

'Always check for the cat'

Keynote address to the Vodacom Journalist of the Year Awards ceremony November 21, 2019

To: the sponsors, judges, journalists, finalists and winners.

Thank you very much for asking me to speak and congratulations to all of you, finalists and winners, on your well-deserved awards.

Just over a month ago, we commemorated Black Wednesday, the day in 1977 when the major black daily, the World, edited by Percy Qoboza, was closed down. Qoboza himself was arrested and Aggrey Klaaste, his deputy, soon after that. Scores of black journalists were arrested in that period, including those who are still among us like Mathata Tsedu and Thami Mazwai. Joe Thloloe, the former executive director of the Press Council, was already in jail under Section 6 of the Terrorism Act – which allowed for indefinite detention.

He was dismissed by the then publisher of Drum while he was in jail.

In an interview with Glenda Daniels published in the DM, Thloloe recalled:

“Qoboza sent me a note to say as soon as I got out I should go straight to him because he had a job for me. So, on 1 February 1977 I joined The World, this time as the features writer. On the 1st of March I was again detained under section 6. The beautiful thing about Percy is that when we were detained he insisted that the Argus [Printing and Publishing Company], owners of The World, carry on paying our salaries. He insisted we were innocent until we were proved guilty in a court of law.”

Remember the times: 19 anti-apartheid organisations were banned, as well as newspapers. One of the best news posters at the time said, quite accurately: “Government bans The World.”

Steve Biko had just been killed -murdered by police – while in detention.

It was the beginning of a period of repression which ended in the late 80s with successive States of Emergency, and where journalists were prohibited even from covering what were defined as “unrest” situations, and where black stripes over copy became a feature of some.

Yet there were many journalists who continued to expose and write about the iniquities of apartheid in spite of the odds stacked against the media.

We are very far from that situation today but it is sometimes worth remembering where we came from so that we can celebrate our Constitution, which guarantees freedom of expression, and the democracy ushered in in 1994.

Today our profession faces entirely new challenges.

Possibly the main one is economic – we know how circulations of the conventional print media have dropped. This has had an effect on margins and also on operations: newsrooms have been slashed, reporters now do multiple stories a day on multiple platforms; fact-checkers (who often used to reside on the subs or news editor’s desk) are scarce; I see the results of this in the complaints that come to the Ombuds desk weekly.

We are also plagued by “fake news”, cyber-bullying of journalists, and real-life bullying in many cases by politicians.

We have also seen how unscrupulous businesspeople or politically connected cadres have tried to “capture” elements of the media often to advance their own

personal, political or corporate agendas. The Guptas were the most obvious example – they set up their own newspaper and their own hammy TV station, using models as anchors, (according to Radesh Sundaram who wrote a book about his time there, aptly entitled “Indentured”) . It was a blatant bid to corner the substantial government advertising market. There was also the crude attempt to subvert the SABC from its role as public broadcaster, which not only critically damaged its credibility, but also its revenues. Even today, in spite of an excellent new head of news, the legacy is painful – most news and current affairs on the 13 public broadcast stations has been replaced with music or talk, which could never have been the vision of the first drafters of the Public Broadcast Act. But news needs journalists, who cost money. In talk shows, listeners provide much of the content – for free – and are often flattered to do so. The old adage, talk is cheap, has never been truer.

Then there is Independent newspapers. Its forerunner was the Argus company which, for all its middle-of-the-road caution, still, even then paid the salaries of detained journalists, as Joe Thloloe reminds us. In their excellent book, *Paper Tiger*, two former editors track how corporate interests combined with hubris have caused considerable damage to what was, and is, the biggest English-language newspaper company in the country. So much so that even a coffee shop removed free Independent newspapers from its counters, albeit briefly, invoking a conflict aptly summed up by Zapiro with his “*storm in a coffee cup*” cartoon

But then, too, fortunately for the country, there have been substantial pockets of excellence – the investigative journalism associations such as Scorpio or Amabhungane that have worked with the big media houses such as Media 24 or the sharp, sprightly online publications such as Daily Maverick. Together they have broken new ground not only in journalism, but also in tracking just how much our democracy and institutions have been undermined by a deliberate political culture of corruption that has marked the past decade.

Yet even with a new administration – with the cathartic Zondo commission – with the NPA at last showing a propensity to peep above the parapets,- the media is constantly fighting for a foothold in a democracy.

This is nothing new. Even in countries where media freedom has been enshrined in the Constitution for more than 200 years, such as the United States, its freedom has always been contested.

Outside Columbia University’s Graduate School of Journalism, where I studied, there is a statue of Thomas Jefferson. He famously said: “*If it were left for me to decide whether we should have a government without newspapers, or newspapers without a government, I should not hesitate a moment to prefer the latter.*”

Yet to think he kept his hands off them would be to fictionalize history.

Jefferson was one of the first Americans to actively try to ensure a good press for himself, writes Christopher Hitchens in his biography of Jefferson (“*Thomas Jefferson: Author of America*”, Atlas Books/Harper Collins Publishers, 2005).

