

## South Africa

Anthony Hazlitt Heard

## How I was fired

Former editor of the *Cape Times*, who was awarded the International Federation of Newspaper Publishers' Golden Pen of Freedom in 1986 after his interview with banned leader of the African National Congress Oliver Tambo, speaks about 16 years of editing under apartheid, and his dismissal in August

Editing newspapers in South Africa can be a risky business. I was fired from my job as Editor of the *Cape Times*, South Africa's oldest-established daily newspaper, on 7 August 1987 after 16 years in the chair. I was, at that stage, the longest-surviving editor of a major South African newspaper. The word surviving is used advisedly.

Some people say that the writing was on the wall when I decided to interview Oliver Tambo, leader-in-exile of the African National Congress, the major black liberation movement in South Africa, in November 1985. Since he had long been 'listed' by the government under security regulations, he could not be quoted in South Africa without the permission of the Minister of Law and Order. This permission is granted very sparingly. Usually it is given only when remarks by banned persons are judged extreme enough to be politically valuable to South Africa's ruling white minority Nationalist government. In fact, Mr Tambo had not been quoted in the land of his birth, with any degree of extensiveness and without restriction, for 25 years, ie since he fled the country in 1960 after the Sharpeville incident in which 69 blacks were shot dead by South African police in the Transvaal province.

The Tambo project involved my travelling to London on vacation in October 1985 and seeing Mr Tambo and his wife, Adelaide, in their Victorian-style North London home.

A guard at the gate had introduced himself to me, and told me where he came from. It rang a loud bell: Tegweni. That is Durban (for those not versed in the Zulu language), the resort city, the playground mainly for whites, on the

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warm east coast of South Africa.

I had spent my school years in this city of almost endless summer, and it is possible that this sturdy, middle-aged man had been around when I was doing all the things privileged white youths did in Durban in the fifties. Those were the days when the grey US warships, some off to Korea, called — their sailors dispensing Chesterfield cigarettes to us kids on the beach and much charm to the Durban women. Meanwhile, armies of Zulu and Indian men and women ministered to white needs. Meeting the Tambo guard in North London had brought back lots of colonial memories — some, I thought, not all that appropriate to the occasion. Maybe this man was somewhere in the Durban crowd in the fifties, ministering with the rest of the black army. Now he is part of a low-intensity civil war, guarding Oliver Tambo, the celebrated black nationalist leader. Indeed, the guard revealed that he had more recently come from Dar-es-Salaam, Tanzania, where ANC guerrilla bases aimed at white power in the south of the continent are located. That is a long, sad and bloody way from Durban. It is a measure of the developing tragedy in my land.

I returned to my home base in Cape Town on 3 November 1985 clutching a tape of the Tambo interview which I had simply carried through customs in my pocket. The political atmosphere had changed for the worse since I had been away. New, toughened state-of-emergency measures had been introduced, which placed heavy clamps on the press. Armed troops clustered under the flyover, bridges on the highway as I drove towards Cape Town from the airport. The troops were there to protect motorists from stone-throwers, who had a nasty habit of hanging bricks on string at windscreen height from overhead bridges. I was reminded of the days when, in the 1976 Soweto-related unrest, I had run the gauntlet driving to the airport, in the company of a professor friend — pillows

prior restraint. The *Pentagon Papers* is a classic example. Speculation and conclusory assertions about possible harm and threats to national security were neither serious enough nor plausible enough to justify a prior restraint. The government's showing in the *Spycatcher* case, resting as it did on a need to save face by showing that the original *Millet* injunction could not be circumvented, speculation about the morale of the Secret Service, and undisguised rage at Wright's behaviour, would have been laughed out of an American court — not because prior restraints are impossible under the First Amendment, but because pride and petulance are simply not important enough to outweigh a fundamental social commitment to free speech. British judges, confronted with a request for an injunction forbidding speech, should not need a written constitution to recognise that the free flow of information is absolutely critical to the functioning of a free society. It is, after all, a lesson that we learned from John Milton. With or without a written Bill of Rights, British judges who recognise the inexorable linkage between free speech and self-government and who understand that government censorship is a challenge to democratic principles can and should require British authorities to make precisely the showing that American courts would require before issuing a prior restraint. It isn't the First Amendment that ultimately protects speech. Rather, it is the recognition that free speech is structurally necessary to maintain democratic government and that judicial protection is structurally necessary to preserve free speech. In the *Spycatcher* case, once the contents of Wright's book were public knowledge, it was impossible for the government to articulate a significant need for the injunction, other than a desire to save face and to strike at Peter Wright. The problem with the Law Lord analysis is not the absence of a Bill of Rights; it is the contemptuously low value the Law Lords put on free speech and the almost hysterical deference they gave to assertions about threats to national security. Unless and until British judges are prepared to accord a greater value to free speech and to require a showing of genuine necessity before issuing a prior restraint, adopting a Bill of Rights may change the vocabulary of argument, but it won't change the outcome. What's needed isn't so much a written constitution as Law Lords who understand Britain's free speech heritage and who are prepared to function as something more than cheerleaders for the government when asked to defend it. ■

