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I should like to start my presentation by looking at the meaning of Freedom of Association and ask when this right clashes with the right to a free media, which should have primacy?

With the adoption of the new constitution came the removal of legal obstacles to freedom of association and the freedom of political association which we did not have under apartheid. We now have the right to associate with any party, any group, any organization; we now have individual freedom of association that we did not have under the old order.

We should not forget that the power of the whole apartheid apparatus was in using mechanisms of repression and legal barriers that restricted South Africans in every way: Enforced separation; segregated schools; where we lived and died; where we went to school; whom we married, who were our friends; children were forced into the army; detention without trial; murder; mayhem and torture that the TRC (Truth and Reconciliation Commission) had to deal with.

The old state sacrificed the individual to conformity and the State Security Council under PW Botha tried to create a conformist nation, by controlling the media, what we thought and what we read. What the past should alert us to are the dangers of conformism, centralised control and the dangers of the adulation of politicians.

The new constitution has restored that freedom of the individual/ of association/ of choice and of the vote that the former government, through apartheid, tried to destroy. That means that we now take responsibility like adults for the success or failure of this current democracy.

The value of the constitution is the restoration of this personal responsibility, to shape our future and our political destiny but it also means that we now are free even to destroy ourselves – as Mugabe has done in Zimbabwe with the help of many.

The constitution will not transform our lives but it gives us the right to make that choice. So that when black people vote again and again for this current government, despite their disappointment about many things, they do so for sentimental reasons - people vote for the symbolism of what the struggle and its heroes depicted. Whites did this as well, year in and year out. But freedom of association means that we do not have to support a black government, even the one that has liberated us, if it does not act in our interests. What we need to learn is that we now have more control over what and who we are and we can vote self-serving politicians out of office, no matter what their race or ethnicity.

Given the historical context to freedom of association, what are we to make of the Forum of Black Journalists excluding white journalists from their meeting with Jacob Zuma? Surely black journalists have a right to meet as a group over some or other issue

in terms of freedom of association. The more serious question, however, is: was it expedient to do so 13 years into our democracy? Is it appropriate for journalists to use race to exclude others, and that with a meeting with the president of the ANC, *nogal*? When a prospective future president, requests a meeting with black journalists only, surely that should alert journalists that something is fishy here, and journalists more than anybody, should not be seen to curry favour with politicians, especially the more powerful they are! More seriously, when black journalists respond, and exclude their colleagues from such a meeting, that alone disqualifies them from being in the profession. When we weigh up the right to freedom of association against freedom of the media, which right gains primacy? What about media responsibility? What about fairness and justice as opposed to political partisanship? What about media ethics? What about creating racial divisions within the journalistic community for party political and partisan reasons? In this climate of constitutional democracy and freedom, the media has a special responsibility to make this understanding of freedom of association, the basis of all their endeavours. Freedom of association in this instance meant that black journalists chose to risk weakening their profession through entrenching racial divisions rather than taking responsibility and telling Jacob Zuma to go to hell and that they would refuse to meet him or any other political leader behind closed doors.

Freedom of association means that journalists have a right to interview whom they wish about a topic, but when the SABC blacklists certain commentators, when *Special Assignment* is prohibited from investigating the Arms Deal, then freedom of association is curtailed in the very newsroom where that right should enjoy utmost freedom. In the Sisulu Report, Paula Slier, who is Jewish, and when she wanted to investigate some Israeli, story was told by Snuki that she should remember that in ‘my movement we support the PLO’.

When the University of the Free State’s racist video was beamed across the length and breadth of South Africa, putting everyone on a guilt trip, something terrible happened in the province of Limpopo that barely got a mention in the media: it was reported in *The Sowetan* (2008-02-17) that a student from the University of Limpopo was killed by Sasco (South African Students Congress) students for refusing to sing a ‘struggle’ song on the way back from a protest at the Union Buildings. I quote from a blog by Alex Matthews, who is in the audience today, and who brought it to my attention:

Three students beat up Nkosinathi Mhlongo during a minibus trip from Pretoria on Friday. Mhlongo apparently refused to sing a protest song on a minibus ferrying the students to Turfloop. According to the university the accused, affiliated to Sasco, asked for a lift to Polokwane in a minibus that ferried only members of the Students Christian Organisation (SCO).

An argument ensued when they forcefully tried to stop the SCO members from singing Christian songs. Mhlongo allegedly refused to sing their protest songs and was allegedly beaten all the way from Mokgophong to Mankweng Hospital. Police spokesman Malan Nchabeleng said his body was thrown out of the rear window of the minibus near the hospital. On March 3, the imminent appearance of the alleged murderers in court was then reported in a minuscule article on *SABCnews.com*. In the report neither the victim’s nor the perpetrators’

political affiliations were mentioned. The motivation — political intolerance — wasn't either. On March 10, the suspension of the alleged murderers (incidentally described as 'student leaders') from the university was reported only by *News24* but this report seemed to be at variance with the version of events described by the *Sowetan* and a regional paper called the *Northern Review* which both mentioned the insistence of the Sasco youths that the Christian students in the taxi sang 'struggle' songs and not Christian ones. Christian organisations have subsequently called for Sasco to be suspended at the University of Limpopo. Ultimately, though, media coverage of this tragedy has been pitiful. That the story has not received widespread coverage almost implies that such a crime is perceived by media gatekeepers as insignificant — simply not worth column inches or airtime.

