somehow be connected with the political campaign. In other words, there is doubt as to whether the obsession to import these trucks reflects a need to transport materials or to accrue political benefits to some party.

"Government zeal to push through an emergency plan with no consideration for technical, legal and economic criteria is consequently surprising and, I would go so far as to say, alarming."

Just when it appeared certain that the Government would abandon its attempt to purchase the trucks without the required open bidding, *La Nacion* reported that the Minister of Public Works and Transport had travelled to Spain incognito and had actually signed the contract for the purchase on March 20. This provoked a spate of articles in *La Nacion* attacking the Government's actions and, at the same time, the other mass media began to show their disapproval.

On Wednesday, March 21, the Chamber of Commerce paid for an advertisement in *La Nación*, giving its stand on the truck purchase:

"... The Government had sufficient time to comply with all the legal regulations required for such a project: the procedure adopted can in no way be considered acceptable.

"This organisation is fully aware of the need to provide constant maintenance for the numerous roads and highways of our communities, but this should be done with respect for the highest technical and economic criteria and for our legal provisions. To proceed with present plans, without subjecting the purchase to the criteria set out by the Office of the Controller-General and the Central Bank of Costa Rica, could bring about unfortunate results for the country."

The paper kept up the pressure on the Government with interviews and further reports. During that week, it published two editorials, two long front-page articles, a daily note, two columns from correspondents, and a lengthy interview with the Minister of the Presidency. The purchase was obviously being covered from every angle; all possible sources of information were being tapped, and there were statements from all the officials who in one way or another had participated in the transaction.

As controversy mounted, the leading opposition party was able to get the Legislative Assembly to agree that the Minister of Public Works and Transport should answer questions. The Minister was scheduled to appear on Monday, April 1, but *La Nación* once again got a scoop, by publishing on the Saturday before an exclusive interview with the Minister of Public Works, who had made no public statement of any kind since his return from Spain. In it, the Minister repeated the official justification for the truck purchase. "Nobody is getting a commission for this contract, nor is there anything to hide. If anyone wants to know what I was doing in Spain, our Embassy there has detailed reports as to where I was every day." Basically, the Minister presented the same arguments when he appeared before the legislature.

The Government's Official Position

On the same day, a government-inspired press campaign got under way, defending the Government's actions. A barrage of paid advertisements, signed by municipalities, by community development leagues and associations, by neighbourhood boards and other organisations, appeared in the daily papers in support of the Government's decision to purchase the trucks. They all studiously avoided any mention of the weakest point in the Government's stance, namely, that it had circumvented normal, legal procedures. Instead, there were manifestations of gratitude by the population for the Government's laudable efforts to solve the problem of poor road conditions. Some publications actually denounced the attitude of *La Nación* and of other media, claiming it was a political manoeuvre by the opposition to prevent the National Liberation Party from winning the coming elections.

On April 13, an advertisement paid for by the National Union of Local Governments, which is an association of the

country's 81 municipalities, clearly reflected the Government's line of defence:

"In view of the situation that has arisen in the past few days concerning the direct purchase by the Government of the Republic, through the Ministry of Public Works and Transport, of a batch of trucks, the National Union of Local Governments wishes to inform public opinion of the following:

"1. The present state of the arterial roads is a national disaster.

"2. If this state of affairs is not remedied very soon, the production and supply of staple foodstuffs will become so difficult that it could endanger the socio-economic future of the country.

"3. Those who criticise the truck purchase have no other viable solution to offer.

"4. Decisions at the highest level have to be taken if we are to avoid difficulties that could threaten the very existence of our democratic system.

"5. This union therefore agrees to give its full support to the negotiations carried out by the Government of the Republic to furnish the Ministry of Public Works and Transport with 250 trucks, since we are faced with an emergency as far as our secondary roads are concerned, and this constitutes the only short-term alternative to solve the problem. At the same time, it deplores the selfish manner in which a campaign has been mounted against this decision."

The Move For Court Action

In view of the direction events were taking, it did not come as a great surprise that the Association of Importers of Motor Vehicles filed a suit against the State in the Supreme Court to oppose the purchase from the Spanish corporation, Empresa Nacional de Autocamiones S.A.

Filed on May 6, the suit pointed out, among other things, that "the importation of these machines is an action by the public administration that has no legal foundation whatsoever, since the loan was not approved by the Legislative Assembly, nor was it published in *La Gaceta* (the official newspaper). The contract was not approved by the Office of the Controller-General of the Republic."