Partly, this was driven by an almost deadly rivalry between himself and the first Secretary of the Treasury, Alexander Hamilton, a rivalry replicated in opposing newspapers that supported one or the other.

Neither was shy to use editorial manipulation, in the form of withholding or granting government advertising to the newspapers that either angered or pleased them. (Sound familiar?)

The Constitution of the United States, drawn up after its revolution, enshrined freedom of the press as its first amendment in the Bill of Rights: "*Congress shall make no law.... abridging the freedom of speech, or of the press...*"

It was a clause that effectively prohibited even an overwhelming majority in Congress from muzzling the press.

Yet until the early 19th century, editors and journalists were still being charged under seditious libel laws, inherited from the British. In seditious libel, truth was no defence. In fact, to print something "libellous" that was actually true was considered a worse offence because the damage was greater.

In 1798, John Adams, the second president signed into law the Sedition Act . He set it to expire on March 3 1801, the day before a new President was to be inaugurated. Ten people were convicted for sedition during his Presidency, oddly enough all supporters of Adam's rival Jefferson.

Funnily enough too, soon after Jefferson came to power "*he like Adams developed doubts about the unbounded liberty of the press*", as *New Yorker* writer Jill Lepore put it. Days after his election, he complained that printers "live by the zeal they can kindle and the schisms they can create." Jefferson wanted under his government "a union of opinion".

Sound familiar?

We have seen crude attacks on the media in Trump's America particularly as the impeachment inquiry heats up.

Here too, politicians from the ruling party in the democratic era have been particularly keen to see a statutory media control body to deal with imagined or real transgressions of the media. This is familiar in many African countries. But partly because of our history, and because of the strength of civil society, honed in the days of the anti-apartheid struggle, this has (so far) been successfully resisted.

The Press Council under which the Office of the Ombudsman falls, has its roots in a thoughtful attempt to resist this kind of control.

Several veteran journalists, including Joe Thloloe, former Ombudsman, and the late Ray Louw, were key figures behind the formation of a body that would mediate complaints from the public about the media and enforce a code of ethics.

The Press Council took as its starting point both the plethora of restrictive laws against the press under apartheid, and the 1996 Constitution which guarantees freedom of expression.

In 2012, at the time of the Polokwane conference, the ANC agitation for a Media Appeals Tribunal, grew more strident. It was then that a Press Freedom

Commission, chaired by the late Justice Pius Langa, was set up and the Press Council, as we know it today, was born.

One important difference with its predecessor was that the waiver that complainants had to sign undertaking not to sue, was done away with because the Judge found it was unconstitutional to deny anyone the right of access to a court of law.

The process also reconstituted the Press Council to comprise media and public representatives. Three retired judges play a key role in the Council: Judge Philip Levinsohn chairs it (the late Ray Louw was vice chair), Judge Bernard Ngoepe chairs the appeals panel, and Judge Yvonne Mokgoro chairs the appointments panel.

It is a small office comprising an Executive Director, Latiefa Mobarra, the Public Advocate Joe Latakgomo, a case officer Khanyi Mndaweni and two support staff: small because we are entirely funded by the media industry itself which is, as we know, under intense financial pressure at the moment.

We currently have 519 members, both online and print and in the broadcast industry, magazines, and community newspapers, who are members of the PC and who subscribe to the Press Code.

Independent newspapers sadly withdrew from the Press Council in 2016 and appointed its own Ombudsman. (who resigned about six months ago yet his name for some reason still appears on p2 of their newspapers) The reason they gave was because the waiver had been withdrawn. But there were other events that happened at the time – such as losing various cases brought by people who believed the newspapers had transgressed the code of ethics.

In any event, access to courts is a constitutional right. And in reality, very few people have the time, inclination or resources to sue. Since 2013, only three people have sued: one person asked for R300K and settled for R10K, another abandoned his suit, and the third took it all the way to the High Court and then the day before the case was due to be heard settled for a letter of apology, and from the reporter, not even the editor.

This is out of the approximately 500 complaints a year we receive.

The Press Council plays a critical role in keeping the media free both by staying off government interference but also by keeping journalists to a Code of ethics and conduct on an entirely voluntary basis.

The preamble to that Code reads:

- ***“As journalists, we commit ourselves to the highest standards, to maintain credibility and keep the trust of the public. This means always striving for the truth, avoiding unnecessary harm, reflecting a multiplicity of voices in our coverage of events, showing special concern for children and other vulnerable groups, and exhibiting sensitivity to the cultural customs of their readers and the subjects of their reportage, and acting independently.”***

These are sentiments that accord with the *Elements of Journalism*, spelt out simply and eloquently in the eponymous book by Bill Kovach, past NY Times Washington correspondent and curator of the Nieman Foundation, and Tom Rosenstiel (*The Elements of Journalism*, Bill Kovach and Tom Rosenstiel, revised edition, Three Rivers Press, 2007) The elements include:

- **Journalism's first obligation is to the truth**
- **Its first loyalty is to citizens**
- **Its essence is a discipline of verification**
- **Its practitioners must maintain an independence from those they cover; and**
- **It must serve as an independent monitor of power.**

These sound easy to say but they are hard to maintain, especially given some of the threats our media industry face today.

