

Freedom of the Press Report Resumé

The source of the article was material presented by the Committee on Freedom of the Press of the Inter-American Press Association, Chairman, Tom C. Harris, Executive Editor *El Mundo*, San Juan, Puerto Rico.

Most of the people of the United States believe that their Government is not telling them the truth, says the Committee on Freedom of the Press of the Inter American Press Association.

"Their lack of confidence stems mainly from the Johnson administration's failure to give them the facts about the Viet Nam conflict," says the Committee in a report that charged Haiti and Cuba with news suppression, looked critically at Paraguay, accused the government of the United States of "managed news," and labeled "harsh and uncompromising" the American Bar Association's support of courtroom restrictions on news coverage.

The Committee report, issued in April of this year at the mid-year meeting of IAPA's board of directors in Montego Bay, Jamaica, found that in the 35 nations in the Americas, including the islands of the Carribean, freedom of the press was general, excepting Haiti and Cuba and possibly Paraguay. Noting developments since its previous report of October, 1967, the Committee declared: "We found there is still *no* free press in Cuba or Haiti. There has been a substantial improvement in Paraguay; but we cannot as yet put it in the totally free press column."

The nations covered by the report included Argentina, the Bahamas, Barbados, Bermuda, Bolivia, Brazil, British Honduras, the British Virgin Islands, Canada, Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua, Chile, Colombia, Cuba, Dominican Republic, Ecuador, the French Departments, Guyana, Haiti, Jamaica, Mexico, Netherland Antilles, Panama, Paraguay, Peru, Puerto Rico, Trinidad-Tobago, United States, Uruguay, Venezuela, the United States Virgin Islands, and the Windward and Leeward Islands.

Chairman of the Committee that prepared the report was Tom C. Harris, Executive editor of the newspaper *El Mundo* in San Juan, Puerto Rico.

Most nations passed muster in the report with the terse comment: "There is freedom of the press." In some instances, however, while the report gave passing marks, it was apprehensive, and qualified its approval, as in the cases of Argentina, Brazil, Guatemala, Chile, Panama, and Nicaragua.

Substantially the same in its findings as was its October, 1967, report, except for the addition of The Bahamas, Bermuda and The British Virgin Islands, all absent from the earlier list, the April critique, reserved its longest and severest stricture for the United States, where, it said, the press "is free, but badgered."

Not just the "managed-news" policies of the government plague the press of the United States, says the report, but the support by the legal profession of the Reardon Report, which recommends curbs on news coverage of court proceedings in criminal cases, has the same effect.

"For three years the press of the United States has earnestly sought to keep the free press-fair trial controversy from erupting into a full fledged war between the journalistic and legalistic professions," said the IAPA Committee: "The effort seemingly has proved futile."

Noting the 176-68 vote in favor of the Reardon Report by the House of Delegates of the American Bar Association at its February 1968 meeting, the Press Association Committee declared: "Thus the free press and the public's right to know have been dealt a senseless and damaging blow."

The Committee was heartened, however, by the fact that "a large number of prominent judges and attorneys from coast to coast made known that they do not care to follow the American Bar's hard line," Relating several of those critical comments of the ABA's position by the bench and bar, the report noted that members of the United States Judicial Conference, while generally agreeing with the ABA on restricting the amount of information that should be disclosed by lawyers and judges in pending criminal cases, advocated admittance of newsmen to pretrial hearings and opposed the ABA suggestion that newsmen be held in contempt if they willfully publish material that might affect the outcome of the trial.

"So there is hope that reasonable men of the bar and bench can join responsible men of the press to seek guidelines at local and state levels that will avoid the objectionable ABA curbs," said the Committee.

Other problem areas in the United States, said the report, were the "ruthless tactics" of some newspaper unions, and the exertions of pressure groups on editors and publishers. On the positive side, there has been noticeable compliance with the public information bill signed last year by President Johnson, requiring federal agencies to open to news media those files not labelled "secret" or "confidential." Also commended were (1) a decision by the United States Court of Appeals for the District of Columbia Circuit, sanctioning publication of information relating to the activities of lobbyists, even though the information was obtained clandestinely, (2) a decision by an Iowa district court, dismissing an action for libel against a newspaper political writer who had commented unfavorably on a candidate for public office, and (3) the abolition of a three-per cent, tax on advertising services imposed by the Iowa legislature.