For a start, the plaintiffs requested that the first shipment of 125 trucks, scheduled to leave Spain shortly afterwards, be stopped. On May 15, the Court acquiesced and ordered the suspension of the first shipment. According to the judge, the transaction "... was not based on sound administrative practice supported by the Executive." This could have repercussions, since there was an administrative appeal to annul the purchase.

The battle waged by *La Nación* had been won. Victory was particularly sweet for their reporter, who had sacrificed his family and friends for weeks on end, concentrating all his energy on getting the story.

On May 20, the Office of the Attorney General of the Republic filed an appeal against the court decision. The appeal could take anywhere from two or more years to be processed. Meanwhile, in the space of two months, the press

had been able to stop the Government from committing what it can only be supposed was an abuse of power.

The Case of the Fraudulent Bank Loan

On July 19, 1984, *La Nación* published a short piece on legislative action that contained, among other things, a summary of the statements made by the former President of the Board of Directors of Banco de Costa Rica before the Special Legislative Committee that was investigating problems of marketing staple grains.

According to the paper, the bank director claimed that the Minister of the Presidency had put pressure on him to obtain rapid approval of a loan for 55 million colones requested by two of the Minister's brothers-in-law, who wanted to buy a rice-processing plant. Wasn't that highly abnormal? In most other countries, the answer would be a straightforward Yes. In Costa Rica, the situation was not quite that simple, for two reasons. First, the banks are nationalised, though a small private banking sector with a rather limited field of action does exist. Second, the Government appoints the banks' boards of directors, which is also the case with the Banco de Costa Rica.

This meant that the Government had considerable scope to influence the decisions taken by the State banks. In one way or another, high government officials used this power to gain advantage for themselves or for their friends. This state of affairs was tacitly accepted by Costa Ricans, who considered it to be the price paid for nationalised banking. But this was the very first time that such a clear case of pressure had come to the attention of the public.

La Nación decided to probe deeper into the matter and journalists were assigned to cover all possible sources of information: the former president of the bank, the president of the board of directors, the Special Legislative Committee for staple grains and the Minister of the Presidency. Steps were also taken to tap other sources, such as the Office of the Auditor General of Banks and the Office of the Controller General of the Republic.

A reporter interviewed the Minister of the Presidency, whose statement was published the following day. "In the discharge of my duties," he stated, "I have frequently had occasion to talk with the directors of various institutions on matters of interest to other persons. It could be that at one point I may have made reference to this banking operation, but I can categorically affirm that I had nothing to do with it or with my brothers'-in-law's companies."

Concomitantly, the former president of the bank clarified his position: not only the Special Legislative Committee but *La Nación* as well had misinterpreted his statement. All he had said was that at one point there had been a "conversation" with the Minister about the loan. He himself had had no pressure put on him, nor would he have bowed to such pressure. To avoid any misunderstanding, he had decided not to participate in the meeting at which the loan was approved.

Since the bank director was now retracting his original statement and since the Minister seemed inconsistent, *La Nación* probed deeper and found suspicious elements in the

way the loan was handled and in the use the beneficiaries made of it. It was this aspect that decided the newspaper to get to the bottom of the case, whatever the consequences.

On July 22, Eduardo Castro wrote a caustic article about the Minister of the Presidency. He reminded readers that both the Minister and the director of the bank were civil servants, and, as such, their actions were open to public scrutiny. The journalist reminded the Minister that he was obliged to give an exact account of all his actions but that he now gave the impression of trying to shirk his responsibility. If there was nothing to hide, he concluded, the Minister and the bank director should co-operate and allow as thorough an inquiry as possible.

In an editorial two days later, *La Nación* criticised the former bank president, and questioned whether his remarks had been misinterpreted; after all, they had been copied directly from the minutes of the Special Legislative Committee meeting. "It is not in our interest," the editorial ran, "to accuse anyone, and even less so to turn an issue of national interest into a scandal. We are compelled only by our desire to report the truth about the participation, or non-participation, of a high-ranking public official in the processing of a bank loan. As an independent, responsible newspaper, we are morally obliged to do so."

Meanwhile, the rest of the mass media had jumped on the bandwagon. A leading radio station, Noticias Monumental, asked the Minister and the bank director to forget their own interests, their political ambitions and their pride and admit their mistake, should they have abused their power. The people would appreciate their behaviour."