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at our heads in case of stonings. Our minds most powerfully exercised, we sat there like helpless liberals caught up in a revolution, hiding behind comforting goose-down.

I had wondered, returning to Cape Town from London, whether I would have the nerve to run the interview in my newspaper. The toughened emergency had made a significant difference. But I judged the interview too relevant to suppress. After much transcribing from my tape, the interview appeared the next day, several columns long — too long for me to argue that it had slipped into the paper by mistake. The phone began ringing the next day at 7am, with Reuters inquiring whether I had deliberately broken the law (at that stage I thought the best thing to do was to decline comment), and it did not stop ringing for days.

I was soon arrested in my office by two large Security Policemen and faced up to three years in prison. I was taken to court, remanded and fingerprinted. There were postponements for months, after which the State, unenthusiastic about a trial on an elementary issue of free expression such as this, summarily dropped charges against me and fined the publishing company about £100 sterling. The interview, I wryly observed at the time, had been cheap at the price. But the price went beyond money.

The most sobering event, for me, was not the arrest, nor the court appearance, nor the rather grave briefing session with my senior counsel; nor, of course, the Golden Pen of Freedom awarded to me in Lisbon, nor the warmly-appreciated Pringle Award from the South African Society of Journalists. No, it was a letter of reprimand from my parent company, signed by the then managing director in Johannesburg after, he observed to me, having consulted fellow senior editorial people in the group. The letter, and my talk with the managing director, made it clear to me that wildcat, illegal initiatives like this were not appreciated. I was to act more responsibly in future. I was given the impression that bigger minds than mine were engaged on some larger game-plan with the South African government in Pretoria, over political reform or whatever, and that an upstart like me publishing an illegal interview was singularly unhelpful.

A sobering event, also, was the derisive suggestion by some colleagues in the company that I had run the widely-publicised risk to secure a 'green card', ie to get into the United States. Though I revere some things about the USA, particularly a First Amendment which, I think, is not appreciated enough these

days, I have no wish permanently to leave my native South Africa.

My dismissal took place on the 42nd anniversary of the disappearance of my father. On 7 August 1945 George Arthur Heard, a journalist turned naval lieutenant, disappeared without trace in Cape Town. He was former assistant editor of that famous liberal newspaper, the *Rand Daily Mail*, which, years later in 1985, was closed by the company that fired me. (The *Mail* was done to death almost within hand-washing distance of the offices of the mildly-spoken, gimlet-eyed mining magnates who have traditionally owned the independent or 'opposition' press in South Africa, but who seem to view its decline, mainly under government pressure, as sadly inevitable.)

My father, ironically, had also left the company's employ abruptly. A controversial wartime figure, he left the *Rand Daily Mail* in 1942 when a cautious Board of Directors told him that, as a journalist, he should desist from making public speeches. Incensed by the German bombing of Britain, and seeing the Russian allies' armies being swept back, George Heard had been very involved in the Medical Aid for Russia campaign and he had been calling on public platforms for the Allies to launch a Second Front against Hitler's invading armies who were giving the Russians such punishment.

Before joining up in the navy, George Heard was high up on the pro-Nazi faction's death-list in South Africa. He was known as a fearless, campaigning journalist, and his newspaper disclosures of pro-Nazi activity, for instance in the broadcasting corporation, had led to action against a number of Nazi sympathisers.

One winter's day, just after the bomb was dropped on Hiroshima, George Heard failed to return home. I was seven. The mystery was never solved. Many insiders believe he was rubbed out for political reasons by the pro-Nazi faction which indulged in a number of celebrated grudge killings in the war years.

