

REPORT OF THE SOUTH AFRICAN MEDIA COUNCIL
on the hearing of a complaint heard in terms of section 1.5
of the CONSTITUTION

**

END CONSCRIPTION CAMPAIGN

versus

AIDA PARKER NEWSLETTER

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1. This complaint arises out of a report which was published on 8 April 1986.
2. The complainant is an organisation known as the End Conscription Campaign (hereinafter referred to as ECC).
3. The respondent is a publication known as the Aida Parker Newsletter (hereinafter referred to as APN) which is published fortnightly and edited by Aida Parker.

The APN is not a member publication of the Newspaper Press Union of South Africa and has not accepted the jurisdiction of the Media Council.

4. Since the respondent publication has not consented to the Council's jurisdiction paragraphs 1.5 and 10.2 of the Council's constitution are applicable. Paragraph 1.5 provides that one of the objects of the Council shall be to:
'consider and enquire into reports in media which are not member publications of the NPU and have not voluntarily become subject to the jurisdiction of the council where issues of public importance are involved, whether on its own initiative or in consequence of a complaint made in regard to such report, and to procure the publication of its enquiries and any findings arising therefrom;'

of persons to discredit or undermine the system of compulsory military service.'

The major complaint is that the complaint (APN 79) attempt to link the complainant to a Soviet inspired apparatus and contains many factual inaccuracies. Should the committee find that the complaint was well founded it would mean that the Code of Conduct accepted by the S A Media had been transgressed in one or more respects, but the committee would not be called upon to make a report calculated to have the effect or likely to have the effect of discrediting or undermining the system of compulsory military service. It follows that the Emergency Regulations do not preclude the enquiry taking place.

15. Essentially there were four areas of complaint which the ECC made in regard to issue no 79 of the APN. They were:

1. That the publication contained 'blatant factual inaccuracies and malicious untruths.'
2. That an innuendo which occurred throughout the newsletter was that the ECC was not what it appeared to be and that it furthered the aims of unlawful organisations.
3. That there was a link between the ECC and a Soviet organisation; and
4. That the publication and its wide distribution as a result of an exhortation to republish had done the complainant extensive damage.

16. In order to prove its case the complainant called one witness, Nicholas Anthony Borain, a member of the national committee of the ECC and a past chairman of the Western Cape region. Affidavits were also filed by David Shandler, national secretary, Lawrence Nathan, national organiser, Peter Hathorn, an executive member of the Port Elizabeth branch, and Janet Cherry, the chairman of the Port Elizabeth branch.

17. It is more unfortunate that Aida Parker did not attend the hearing or attempt to substantiate some of the allegations made and that she failed to provide any evidence in support of her statements. Because of this failure we were able to consider

only the evidence lead by the complainant. Our task was made more difficult by reason of the fact that verbal evidence was given by a single witness, Nicholas Borain. This witness gave his evidence under oath and at considerable length and he was closely questioned by members of the committee. He was at times a little hesistant more particularly when answering questions relating to the funding of the ECC from overseas and the nature of the organisations from whom funds were received. Nevertheless, it must be accepted that Borain was an intellegent witness, and there appeared to be no good reason to doubt his veracity or find that he was not a truthful witness.'

18. The critical issue to be determined was whether the statement contained in the first paragraph of the newsletter was true or false. In that paragraph it is alleged that the ECC is an organisation which has established links with 'the Helsinki-based War Resisters International, an identified adjunct of the vast Soviet "Active Measures" apparatus'. On the evidence placed before the Ccmmitttee of Enquiry it is clear that this statement is misleading and untrue.

19. What are the facts?

According to the available evidence the War Resisters International (WRI) is an international pacifist organisation founded in 1923 with some 50 branches throughout the world. Its philosophy is one of absolute pacifism based on the principles and philosophy of Mahatma Gandhi. Its aims are to end war through the promotion of non-violent means and it is opposed to all organised violence. The WRI is London-based. This body should not be confused with another organisation - the WPC - or World Peace Council, which has an office in Helsinki and is part of the Soviet structure. The War Resisters International is not affiliated to or a front for the World Peace Council, nor is it permitted to organise in the Soviet Union or the Eastern Bloc countries. The ECC has corresponded with the WRI and has received some financial assistance from that body, but the ECC has no links with the World Peace Council.

20. These facts were explained in detail in Borain's evidence and amplified in the affidavits made by Nathan and Shandler. Borain testified (I quote from p. 33 of the recrd):

8/'Has....

'Has your organisation got any links with the World Peace Council? None whatsoever, in fact we have discussed issues of having, of relationships with unlawful organisations. We would understand that to be clearly unlawful for us to have any of those links, and first and foremost, we protect our membership from any form of dangers that might befall them if the ECC were to have such links. We have no links with any unlawful organisations whatsoever.'