The President's Letter

The President of Costa Rica is known both for his kindness and for his loyalty, and the letter he addressed to the Minister of the Presidency was no surprise. *La Nación* published excerpts from the letter on July 24, spread over two columns under the headline, "Monge Supports Berrocal." The Minister, it was reported, was being given full support. "The attacks connected with loans granted to a company with which one of your in-laws is involved are part of a campaign," the Head of State claimed, adding, "The person in charge of the Presidency of the Banco de Costa Rica when the banking operation behind these attacks took place, has publicly declared that he never felt coerced, nor pressured by you, in relation to said operation. I believe these statements to be true," the President continued, "and I do not lend credence to the malicious interpretation of detractors. It should be remembered that most of the members of the Board of Directors were appointed by the preceding administration, which therefore excludes any possibility of partisan politics. Given the attacks to which you have been subjected, I consider it my duty to write this letter to assuage your mind and to state my absolute confidence in you," the President concluded.

The President's letter set off a reaction which was the opposite of what he had expected. Instead of creating support for the Minister, it provoked a stream of letters to the media,

criticising the President, despite his obviously good intentions. There were editorials and commentaries, and the leading opposition party took advantage of the situation to play electoral politics. The letter had another side-effect: it temporarily shifted attention away from the discussion of the Minister's alleged participation in his brothers-in-law's loan application.

The Asociación Nacional de Fomento Económico groups some of the leading radical liberal thinkers in the country, many of whom regularly publish articles in *La Nación*, and on July 27 it resoundingly repudiated the principle and practice of nationalised banking. "In addition to its many functional and structural defects," the association states, "it can lead to the use and abuse of political influence."

On July 28, the paper published some unexpected front-page news. The Ethics and Disciplinary Tribunal of the party in power, Liberación Nacional, had decided to summon the minister and the bank director to testify to the veracity of the charges laid against them by the media. This encouraged *La Nación* and the opposition groups to step up their efforts.

The paper's Chief of Information, Edgar Espinoza, broadened the attack and called readers' attention to excesses committed by certain other public officials. In a signed article on July 29, he condemned nationalised banking as "a cancer that is encroaching upon our institutional system." It is, he added, a system in which there is an almost total lack of communication; bureaucracy is such that it can reach unimagined heights of aberration; there is almost total submission to pressures from government officials and even from politicians who have no authority whatsoever." In the same issue, the paper's General News Co-ordinator, Guillermo Fernández, attacked various abuses of power that the media were exposing at the time, and stated that one of the most serious was the Minister's participation in the bank loan.

As criticism reached a peak, the Presidency of the Republic decided to take out a three-quarter page advertisement in all the major newspapers that reproduced in full the President's letter to the minister. As far as public opinion was concerned, that was going too far. "The country cannot allow things to reach the point of impudence," a distinguished radio commentator noted.

A Storm of Controversy

In a great display of typography, colour and photographs, *La Nación* ran a page-and-a-half-long interview on August 5 with the then Minister of the Interior, who is one of Costa Rica's most eminent public figures. A Doctor of Law, a university professor and the author of several books, he is former President of the Legislative Assembly, a former Minister of Labour and a candidate for the Vice-Presidency of the Republic. Consequently, the public takes his views very seriously.

In the interview, published under the title "Corruption: More Widespread and Dangerous Than Ever," the Minister gave a detailed and objective description of the evils that plague the discharge of public office. One of the country's

major problems, he felt, was the widespread corruption to which so many state officials were prone. It had not been possible to put a stop to such practices and discipline the guilty parties. When an official took advantage of his position to favour third parties, it was a corrupt act, even if he himself did not personally benefit from it.

The Minister of the Interior's statements raised a storm of controversy. Some people even wondered how long he could hold onto his job if the media, and especially *La Nación*, took this as a demonstration of support for their watchdog role. On 7 August the editorial of *La Nación* called attention to "the sincerity and frankness of a public official who has always been known for his honesty, even at the risk of creating 'antibodies' among his fellow party members and in the Cabinet." As the Minister of the Interior could be considered a real expert in Costa Rican public administration, he had "obviously put his finger on the wound," and the country could not afford to let his statements evaporate like smoke.