So my roots lie, for better or worse, in that red-neck, conservative province where my father grew up, the Free State, a province known for its restrictive attitudes to people of colour. As for the 'green card' taunt, I have no wish to go voluntarily, or be driven, into exile like my friend Donald Woods, who was Editor of the *Daily Dispatch* in East London, Cape Province, before his banning by the government and flight from the country after bravely kicking up a fuss over the death of black activist Steve Biko in 1977. Donald once

remarked to me, with appreciative surprise, that he had managed 12 years editing in the South African minefield. I am still around, living and writing in South Africa, and was privileged to make 16 years in the editorial chair — years rich in memories.

### Anger and apologies

A treasured office story, indeed, concerns a visit by a newspaper team from the *Cape Times* to Guguletu black township outside Cape Town at the height of the unrest. The firm's car, carrying the newspaper's name, drew black youths' shouts of 'Viva!', because they felt we were on their side (though we were less popular in conservative white suburbs). This car was left outside a house where the reporting team was interviewing a family. But the action was outside. The driver kicked his heels waiting for the reporting team, until a Molotov cocktail sailed over a wall and set him alight.

The driver managed to douse the fire, his trousers singed, but nothing worse. A

### Journalist vindicated

A Cape Town journalist, Tony Weaver, was acquitted last week on charges of making false statements after he reported to the BBC World Service last year about a shoot-out at Cape Town's Guguletu township. The official version of the affair was that police shot seven alleged members of the African National Congress in self-defence after a grenade was thrown at a patrol van.

In his radio interview Mr Weaver quoted relatives and eyewitnesses as alleging that some of the men were shot dead in cold blood, either while trying to surrender or while lying injured on the ground. He also reported that Russian-made weapons were planted on the bodies to create the impression that the men were guerrillas. He is suing Mr Vlok for wrongful arrest.

Acquitting Mr Weaver last week, the magistrate found not only that the journalist had reasonable grounds for his report, but also that expert medical evidence contradicted the police version of what happened. A forensic expert also told the court that the evidence of three sets of black eyewitnesses was more credible than that of the police. After the acquittal, opposition MP Tiaan van der Merwe accused the government of a 'conspiracy to suppress the truth [about the Guguletu killings] by harassing and persecuting people who do not shut up'. Tony Allen-Mills, *The Independent* 23 September 1987.

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police van had driven up just as the incident happened. The police explained apologetically that, no doubt, the petrol bomb was meant for them, the police. The driver waited on for his journalist team. But when the police had gone, a young black face emerged above a high wall, chagrin written all over. He explained that it was he who had thrown the petrol bomb, but that it had been meant for the passing police patrol car, and he was very, very sorry that he had hit the wrong target. Then he vanished. When I heard the story, I felt that perhaps my troubled country had some hope. This was clearly not the excesses of Lebanon, nor Ulster, and certainly not Kampuchea. It was South Africa, where white-hot anger can melt momentarily into apologies all round.

My dismissal as editor coincided with convulsive newspaper events, notably the most savage measures ever taken against the South African press. This followed ritual government threats, and private talks between State President P. W. Botha and executives of the established, commercial press. With the introduction of the latest batch of emergency regulations, for the first time ever in the country's history the spectre of a censor-in-the-office stalked the land. Moreover, the fringe or 'alternative' newspapers, the challenging publications run from church, campus, trade union and other militant quarters, were clearly being lined up for the chop. That could include harassment, warnings, suspensions of papers, detention of journalists, etc. The courts of the land, which had done a fair amount in the past to overthrow repressive measures, were effectively locked out this time.

All this befell journalists, it should be noted, for simply doing their job — something which should be seen as a routine activity, however tiresome for the authorities. Since there are 200 or more 'alternative' publications in South Africa, the process of dealing with them promises to be a slow, salami-slice affair. The state's target is the public's right to know. The emergency regulations not only threatened the 'alternative' media, but bore down heavily on those remaining 'establishment' papers trying to do an independent job. It remains to be seen how they will respond to the latest challenges.

### Familiar yellow vehicle

In recent years, under varying degrees of emergency rule, all sorts of ways have been found to sail past the rules, and these have included some successful court challenges. In day-to-day editing, there has been some nifty editorial footwork.

### South African publisher detained

Jaki Seroke, Editorial Director at Skotaville Publishers, Johannesburg, was arrested on the night of 8 September 1987. He is held under Section 29 of the Internal Security Act. This provision allows indefinite incommunicado detention without charge or trial for the purposes of security police interrogation. Detainees are held in solitary confinement. In the past, many detainees are known to have been tortured or ill-treated while held under this provision.