21. Whether the false statements in the first paragraph of the Newsletter were made intentionally or are attributable to gross carelessness (arising out of a confusion of WRI and WPC) need not be decided; the respondent has not come forward to give any explanation for the allegations made. What is important is that there is no evidence to establish a connection between the ECC and the Soviet-backed World Peace Council; nor is there evidence that the ECC is in any way involved with any Soviet organisation or any Russian surrogates.

22. This disposes of the most important issue in the inquiry. There are however a number of other issues which were investigated and call for comment.

23. In the second paragraph of respondent's newsletter it is alleged that 'ECC is presently seeking to popularise a Vietnam war-style "Draft Dodgers Charter" of the type that ... was eventually to bring humiliation to the U S Forces in Indo-China'.

Borain said in evidence that he had never heard of such a charter and that the statement was a complete distortion of the truth. He referred to the objects clause in the constitution of the ECC which was handed in in evidence, and also referred to the submission which the ECC presented to the Geldenhuys Committee of Enquiry in Cape Town on 13 August 1985. A copy of the submission was made available (page 136 of the record). The witness explained that the ECC believed that the State had the right to require its citizens to serve the nation in some way but that the individual should have the choice to render either military service or some form of community service. It followed that the organisation was opposed to compulsory conscription.

Closely questioned by Prof. Strauss on this issue the witness said that it would be a criminal offence to put pressure on a potential conscript not to perform military duty; there had never been any

such pressure because it would subject a young person to 'an incredibly harsh choice'.

24. Turning to page 2 of the newsletter the ECC claimed that the APN was wrong in stating that it had a 'hidden agenda'. That we accept. In campaigning against the system of conscription the ECC through its office bearers and members often openly and publicly stated its views. We further accept that of the 14 aims and objectives which constitute the so-called 'hidden agenda' and which are listed in the second column on page 2 of the APN no fewer than 9 were incorrectly attributed to the ECC. (namely those numbered 2, 3, 6, 7, 9, 10, 11, 12 and 13). To take only one example:

'To promote conscientious objection among Indians and Coloured'. Indians and Coloureds are not conscripted and, as the witness pointed out, there is no need to encourage conscientious objection amongst people who are not conscripted.

25. So far as the remaining listed aims are concerned (namely nos. 1, 4, 5 and 8) it was conceded by the ECC in heads of argument submitted to us that these 'were at times part of the ECC's programme because of the necessarily political nature of their call'. The ECC claimed however that these latter were not 'aims and objects of the organisation as such'. This statement calls for further examination.

26. Reference was made in the course of the hearing to clause 2 of the constitution of the ECC (the objects clause) which reads as follows: 'The object of the ECC is to oppose the militarisation of our society and in particular to campaign and organise around the demand for an end to compulsory conscription into the South African Defence Force...'

27. It is true that the objects clause makes no reference to the activities listed by the APN in the agenda as 1, 4, 5 and 8 but ex confesso these activities were at times part of the programme of opposing militarisation. The activities in question, as described

in the APN, were:

1. To project the SADF as a 'threat to peace' because it is allegedly used to defend an 'unjust system'.
4. To seek to discourage and destroy the cadet system at White schools.
5. To project the SADF as 'the military wing' of the National Party.
8. To accuse the SADF of prolonging the struggle in SWA and wrecking 'constructive negotiation'.

28. Evidence of the alleged activities is to be found in some of the documents furnished to us by the ECC at the hearing. There is for example a copy of a letter dated September 1985 which was written by Nathan, the national organiser of the ECC and annexed to an affidavit by Shandler, the fulltime national secretary of the ECC. This letter was written to 'a range of organisations overseas' and 'its purpose was to inform these organisations of the ECC's existence and objectives'.

The letter contains reference to, inter alia, the anniversary of the first 'invasion' by the SADF of a black township. It alleges that 'throughout the country the army is using violence to suppress the resistance of black people' and describes in some detail atrocities allegedly committed by SADF troops. The presence of troops in townships is described as 'an effective declaration of war on the township residents'.

Then again in submissions made by the ECC to the Geldenhuys Commission in August 1985 the ECC described the role of the SADF as, inter alia 'upholding the system of apartheid'.

29. The ECC has not minced words, in these and other documents it has used strong language. Whatever, therefore the strict constitutional objectives of the ECC may be, these statements made by it clearly had the effect of discrediting the SADF, and to the extent that the APN accused the ECC of doing that, it was justified in so doing.

30. It is not necessary for the purposes of deciding the present matter that the Media Council should assess the truth or otherwise of the allegations made by the ECC concerning the role of the SADF and the conduct of troops, but the general tenor of these allegations appears to us to be harsh and one-sided. By making allegations of that kind, the ECC courted a challenge of its views in equally harsh terms. But that, of course, did not entitle the APN to attribute to the ECC connections, activities, aims and objectives which were false or could not be substantiated factually.

