

COMMISSION ON HUMAN RIGHTS
SUB-COMMISSION ON FREEDOM OF INFORMATION AND OF THE PRESS

Third Session

SUMMARY RECORD OF THE SIXTY-SIXTH MEETING

Held at Lake Success, New York,
on Tuesday, 14 June 1949, at 10.30 a.m.

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Draft resolution submitted by Mr. Azkoul concerning the encouragement of national information agencies (E/CN.4/Sub.1/92)

<u>Chairman:</u>	Mr. LOPEZ	Philippines
<u>Rapporteur:</u>	Mr. FONTAINA	Uruguay
<u>Members:</u>	Mr. AZKOUL	Lebanon
	Mr. AZMI	Egypt
	Mr. BINDER	United States of America
	Mr. CHANG	China
	Mr. DEDIJER	Yugoslavia
	Mr. GANDHI	India
	Mr. GERAUD	France
	Mr. SILVA CARVALLO	Chile
	Mr. WILLIAMS	United Kingdom
	Mr. ZONOV	Union of Soviet Socialist Republics

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of the events each day in a meaningful context. It also had the moral responsibility of serving as a free forum for the exchange of comments and criticism about all events and ideas viewed from every angle. Those moral responsibilities were enforceable only by what might be termed "readership sanctions" and not in any direct manner by legal sanctions.

Mr. Binder indicated that although he had travelled and worked in many countries he knew of no press which fully measured up to that standard. He further did not hesitate to state that the press of the United States fell somewhat short of that ideal and that in his opinion there was nothing wrong with the United States press which could not be corrected by more discriminating demands on the part of its readers and more diligent application on the part of newspapermen. Mr. Binder saw no need for any remedy which was alien to normal democratic processes and he knew of no substantial and responsible group in the United States which sought such a remedy.

Mr. Binder stated that the three principal charges which had been levelled at the American press applied to some degree to most free presses of the world. The first was the charge that, while the press had steadily grown in importance as a moulder of opinion, its tremendous development as an instrument of mass communications had led to a decrease in the number of people who could have direct access to it for the expression of their opinions. The second charge was that those who had direct access to it did not provide a service adequate to the needs of the public. The third charge was that those who directed the press sometimes encouraged practices which were detrimental to the interests of the public and which, if continued, might lead to demands for governmental interference.

Recalling the technical revolution which had made modern daily newspapers possible and the effect of that revolution on the concentration of ownership, Mr. Binder stated that the number of daily newspapers in English published in the United States had fallen from a peak of over 2,500 in 1909 to the current level of about 1,700. A recent study had shown that only about 120 cities had competing daily newspapers and that in general rival papers existed only in the larger cities. In 1949 there were about 10,000 weekly newspapers in the United States, as

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compared with some 16,000 in 1910. During that period, however, there had been a large increase in circulation.

There had also been some increase in group ownership although he noted that the number of papers owned by national groups had decreased in recent years. At present only a dozen groups operated more than 7 papers each and most of them were regional, not national, in scope. The largest group owned only 17 newspapers. In all there were about 76 national, regional and local groups which operated about 25 per cent of the English language press in the United States and among them shared slightly over half of the total national circulation. Mr. Binder wished to emphasize that there were 76 groups, not two or three as was often alleged. No monopoly of news existed anywhere in the United States, since substantial quantities of outside newspapers and news from other sources were available in every town and city. Moreover, contrary to general belief, competing ownership alone did not necessarily ensure better newspapers.

Besides the three major news agencies in the United States, there were about 175 additional nation-wide feature services. Moreover, the largest newspapers maintained their own world-wide reporting staff. Undoubtedly there had been tendencies toward monopolistic practices but, under the circumstances, Mr. Binder stated that no effective monopoly existed or seemed possible and furthermore United States anti-trust legislation was intended to deal with any possible monopolistic practices.