According to reports, Jaki Seroke (29) had left the offices of Skotaville Publishers at 5pm on 8 September and was commuting back to his home in Tembisa, a black township between Johannesburg and Pretoria, when South African Security Police stopped the company car in which he was driving and arrested him. The police did not notify anyone of his detention and only confirmed a week later that he was in

police custody. The security police are not obliged to inform a detainee's relatives of his detention nor divulge the place of his detention. No reasons have been given for the detention of Jaki Seroke. He is believed to be held at Protea Police Station in Soweto — Johannesburg's largest black township.

Skotaville Publishers is a non-profit making publishing company established by the African Writers' Association in 1982. Jaki Seroke was one of its founding members. It focusses on publishing and selling the works of black African writers. Prior to joining Skotaville Publishers, Jaki Seroke worked with Ravan Press, a similar publishing company. Jaki Seroke is a member of the African Writers' Association and the Mafube Arts Commune, a local cultural group based in Tembisa township. ■

*Amnesty International Urgent Action*

For instance, take the troublesome ban on reporting security activity, which blanks out all references to police, unless officially authorised. Prevented from identifying as a police van a vehicle which was careering around in highly newsy circumstances in school grounds, the *Cape Times* resourcefully described it as a 'familiar yellow vehicle', and everyone knew what that meant. Police have similarly been described as people 'who may not be identified because of the emergency regulations'. Newspapers published pictures of tear-gassing at the University of Cape Town campus simply by not identifying the billowing clouds of gas which caused students to scatter.

I am now out of it, after 16 years of editing against apartheid. But I am not untouched by the continuing struggle to serve the public's right to know. Down the years, I have seen a steady erosion of press freedom. I have personally lived through three convulsive periods — the Sharpeville incident in 1960, the Soweto upheaval in 1976, and the current unrest. Each time, black hope welled up, and it was thought that this was *it*, the time for change — as in Iran, the Philippines, Portugal, or Argentina. Each time, the state deployed massive power to put down rebellion. South Africa was left with a temporarily dented economy, whites emigrating in droves and blacks nursing a political hangover. And each time, by an inexorable process of accretion, the press was left with more restraints on its activities. Now the darkness is almost complete.

Journalists have had tomes of laws and regulations thrown at them down the years, all restricting their right to report and comment independently. Editors live with numerous briefs from attorneys on how to stay within, or duck, the rules. The confusion became so great in my closing months of editing that it was physically impossible to remember the details of the repression. Editing had become a matter of constant reference to government gazette and lawyer. It was costly in time and money.

Reporters and photographers, at the time when they were allowed to be near unrest, developed techniques of self-protection. They resorted to devices such as wearing scarves doused in lemon juice to counter tear-gas, and they became experienced in dodging warring factions — though some got in the way, as happened to photographer George De'Ath, killed in a Cape Town township a year or two ago. Newspeople had become hardened and street-wise, as had township-dwellers and the security forces. The last-mentioned became expert in provocatively ambushing stone-throwers, and they proudly developed new types of riot equipment. There is a flashy new police vehicle in the townships, called Nongqai, which is Zulu for 'protector and peacemaker'. It is a pretty tough little job, with a special prodder to shove away debris. Such vehicles are shown to viewers on state-controlled TV as if they were the latest offerings from Lee Iacocca.

In recent months the emergency regulations have become so onerous that

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it is now incumbent on journalists, when unrest breaks out, to *absent* themselves from the scene of violence — a most unusual way of getting a story. The newsflow has been reduced to a trickle, emanating almost exclusively from Pretoria. Brief, dehumanised paragraphs, reassuring to the bureaucratic mind and to many whites, have taken the place of the ebb and flow of news. Pictures of *rugby and beauty queens* have replaced township unrest on many front pages. The press is becoming more 'commercial', less significant. It is being forced to neglect its job. The road back to press freedom will be a long one. The habit of compliance dies hard.

It is in this adverse climate that I have, against my will, left the editorial chair at the *Cape Times*. I was unable to accept departure arrangements which would have

subjected me to conditions which would have limited my capacity to speak my mind as I wished. So I was fired. I suspect that the government of Mr P. W. Botha is not mourning the fact that I am gone. The company that fired me (which down the years has got rid of a number of liberal editors) maintains that there was nothing political about it. The reasons stated, both privately and publicly, were pretty generalised — commercial, administrative, 'time for a change' in editorship, etc. It is true that I had been around a long time, and circulation had dipped under pressure of a commercial decision last year to put the cover price 25% higher than our competitors'. But the paper was profitable under a successful joint operating agreement with the more powerful Argus company, and circulation recovery was on the way.