Among these are the financial threats. Those simple-sounding elements, such as the discipline of verification, are often the first to suffer in a climate such as this. The pile of red folders on my desk that hold complaints are testimony to this.

Verification – actually checking whether your story is true – is one of the main complaints I see; that and the right of reply.

I believe that notwithstanding the challenges we face, the best way to not only survive but thrive is for the media to continue to expose the threats to our democracy, and the injustices that are still rife in the country but to do this is by adhering to the ethics that make people trust us.

Trust is our most important currency. AS Franz Kruger, adjunct professor of Journalism at Wits, has written:

“In an era of fake news, that trust is harmed not only by what the media themselves may do, but by what is done by pedlars of misinformation, who are often hard to distinguish from professional journalists.

“A loss of trust may in the long run cause more harm to journalism than the repressive tactics of past decades.”

The real dynamics shaping the future of our country are often hidden from us and from our readers, viewers, and listeners; fortunately the latest report on Inequality done by StatsSA and the SA Labour and Development Research Unit at UCT, which hosts some of the top inequality researchers in the country, has drawn some attention to this.

It is essential for journalists to understand because, as the report says, it not only profoundly affects social fabric but also it affects who we cover. As it says:

“Politically, small and very wealthy groups of elites can affect the policies that are implemented as to benefit themselves, in ways that can further limit the longer-term evolution of an economy. Even without these distortions, the breakdown in social cohesion that can arise from inequality can directly affect the capacity of a government to effectively govern.”

We do not really see the poorest of the poor from our newsrooms. The poorest 20 municipal wards according to a study by Professor Michael Noble, are all in the old “homeland” areas of KZN or the Eastern Cape, with the exception of one in Limpopo. The poorest ward is in Port St Johns in the Transkei and Nkandla, in KZN, infamous for other reasons, is number 20 on the list.

This brings me to my final point: beware the grand narrative. By that I mean just because something sounds true please check it. For instance in the ongoing and

worthy coverage of inequality and poverty, it is important to remember they are not the same thing: in fact in these areas surveyed by Noble, there is often high poverty but greater equality. Youth unemployment does not affect mainly those with degrees – in fact hardly at all – but the vast number of children – almost half – who leave school without matric.

Check! There are many experts around who will help you.

Often what I call a “grand narrative” – something that sounds true – undermines this discipline of verification and thus the trust that is so critical between the media and its readers, listeners and viewers.

I want to end by citing two examples of this: one that came across my desk, the other cited by Kovach and Rosenstiel in the *Elements of Journalism*.

Lakela Kaunda, a former aide of former president Zuma, complained to our office about a story in a daily newspaper that said Pravin Gordhan and Vytjie Mentor had described her in their evidence to the Zondo Commission as a “fixer” who organised meetings between the Guptas and cabinet ministers. She said they had not. I trolled through pages of evidence and could not find either reference, despite the fact that Ms Mentor made many claims, many of which were challenged. What she said about Kaunda was that the latter had called her one Sunday night to come to Johannesburg for a meeting with the then president and she’d ended up meeting with the Guptas. Kaunda produced her phone records and the commission produced flight records both of which cast doubt over the claim.

But worse was the intro of the piece which was based on an interview with former President Kgalema Motlanthe run the day before by another newspaper.

Under the headline, ***Zuma loyalist Lakela Kaunda ‘unlikely to become unemployed’***, it said; *“With eight weeks to go before the national elections, the power struggle in the ruling ANC is far from over, with former acting president Kgalema Motlanthe slamming President Cyril Ramaphosa and the party for being unsure of what to do with Jacob Zuma’s closest confidante and advisor, Lakela Kaunda.”*

Which sounds true – and indeed even Ms Kaunda had not complained about this. But it struck me – after some thought – as odd. Why would a former president be speaking about an official, I wondered? So I called the other newspaper, even had the reporter check her notes: Motlanthe had said absolutely nothing about Kaunda. But in such a contested atmosphere, perhaps, it sounded kind of true and the editors overlooked what was actually fiction.

I don’t mean to be too harsh on this – just to show how it can easily happen. So let me leave you with another anecdote about grand narratives as recorded in Kovach and Rosenstiel’s book.

It goes back to 1913 and concerns the first ombudsman of a paper called the *New York World*. He had noticed a pattern in the newspaper’s reporting on shipwrecks that in each such story there was a cat that had survived. He asked the shipping reporter about this coincidence and this is what he was told:

“One of those wrecked ships had a cat, and the crew went back to save it. I made the cat a feature of my story, while the other reporters failed to mention the cat, and were called down by their city editors for being beaten. The next time there

was shipwreck, there was no cat but the other ship news reporters did not wish to take a chance, and put the cat in. I wrote the report, leaving out the cat, and then I was severely chided for being beaten. Now when there is a shipwreck all of us always put in the cat."

So congratulations once again to all of you -and please remember, always check whether the cat is actually there.

Pippa Green
Press Ombudsman