Turning to the economic basis for the concentration of ownership, Mr. Binder stated that newspaper owners could not be held responsible for the high cost of operating a large daily. The American public would never be satisfied with papers like Pravda or Izvestia because it demanded diversification of news and opinion as well as entertainment and other features. Moreover, through the process of free collective bargaining, the people working on newspapers had secured higher and higher pay for their services plus liberal hospitalization, vacation and retirement benefits. In a police state a man dismissed because of his views could not hope to work on another newspaper and was lucky if he could remain at liberty. In the United States a man who was dismissed or who left his job because he opposed the editorial views or disliked the working conditions might get a better position on another newspaper. In any case, he was not imprisoned, sent to some

dismal prison labour project or barred from the principal cities, as might occur in the case of a journalist who was out of favour in a police state. The excellent working conditions for the staff was therefore one of the main reasons for the high cost of publishing a newspaper in the United States and in most of the other free democracies.

Mr. Binder recalled that the charge that the owners of newspapers were not rendering adequate service was generally linked with the complaint that exceptional or sensational events were emphasized to an exaggerated degree and consequently more significant matters were crowded out of the press. Without minimizing that fact, Mr. Binder explained that, since in a democratic society a newspaper must strive to interest all sections of the population, and not merely a cultural elite, it was not surprising that organs of mass circulation were not models of cultural or literary excellence.

In the matter of the real or fancied bias of newspaper owners, Mr. Binder pointed out that the press in the United States was a large business employing more than 150,000 persons and that the fact that some owners had other business interests presented the danger that they would think and act primarily as businessmen. That situation, in the opinion of Mr. Binder, would be serious only to the extent that the news would not be freely and adequately reported. From time to time the accusation was made that certain papers were opposed to socially desirable legislation and it was wellknown that popular and editorial views in certain elections differed considerably. It had to be admitted, however, that the public seemed to have adequate information to arrive at its own conclusions and that all views were published, if not in each paper, at least in the aggregate of the competing sources available to the public. Mr. Binder questioned whether a party or governmental press was less biased. There was no secret ownership or hidden subsidizing of the press in the United States and all newspapers were required to publish the names of all their owners every six months. In rare cases, when a hidden subsidy came to light, such breaches of trust were exposed and condemned by newspapers with high ethical standards.

The charge that advertisers exerted an evil influence upon the American press was not well founded in the case of the great majority of the newspapers which regarded advertising as a source of editorial

/independence

independence as well as of interest to the reader. On the contrary, the paper which was subject to temptation and which might lose reader interest was the paper with little or no advertising. Mr. Binder further pointed out that the larger newspapers had so many advertisers that they could not be dominated by any single advertiser or group of advertisers without alienating all the others.

While he could not give a detailed analysis of the relations between the press and the Government in the United States, Mr. Hiler stated that the American press had never asked the Government for special privileges and had never received ^{any} such privileges. It asked only the right to report and it considered no elected official regardless of his position as immune from independent reporting and candid criticism. Indeed the press and Government were so detached from one another that in some cases both suffered somewhat by virtue of the detachment. A comparison of the foreign correspondent of an American newspaper and the foreign correspondent of a press agency or newspaper in a police state revealed that the police state correspondent was virtually an attache of the embassy or consulate of a country in a given area and would not dream of sending a report at variance with the views of his country's officials, whereas United States diplomats were so fearful of being accused of trying to influence the press that United States correspondents often found the diplomatic representatives of other countries more informative than the representatives of their own Government.

The fact that American editors did not wear uniforms as did the editor of Pravda left them free to criticize policies they considered contrary to the national interest. Mr. Binder recalled that his personal criticism on the radio and in the press of the United States Government's position supporting the creation of a Jewish State in Palestine had not interfered with his nomination by the United States Government for membership in the Sub-Commission.

Mr. Binder stated that the United States press had not suffered from government censorship, although during the war a system of voluntary censorship comparable to that adopted in the United Kingdom had operated admirably. While there had been occasional differences in opinion between the press and certain departments of the Government concerning the alleged need for secrecy in official matters, it could honestly be held that the press almost always succeeded in publishing the essential news.