For ten years, *La Nación* had published a column signed by Enrique Benavides, a lawyer and writer, considered to be the most widely read commentator in the country. His views on major figures and events in Costa Rica invariably give rise to discussion and arguments. Indeed, many people buy *La Nación* because of his column. On the same day, August 7, Benavides wrote of "the dignity of the Minister of the Interior, which enhances that of the Government and of the Costa Rican people." He criticised the "lack of interest and arrogance" shown by certain officials apparently involved in "dubious affairs" conducted under "the protection of their position."

At that point, *La Nación*, as well as the other media, had done all they could do to clarify the alleged abuse of power. It was now up to the officials involved to bring the affair to a close.

An Unexpected Resignation

By this time, most Costa Ricans were expecting one of two things to happen: either the Minister of the Presidency would resign in view of the fact that people no longer trusted him or else the President of the Republic would appoint someone else to the job. If he remained, he would undermine his own performance and could even hurt the National Liberation Party's chances in the coming elections. However, in view of the character of the Chief of State, this possibility was considered unlikely.

As rumours of the most diverse nature and origin began to circulate, the Government remained silent. In an interview with *La Nación*, the President of the Republic denied that there was any truth to the rumours. Then, on August 11, the country was informed that the Minister of the Presidency had resigned, together with other officials who for various reasons were under attack. Among the resignations that the President of the Republic accepted was that of the Minister of the Interior, ostensibly because of cabinet disagreements over his August 5 statement on corruption in the country.

Although the real reason for the Minister of the

Presidency's resignation was never spelled out, it was generally assumed that it was because of his alleged participation in the processing of the bank loan; his resignation was hailed as a victory for the press against an abuse of power.

It now looked as if the case were closed. But that was not to be. *La Nación* continued to probe the bank loan and, from July 1984 to early March 1985, the paper published 57 news items, 5 editorials, 11 signed commentaries, 6 news reports, 13 paid advertisements and 9 letters to the editor.

An Unusual Trial

On March 7, 1985, *La Nación* reported that the Ethics and Disciplinary Tribunal of the National Liberation Party was going to judge the former Minister of the Presidency and the former President of Banco de Costa Rica. They were being charged with "participating in actions that had damaged the party's reputation and public morality" because of their alleged participation in the 55 million colones loan granted to the former Minister's brothers-in-law.

The trial was the first of its kind to be held in Costa Rica and came under the National Liberation Party's procedures against a party member who commits acts that harm party ethics or public morality "when he accepts or offers gifts or special benefits, commits his vote, agrees to act in a pre-arranged manner, takes advantage of his position to carry on illicit business either personally or through a third party." In such cases, the guilty party is to be expelled.

Till then, press vigilance had apparently served its purpose: it had awakened the national conscience to the social and moral dangers of abuses of power committed by high-level public officials. No one could deny that the resignation of the Minister of the Presidency a few months before was caused in large measure by the media's exposure of his participation in the bank loan. The judgement within the National Liberation Party, on the other hand, meant that press action and public opinion had succeeded in shaking the government party to its very foundations, awakening respect for a sense of honesty, rectitude and honour in public office.

In an account of the trial published on May 9, 1985, *La Nación* wrote: "... As proof that the former Minister abused the power he held at that time to favour one of his brothers-in-law, and that the bank director exerted pressure on bank officials to approve the loan, the verdict underscores the fact that the bank had refused a prior request for financing filed by the relatives of the former Minister. Some time later, a new application was filed, favourable evaluations were made, and this led to the disbursement of 53 million colones by the bank.

"The speed with which the negotiation was handled, the pressure that the former bank president admits he exerted upon officials of the institution, which even induced him not to attend the meeting at which the loan was voted, as well as the high amount of the loan, led the members of the tribunal to believe that his was not a simple request for help but that there was an abuse of power by the former Minister in favour of a brother-in-law."

The Role of the Media

The cases presented here clearly show how critical, responsible journalism helps to uncover the truth. The media are the archives of history in the making, and the cases of the truck purchase and of the bank loan are now part of that history.

Commenting on these cases, the editor of *La Nación*, Eduardo Ulibarri, noted that "In an open society, where the media are independent of the government, they have multiple roles. They have self-imposed missions, but they also respond to the expectations of the public. In other words, the public expects that the media, and especially the written press, will discharge those functions, and they are evaluated in virtue of that compliance, or non-compliance."

The cases presented here show that the newspaper succeeded in "channeling action to maintain a strong society, respectful of its legal system and its moral principles, and in this manner, it contributed to the strengthening of democracy..."