Members of the subcommittee that submitted the information relating to the press in the United States included George Beebe, Knight Newspapers, Chairman; Brady Black, Cincinnati (Ohio) Enquirer; Albert R. Cellario, Time-Life International; Charles L. Dancy Peoria (Ill.) Journal Star; Raymond E. Dix, The Daily Report, Wooster, Ohio; Howard H. Fitzgerald, The Pontiac (Mich.) Press; William L. Giandoni, The Copley Press Edward H. Harte, Harte-Hanks Newspapers; William R. Hearst, The Hearst Corp.; Nicholas Ifft, Idaho State Journal, Pocatello, Idaho; David B. Lindsay, Jr., Sarasota (Fla.) Herald-Tribune; Ignacio E. Lozano, Jr., La Opinion, Los Angeles; W. D. Maxwell, Chicago (Ill.) Tribune; Father Albert J. Nevins, Maryknoll Magazine, Maryknoll, N.Y.; Joseph B. Ridder, San Jose (Calif.) News-Mercury; and Edward W. Scripps, Scripps League Newspapers.

The Committee's appraisal of Cuba was succinct and unequivocal: "There is no freedom of the press."

The Committee recalled that some years ago it was thought that conditions in Cuba could not get any worse. "This, unfortunately, is not the case," reported the Committee. Identifying 48 newsmen deprived of their freedom by the Castro government, the committee described their imprisonment:

An account was given in former reports about the inhuman conditions to which the imprisoned Cuban newspapermen have been subjected. Some of them have not even been tried. Others are being held incomunicado and most of them are deprived of medical assistance even when their health is failing. Food is poor, visits from close relatives are not permitted, nor is mail from friends. They are subjected to indescribable physical and moral

tortures. Things became more distressing in the last few weeks, when a considerable number of our colleagues were transferred to the so-called 'collective farms', which are indeed nothing more than 'concentration camps', Nazi style, where they are forced to work from sunrise to sundown. . .

Not only is the free exercise of journalism impossible, but torture and persecution are the order of the day for those who at one time were independent journalists.

Haiti is no better, said the Committee. Nothing had happened since the Committee's report of October, 1967, to inspire optimism "regarding the end of the total eclipse of freedom of expression in this country." In that earlier analysis, the Committee noted that the dictatorship of Francois Duvalier completely dominated the Haitian press and journalists, and that persecution of foreign newsmen had begun. A Mimai newsman had been imprisoned and later expelled from the country, and the government had compiled a blacklist of foreign correspondents.

In Paraguay a permit to publish a newspaper is no longer required since the 1967 constitution was adopted, noted the Committee approvingly. But, the Committee added, despite the improvements, it cannot be said that Paraguay has full freedom of the press:

There is no overt censorship, but there are subjects that cannot be touched without danger to the newspaper or its newsmen. When *E1 Radical* ventured to dwell lightly on one of these subjects, its editor was called by the chief of police and was reprimanded, we are informed.

In addition, the circulation of foreign newspapers and magazines is not allowed when they contain certain material. *E1 Territorio*, a paper published in the nearby city of Posadas, Argentina, was banned over three years ago. It may not be brought across the Parana river into Encarnacion, the Paraguayan city facing Posadas. The Argentine magazine *Primera Plana*, of Buenos Aires, was not allowed to circulate recently, for the same reason.

In the case of *Primera Plana*, after an edition was seized at the newsstands and its sale forbidden, a true 'previous censorship' was imposed against the magazine—the copies arriving in Asuncion from Buenos Aires, before being put on sale, have to be submitted to an examination by the authorities.

There is freedom of the press in Argentina, observed the Committee, but this freedom is impaired by local restrictions imposed by minor officials, and is clouded by the Government's ban on two publications, "Prensa Confidencial" and "Azul y Blanco." The case of "El Dia" of La Plata is also a thorn in the side of the Committee. This publication,

if reported, belonged to a group which the Peron dictatorship tried to integrate into its chain by forcing the sale of 1% of its shares. But, according to the Committee, Peron never succeeded in getting control of the publication. "El Dia" could therefore not be regarded as one of the properties which the 1955 Revolution declared, had been acquired illegally by Peron, and hence forfeited to the state. Nonetheless, and despite court and administrative rulings excluding "El Dia" from the list of properties which made up the ex-dictator's fortune, the Government continues to press its claim to ownership and control of the publication, to the detriment of the traditional owners of its stock.

Brazil, too, enjoys freedom of the press, said the Committee. But

This does not mean, however, that the preoccupations, which in due time were exposed to the Inter American Press Association by its Brazilian members, have been dissipated. The worries are still with us. They have their origin in a series of laws complementing the Constitution of 1967. The first of these is the Press Law that became effective on March 14, 1967. It is true that none of the discretionary measures of the Law has yet been applied against any publication or newsman, but it is not less true that, despite a nationwide campaign in favor of a return to the previous law, or at the very least a profound reform of the present one, the government refuses to acknowledge the appeals of public opinion. For example, in Chapter III, articles 15 and 16 establish severe prison sentences for so-called 'Crimes of Exploitation or utilization of the means of information' Among the 'crimes' is the publication of matters whose truth or falsity, or whose relation with national security depend on the subjective interpretation of the authorities. It is not, in practice, easy to determine to what extent a news item should be taken as 'secret' or to what extent a commentary may provoke 'disruption of the public order', 'lack of confidence in the banking system', 'harm to the credit of a state or municipality', or 'notable disturbances in the quotations of merchandise and commercial paper in the financial market'. This legislation could not disguise the State's desire for almost absolute control of information. Even more alarming is article 37 in the chapter dealing with penal responsibility. One paragraph of this article establishes that if the responsible person enjoys immunity, "The offended party may take action against the next successive responsible party."