/Mr. Binder

Mr. Binder stated that the only possible serious complaint which he had to register against his Government arose from the sometimes over-zealous application of the immigration laws in respect of the entry of a certain category of foreign news personnel. The question was not a simple matter of governmental interference since experience had shown that those who did not share democratic convictions were all too ready to claim full freedom for purposes totally unrelated to the reporting of news. Mr. Binder indicated that he and most of his colleagues favoured a more discriminating application of immigration laws and did not wish to see any exception to the general rule of freedom of reporting except in established cases of danger to national security. In that connexion Mr. Binder referred to a resolution unanimously adopted by the American Society of Newspaper Editors urging the Government to adopt a more liberal policy on the admission of foreign correspondents whose views were considered as subversive.

Mr. Binder stated that in the United States as in most other democratic countries the freedom which the press enjoyed was ample guarantee against any attempted governmental interference. If that freedom was in danger it would be because the press and the public had failed to live up to their convictions and in such cases no freedoms were secure.

Mr. Binder stated that he would be more specific at a later date and referred the members of the Sub-Commission who wished further information, to document E/CONF.6/9/Add.6, which contained the reply of the United States Government to a request for information from the Secretary-General of the United Nations.

Mr. DEDIJER said that, as the session was drawing to a close, he would limit his remarks to the consideration of two very important points, namely the traditional concept of freedom of information and the question of the diversity of information which purported to exist in certain countries.

The concept of freedom of information had first come to life during the seventeenth century at a time when it had been comparatively easy to start publishing a newspaper and when there had really been a great variety of information. Since that period the cost of starting a new newspaper had risen tremendously and there had been a

/considerable

considerable decrease in the number of newspapers published. At the end of the eighteenth century, the cost of starting a newspaper in the United States of America had been in the region of \$5,000, while in modern times the cost would be at least \$10,000,000. Thus it was no longer nearly so easy for an individual to start a newspaper in order to express his own opinion as it had been in the past. The seventeen hundred daily papers mentioned by Mr. Binder were all big business concerns and it would be quite beyond the means of any ordinary individual to set up a newspaper on his own.

The newspapers in the United States had become profit-making concerns and, as such, 65% of their space was taken up by advertisements. The media of information were all concentrated in the hands of a few influential businessmen and the original idea that each individual should be able to express his opinion freely had ceased to be applied in the United States.

It had been alleged that there was a great diversity of information and opinion published in the United States and the United Kingdom. Mr. Dedijer pointed out, however, that Lord Beaverbrook had quite frankly admitted before the Royal Commission on the Press that his newspapers were published in order to carry on propaganda. Thus it was clear that the newspaper proprietors used the press as a means of imposing their opinions on the public and the ordinary individual had no access to the press and no chance to propagate his opinions.

Mr. Dedijer said that, on arriving in the United States, he had been deeply impressed by the general atmosphere of tension, as though war were imminent and inevitable. In his opinion, the press was responsible for that atmosphere, since the people obviously did not want war. If the American press really reflected all opinions it should surely express the people's desire for peace as well as the war propaganda of the newspaper proprietors. As an example of the uniformity of opinion expressed in the American press, he mentioned the reports of the recent peace conference held in New York. If all opinions on the subject had been reported there would surely have been a certain percentage of favourable reports but there had actually been nothing but adverse criticism in the American press. The newspapers were also united in their condemnation of strikes, just because strikes were against the interests of the businessmen.

In Yugoslavia, the newspapers were far more representative of the actual opinions of the people since they were owned by mass organizations, such as the trade unions. He could not accept the statement that there was true diversity of information in the countries where the newspapers were in the hands of individuals. Although the proprietors of the various newspapers in such countries might hold divergent views on some points, they all held the same position in society, so that basically their opinions would be the same. It was only in the countries where the press was owned by mass organizations that true diversity of information was to be found.

Mr. BINDER regretted that Mr. Dedijer had not given more information about the press in Yugoslavia. He hoped he was right in assuming from the remarks made that anyone who wished to criticize the Government in Yugoslavia would be able to write a letter to the press on the subject and have that letter published.