According to Edgar Fonseca, one of the journalists in charge of investigating the bank loan, "Within the specific area of denouncing actions that represent abuses of power, be they public or private, the press reached a yet higher rung of social responsibility. In this particular case, the newspaper presented a version of the facts that was as complete as possible, discharging its double duty of correctly informing its readers and guiding them."

The Chief of Information of *La Nación*, Edgar Espinoza, was not nearly so optimistic. Emphasizing the press's limitations, he commented: "The journalist has limited time at his disposal. He is always under pressure to deliver his copy in time for the deadline. This stops him from pushing his inquiry as far as he might. Reporters should devote more time to researching cases that, at first glance, seem to indicate that there has been an abuse of power or corruption, or that there are some legitimate doubts about the case."

He went even further. Somewhat idealistically, he claimed that "so long as a journalist spends only part of his time on such cases, it will be impossible to have complete and satisfactory information. That was the situation that pertained during the investigation of the truck and the bank loan cases."

Further insight comes from the editor of *La Nación*, who explained that the basic strategy of the newspaper in both the bank loan and the truck cases was as follows: "To obtain information in so far as possible from sources other than the officials involved. If, with this type of information, you can get a well-defined picture that confirms a particular aspect of the case, then you can call up those who were involved to get their reaction, always operating on the premise that there must be the greatest possible equity regarding sources of information for public dissemination of any subject. If the statements could not be confirmed, they were compared and later followed up to see which could be confirmed."

The journalists consulted for the preparation of this report had very different reactions to the behaviour of those interviewed in the two cases and their attitude towards the press. For the editor, Mr. Ulibarri, there was not enough co-operation and, in certain instances, people hindered the

collection of information. "Very rarely did they try to exert direct pressure to stop information from being published. But though there were never any threats, there was a real, and understandable, desire to persuade us to desist."

The editor of the paper added that most public officials felt they were being unfairly persecuted by the press and that a campaign was being orchestrated against the Government. They took great pains to prove that they had nothing to do with the illegal actions and that they had acted in good faith.

These statements contrast sharply with those of Arguedas, who covered the truck case. "Those who were allegedly involved were very open; this is especially true of the Minister of Public Works and Transport. He was always very co-operative, even to the point of making some official documents available that gave us very valuable information about the negotiation. Though the Minister was blamed for committing something akin to a crime, he was in fact only doing his duty in a responsible fashion, in compliance with an order from the Government Council."

Espinoza has more drastic views: he feels that when politicians are suspected of fraud, journalists are seriously hampered in their attempts to obtain information. Usually those involved in what can be called abuses of power try to confuse the journalist and refuse to give him either the information or the documentation that could clarify things.

A universal rule seems to be that the parties involved will make use of whatever avenues of approach they can find to put pressure on journalists, the chief of information or even the editor. People will try to prevent the newspaper from printing things that could have a negative effect on their political career, especially when they might end up in court.

Even more serious in cases like those covered in this report, according to Espinoza, is the fact that "There are officials at intermediate levels who would like to talk because they know a lot, but they don't dare to do so because, if their superiors found out, they could lose their jobs."

These divergent impressions are understandable, since each official interviewed played a different role and consequently had a different view of the events. However, as Ulibarri pointed out, "in both cases, the interests of the newspaper and those of the congressmen coincided, which made it less difficult to obtain information than in some other cases that *La Nación* has investigated."

When we asked the journalists involved what they felt were the results of the press action, their reactions were, on the contrary, strikingly similar.

According to editor Ulibarri, "The press cannot be credited with all the results, but I do believe that the interest shown by *La Nación*, along with the seriousness with which it handled the two stories, made the Legislative Assembly and public opinion sit up and take notice. What is more, the paper's coverage incited them to take action and clear things up much faster."

Probably the best summing up of the watchdog role of the press is that given by the reporter who covered the truck case, Carlos Arguedas. "From the political viewpoint, the case of the truck purchase was a disaster for the Government, because it was proved that it had tried to avoid its responsibility of acting in accordance with the law. In a democratic system like that of Costa Rica, this is of great political significance. But the work done by *La Nación* on this case goes beyond defending freedom of the press. It has to do with the social responsibility of the media in a democratic society. The timely intervention of *La Nación*, which denounced the purchase the Government was about to make with complete disregard for legal procedures, shows that when the media act responsibly, society reaps the benefits. Costa Rica's legal institutions have been strengthened, and the journalistic profession as a whole has gained in credibility."

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