In addition, a climate of justified fear resulting from the possibility of a rigorous application of the Press Law is reinforced by the existence of Decree-law number 314 of March 13, 1967, better known as the 'National Security Law' This document, against which—based on its very unconstitutionality—the demo-

cratic forces of Brazil have been ineffectively mobilized, increases the threats to freedom of the press already in existence. To give an idea of its incompatibility with the principles of democracy, we shall recall that in its article 14, whosoever shall 'divulge, or by whatever means publish, false, tendentious or distorted news, in such a way as to endanger the good name, credit, or prestige of Brazil' is automatically subject to a sentence of from 6 months to 2 years imprisonment. Now the authority which determines in each case what is or is not tendentious or distorted is the National Security Council, which is thus raised to the position of supreme judge of the Press. This same penalty—6 months to 2 years imprisonment—can be applied to anyone who shall 'publicly offend, in words or print, the chief of state of a foreign nation' (article 19). The purpose of coercing the press, through menacing warnings, is crystal clear in articles 31 and 33. The first deals with crimes against the 'honor or dignity of the President or the Vice-President of the Republic, of the presidents of the Chamber of Deputies or Senate, or of the Supreme Court'. The normal penalty would be 1 to 3 years imprisonment, but it is made clear that the penalty shall be increased by half 'if the crime is committed through the press, radio, or television'. A simple criticism, no matter how well founded, can be, according to the circumstances, converted by the military authorities into an 'offense to dignity'. In article 33, the penalty shall also be increased if a 'crime' of public incitement to acts which go from disobedience to laws to the attempt to provoke animosity between the armed forces and civil institutions, is committed through the press. If we realize that the National Security Council, through a Decree-Law which restructured it last February, was transformed into a true superministry with almost unlimited powers, we will have an exact notion of what the legal applicability of such measures as we have cited represents for the press.

Summing up, the Committee thought that the Brazilian panorama was characterized by contradiction: on the one hand, there was full freedom of the press, while on the other, one could see the existence of a legal structure which could supply, at any moment, a vehicle to destroy that freedom.

In Guatemala, said the Committee, the situation continues to be "very bad", not only because of government interference but also because of terrorists from both the left and right, who have started a virtual civil war. In a rebuke of the Guatemalan Government, the Committee reported:

The Guatemalan Government, since March 11, has indefinitely banned *Life en Espanol* magazine, charging that it constantly defamed Guatemala and showed 'sympathy' towards international

communism. . . Previously, the Government had already banned one issue of *Vision* magazine and one of *Life en Espanol* because of their stories on the crisis which culminated in the assassination of two United States Military officers.

Terrorists are also the scourge of the press in Chile, said the Committee. Another threat are "extremist dailies and other publications", which have launched a campaign to discredit some of the country's newspapers, and create a hostile attitude toward established publications.

The jailing of an editor for refusing to disclose to military authorities the identity of the author of a letter to the editors, published under a pseudonym, was a black mark against the authorities, but the conviction of the editor was appealed successfully and the case closed.

"In short," said the committee, "there is freedom of the press in Chile, but the attitude of the non-democratic forces involves a potential menace which the government and the majority of the country have already repudiated."

There is freedom of the press in Panama, reported the Committee, but the impeachment and removal from office of President Marco A. Robles last March inflamed political tensions and resulted in an instance of the jailing of several members of the Panamanian press after a raid by the National Guard. Following strong protests, most of the journalists were eventually released.

In Nicaragua, while the report found the press to be free, "The repressive press law. . . is still in effect and difficulty is still being experienced by the opposition newspaper *La Prensa* in obtaining access to government news."

Reviewing its findings, the committee declared:

We will not be satisfied until full freedom of the press—and, of course, that means all freedoms—is restored to Cuba and Haiti;

Until Paraguay opens its borders to a free flow of newspapers and information;

Until conditions, governmental and terroristic, which force self-censorship are eliminated;

Until it is no longer possible for a governmental official or a private group to say what the people may or may not read;

Until restrictive and punitive press laws are repealed;

Until police stop beating up or harrasing reporters and photographers who are doing their professional jobs;

Until all censorship is abolished;

And until special tax laws and import duties on newsprint and newspaper equipment are removed.