31. The Aida Farker Newsletter contains a number of other untrue or incorrect allegations. Some of them are trivial, some more serious and many of them disparaging. It is not necessary to refer to all of them to support a finding that this newsletter contained many statements of fact that were not substantiated and are clearly incorrect. For example:

1. It is alleged in bold right at the bottom of page 7 that the ECC held an inaugural meeting in the Cape Town City Hall and that 'such illustrious patriots as Allan Boesak, Desmond Tutu and Beyers Naude expounded the ECC's cause'. This was a peace rally, not an inaugural meeting and none of the persons mentioned addressed the meeting.

2. Another strange misstatement is in the association of the ECC with Libya on page 4 of the newsletter. It is possible that Libya is a misprint for Namibia or it may be that the misquotation was deliberate since Libya at the time was prominent in world news and in particular associated with international acts of terrorism. Whatever the explanation it is clear that the ECC has not and never had any direct or indirect link with Libya.

3. Miss Janet Cherry was the chairperson of the Port Elizabeth branch of the ECC. The newsletter alleged that her plans to attend a conference in France 'fizzled out' when she was arrested on a charge of being in possession of Mandrax. It alleged further that though she was later released the Police stated that 'a docket will be forwarded to the public prosecutor'. Miss Cherry stated that on 17 March 1986 she was due to travel to Johannesburg in order to fly to Paris

on 19 March. A packet containing nine white tablets was found in an outside room on her premises and she was detained by the Police on 17 March but was at no stage charged with possession of drugs. She said that she was innocent and that she was released on 18 March and flew next day to Paris. On her return she was informed that the State had decided not to prosecute her and a statement to this effect was published in the Eastern Province Herald on 2 April. The APN was published a week later on 8 April. In that report it was stated incorrectly that her trip to France had 'fizzled out' and no mention was made of the fact that the charge against her had been withdrawn. There is justification for Miss Cherry's statement in her affidavit that the report in the APN was a 'misleading smear'.

32. Not only did the APN contain factual inaccuracies and untruths, but there is also the innuendo which runs throughout the newsletter that the ECC is not what it appears to be but is guilty of 'dangerous duplicity' and that it furthers the aims of unlawful organisations. A statement on page 3 speaks of a meeting of COSAWR (Committee of S A War Resisters) held in London on 27 November 1985 at which representatives of the ECC were said to have declared that the ANC was 'entering an effective stage of their operations due to the ECC's work'. The two representatives of the ECC (Nathan and Hathorn) who were in London denied that they had made any such remarks or attended the meeting of COSAWR or had any links with the organisation.

It is not necessary to elaborate further on the issue relating to the innuendo.

33. Aida Parker showed considerable zeal in ensuring maximum publicity for the newsletter. Readers are advised in a box on the front page that all copyright has been lifted and are exhorted to use the material in any way they choose.

Numerous pamphlets emanating from other bodies have been distributed in different parts of the country. These pamphlets all refer

to the allegations made in the APN and perpetuate some of the false statements made in the Newsletter. A more serious consequence is that extracts from the APN have been used as evidence in affidavits used to oppose an application in the Supreme Court (Eastern Cape Division) for the release of detained ECC members.

The exhortation to republish the contents of the Newsletter and the resulting wide publicity have indubitably caused great harm to the complainant and hardship to individual members of the organisation.

34. Whether Aida Parker subscribes to the Code of Conduct which is widely accepted by the South African Media is not known. If she does subscribe to the Code she breached it in the publication dated 8 April 1986 in that;

- (a) she failed to report news truthfully and accurately;
- (b) she failed to report news in a balanced manner as a result of distortion, misrepresentations and omissions from the Newsletter.

In the small print at the foot of the last page of the Newsletter Aida Parker states that 'every reasonable effort is taken to ensure the accuracy and soundness of the contents of this report'.

This statement is untrue as no attempt was made to verify the correctness of the report. The ECC has 8 regional branches and also offices in Johannesburg, Durban and Cape Town, but no officer or member of the organisation was ever approached to verify the issues raised in the Newsletter.

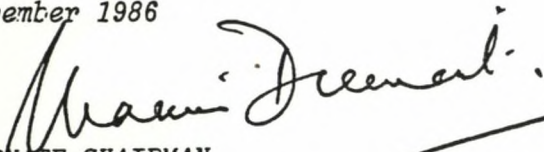
35. The Media Council cannot order Aida Parker to correct the many incorrect statements in the publication of 8 April 1986, nor can it order her to publish this report on the findings of the committee of inquiry since she does not accept the jurisdiction of the Media Council.

Whether she is aware of the strict legal and moral restraints of

the press Code of Conduct we do not know nor can we say whether she is prepared to subscribe to the terms of the Code.

What we can say is that the committee of inquiry has come to the unanimous conclusion that the publication breached the Media Code of Conduct in a number of respects and we can call on the Media, as we hereby do to give full publicity to these findings.

3 November 1986



ALTERNATE CHAIRMAN

MAD/sp

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