The media went to town on the race video, but the tragic story of the Limpopo student was not even national news. How is news selected? What gets given priority? Just last week 80 children allegedly died due to unhygienic conditions in a hospital in the Eastern Cape. In any civilized democracy this would be headlines for days and those in charge would be fired, especially after similar tragedies recently in the Eastern Cape and KZN. Is the media fair in the way they report incidents of racial discrimination? Are farm murders not acts of race hate, described by the Human Rights Watch as acts of genocide? More farmers have been killed in SA since 1994 and more farmers have died here than in Zimbabwe. However, the knee jerk response to the race video from many quarters was astounding. Writers like Nadine Gordimer and many of her politically '*correctnik*' cronies signed a petition condemning racism at universities; Minister Pandor issued decrees that racial audits would be conducted at universities to ensure that such things never happened again. The video was shown again and again in the media, provoking debate from every quarter but a story in which a student was innocently killed for refusing to submit to a SASCO demand to refrain from singing Xtian songs in favour of struggle songs, does not even see the light of day.

Max Du Preez sanctimoniously condemned Bullard, saying that 'it means we have to identify and isolate those whose writing is clearly inherently racist and deny them platforms to propagate their prejudices'. This language is frightening: 'identify and isolate'. The apartheid government identified and isolated. In similar vein, after Xolela Mangcu's self-righteous condemnation of David Bullard's column, Mondli Makhanye saw fit to fire Bullard, on the grounds that he offended his readers by belittling Africans in the now infamous column on Africa and colonialism. [By the way, is it not more of a media travesty to retain Xolela as columnist, having received R5 million in shares from Tokyo Sexwale, whom he unashamedly promoted in his columns before the ANC Congress in Polokwane, than to fire Bullard for a tasteless controversial column?].

The over-the-top outrage against the racist video and Bullard's column was not so much an outrage from the general public but from the chattering classes, fuelled by an equally irresponsible media, that threw this video into the public arena purely for its sensationalist value. In the greater scheme of things, this incident was an aberration and the filming of the incident raised more questions than it answered making the release of it highly suspect. I raised questions about worse crimes of gender discrimination on

campuses that never see the light of day, such as cross-racial and inter-racial sexual abuse, date rapes, sexual violence and abductions that do not get any coverage nor do they taint campuses in the way the video has affected the Free State University.

The most sensible response to Bullard came from John Matshikiza who said: ‘... perhaps it should have just been treated with the contempt it deserved, and left to die’. Speaking about Zimbabwe, Matshikiza, makes an important and provocative point worth considering:

Cecil Rhodes, Haggard and Bullard appear to be speaking with one voice. It is an uncomfortable voice in the 21st century in Africa. But the point is also that the likes of Robert Mugabe and his hunched henchmen from various sections of the armed forces, including the police and prison authorities, play right into the hands of those reactionary voices.

And that is the point. When are we going to acknowledge that our political leaders and leaders in Africa are giving racism a bad name!!!

Mike Morris, more challengingly in *The Argus* (2008-04-28), argues that instead of shutting down the debate by firing Bullard, we should have debated his assertions about Africa and the colonies. Why do we shy away from debate and discussion, even if people are racist or prejudiced? Does freedom of expression not also mean tolerating speech and opinions that offend? Would we not sooner prefer to know what someone thinks about blacks than for them to pretend we are equal when in fact they think we are inferior?

The media plagued by political correctness, plays on the ‘woundedness’ of black people with its over-the-top reporting on incidents like the racist video, the Skierlik killings, the farmer who threw the farmhand into the lion’s den, etc, knowing full well they would sell, but it downplays equally heinous murders when perpetrated by blacks against whites. We, the chattering classes, also react to anything racist hysterically and unthinkingly.

It is time to fight back and show that we have better arguments than to ban, censor, and curb free speech, unlike Pallo Jordan who admonishes Bullard to go back to where he comes from but is silent about blacks who kill Somalis, for example. We are slow to condemn black leaders who oppress and exploit their people and SADC is a case in point. When racial solidarity is used to silence debate and criticism, then we are on the slippery slope to tyranny. Anything vaguely racist is labeled hate speech today, when in fact such an accusation is a serious one. Hate speech refers to ‘the advocacy of hatred based on race, ethnicity, gender or religion and that constitutes an incitement to cause harm’. As obnoxious as Bullard’s column might seem, he did not incite anyone to cause harm to a group.

Benedict Spinoza, Dutch philosopher, warned in the 17th century already that once we make crimes of opinions, we are moving towards tyranny.

Today, very few journalists respect even their own profession and many have become government spin-doctors motivated purely by vanity and money. Journalism has the amazing ability to morph seamlessly from factual reporting into the skill of master weaving in honour of politicians, to excuse any act of government impropriety with

glowing euphemisms. Many journalists have moved into government jobs for the money and have become expert apologists for politicians who fail to perform. The media hearings into subliminal racism a few years ago and the demise of the SAUJ (South African Union of Journalist) and racial divisions within the media community speak to the fickleness of journalists who cannot even unite around their own common interests. It is a sad comment on the state of the media in SA.

The Fourth Estate is a powerful institution, but when it plays the role of Fifth Column, we should worry. Suzanne Vos from the IFP (Inkatha Freedom Party) has tabled a lengthy dossier on the blatant political bias evident at the SABC offices in Sea Point. You should read it to understand how easily journalists are tantalized by their links to high political office and are prepared to use the power of the media to aid and abet the agenda of the ruling elite, whether this agenda changes from the one ANC conference to another!!

SABC CEO Dali Mpofu is currently being hoisted by his own petard for promoting Mbeki's ANC. And now that Zuma is on the rise, his henchman is trying to put in a pro-Zuma CEO, *en kyk hoe lyk Mpofu nou!!!* He must rue the day he sold his soul to the devil!!

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