It must be noted that the company has put in an enlightened professional in my place: Koos Viviers, former editor-in-chief in Port Elizabeth, a region of major black unrest and therefore major pressure on the press. I believe he will do an excellent job.

Yet, no matter what was intended by my dismissal — and I have no reason to doubt the good faith of those concerned — the effect is to thin out the number of liberal editors. Editorships in South Africa tend to be political, and so dismissals are assessed in a political light — particularly in the absence of glaring, obvious reasons. Those who maintain that my going had nothing whatever to do with political perceptions should consider the question: 'Who's cheering?' ■

## The Hidden Farms

It is now just over a year since the low-budget independently produced film *The Hidden Farms* was made in South Africa. Shortly after completion the film was shown at a private screening at the University of the Witwatersrand. As a result of the response to this showing, *The Hidden Farms* was selected for the 1986 Durban International Film Festival. This screening never happened. It was prohibited by a banning order handed down by the South African Directorate of Publications on 9 July 1986 which deemed the film 'undesirable' under the State of Emergency promulgated the year before. The film has thus been seen only once in its country of origin. Censorship of news, individuals, politics and art has been enforced wherever the views expressed are considered to be at variance with those propagated by the government.

The film deals with the experiences of a black man who is convicted for striking his white foreman in self-defence and is sentenced to hard labour on a farm somewhere in the remote regions of the Transvaal. The difficulties we encountered in making the film are the day-to-day problems experienced by many in the racially segregated society.

A few days into filming one of the actors, who was playing a prisoner, did not arrive for his scene. We tried to contact him at his home in Sharpeville, without success. The camera assistant, a fellow student, put on a prisoner's sack and doubled for the day. He ended up playing the part for the entire film as the original actor did not return. Only when filming was completed did we find the original actor and learn what had

happened; he had been arrested and placed in detention after an 'illegal gathering' in the township.

Simple matters like fetching and returning actors to their homes in the black townships around Johannesburg were always problematic; whites are forbidden access to these areas without police permits. Driving illegally around the township streets, we had to be constantly on the lookout for police roadblocks. At the same time we were anxious to avoid generating any suspicion that we ourselves might be plain-clothed police. In many townships the street names and house numbers have been obliterated to confuse the authorities. Our requests for directions had to be worded with the greatest care.

Towards the end of the shoot we ran into serious problems on the farm where we had arranged to do our location work. The owner suddenly decided to lay down conditions regarding the multi-racial crew and actors. First, he said that the group would not be allowed onto his property if they were going to share accommodation. Secondly, he forbade any contact between his labourers and the film crew; it might lead to 'bad things', if the students, whom he considered 'political trouble-makers', were to have any communication with his black workforce. We decided not to accept his 'hospitality' and set about finding another place to film.

At our new location things went smoothly until the last day. We were filming in a milking shed and holding up the milking of the cows. The farmer was standing by, watching. Soon the audience became larger as his wife and son arrived, followed by the son's wife and children. It was evident from the expressions on their faces that they were unused to the relaxed

interactions which they saw between crew and actors. The farmer's son, in particular, seemed to resent the attention being focused on the black lead actor and began to disrupt the filming; it appeared that he wanted to establish his control over the proceedings. The situation became more and more tense as the actors began rehearsing their dialogue for the next shot. The farmer's wife overheard snatches from the script in which a prisoner and a cow-herd discuss the brutal conditions under which they have to survive as a result of the greed and hatred of the white farm owner. Her suspicions mounted. Finally she demanded a copy of the script, which she began to read. She evidently took the film to be about her family and their farm, since they themselves had a number of convict labourers working for them — I had actually been informed earlier by the farmer that we could only set up our equipment once 'the prisoners are locked up for the night'.

Half-way through the take, while the actors were proclaiming their hatred for the oppressor, ('a slave-driving racist') the farmer's son laughed out loud and all the film lights went off. Five hours of filming in that atmosphere had produced footage that, because of the tensions and disruptions, was unusable. We packed up quickly and drove away. Somehow we would manage to put together a film.

The official banning order said: '... in the present state of emergency in South Africa, this film will be harmful to the safety of the state, the general well-being and peace and good order. Therefore it is considered undesirable within the meaning of sections 47(2)(d) and (e) of the Publications Act and should be rejected.' ■ Kenneth Kaplan