REQUEST FOR A HEARING FROM THE INTERNATIONAL FEDERATION OF FREE JOURNALISTS OF CENTRAL AND EASTERN EUROPE AND BALTIC AND BALKAN COUNTRIES (E/CN.4/Sub.1/97) (discussion continued)

The CHAIRMAN drew attention to document E/CN.4/Sub.1/97 which had been prepared in accordance with the Sub-Commission's request for further information about the International Federation of Free Journalists. The question of the Federation's request to be heard by the Sub-Commission had already been fully discussed and he called for a vote on the proposal that the Sub-Commission should hear the representative of the Federation immediately.

Mr. AZKOUL said that he would vote against that proposal, not because he was in any way opposed in principle to hearing the representative of the Federation, but because there was not sufficient time to do so during the current session.

Mr. GERAUD announced his intention of voting against the proposal for the same reason as that given by Mr. Azkoul. He added that, in his opinion, representatives of organizations, or individual petitioners, should be granted a hearing only in exceptional cases, when the usefulness of that procedure had been clearly demonstrated.

Mr. WILLIAMS was also opposed to hearing the representative of the Federation during the current session purely because of the lack of time. He proposed that, in its reply to the Federation, the Sub-Commission should include some information on the procedure it had adopted for dealing with communications. The Federation could then submit a formal communication if it wished.

Mr. ZONOV said that he had already expressed his opposition in principle to granting a hearing to the representative of the International Federation of Free Journalists. He would therefore naturally vote against the proposal before the Sub-Commission.

The CHAIRMAN endorsed the remarks made by Mr. Williams. He too would vote against the proposal purely on the grounds of lack of time and on the understanding that the Sub-Commission could consider the matter again at a future session if it so desired.

The proposal that the representative of the International Federation of Free Journalists should be granted a hearing immediately was rejected by 8 votes to 3, with one abstention.

Mr. FONTAINA recalled that Mr. Williams had proposed that the representative of the International Federation of Free Journalists of Central and Eastern Europe should be informed of the Sub-Commission's decision and requested to submit a formal communication in accordance with the procedure established for the treatment of communications. It would be distributed to the members of the Sub-Commission and considered in accordance with that procedure.

Mr. DEDIJER pointed out that the Federation could, if it wished, submit such a communication, but that he did not think that the Sub-Commission should request it to do so.

Mr. FONTAINA replied that the members of the Sub-Commission who had explained their vote on the request for a hearing had said that they were voting against it on the ground that the Sub-Commission did not have sufficient time to hear the representative of the Federation at that session. They had not opposed the hearing on the basis of the character of the organization. What was now proposed was that the representative of the Federation should submit in writing what he had wished to say to the Sub-Commission.

/The CHAIRMAN

The CHAIRMAN stated that it seemed advisable, in notifying the Federation of the Sub-Commission's decision, to inform it that there was a procedure for the receipt and handling of communications, and that any communication it wished to send would have to be submitted in accordance with that procedure.

Mr. ZONOV expressed the view that it was not necessary for the Sub-Commission to inform the Federation of its decision, as the representative had been present when the decision was taken, although he had not been formally invited. As he had attended several meetings of the Sub-Commission, he was already aware of the procedure established for the handling of communications and was able to inform the Federation of it.

Moreover, such a letter to the Federation as was proposed would encourage other organizations to make requests for hearings. If some members of the Sub-Commission considered it necessary to send the letter, they could address the Federation personally, after the adjournment of the session, and inform it of their views on the matter brought up by the Federation.

The CHAIRMAN stated that, since the request for a hearing was addressed to the Chairman of the Sub-Commission, he would, if there was no objection, notify the Federation of the Sub-Commission's decision as a matter of record, and in the letter he would inform it of the procedure by which it could submit a communication.

He took up the consideration of the concrete proposals submitted in connexion with item 6 of the agenda.

DRAFT RESOLUTION CONCERNING THE ENCOURAGEMENT OF NATIONAL INFORMATION AGENCIES, SUBMITTED BY MR. AZKOUL (E/CN.4/Sub.1/92)

The CHAIRMAN explained that the draft resolution under consideration dealt with such economic obstacles to freedom of information as Mr. Williams had outlined in his summary statement (E/CN.4/Sub.1/91) on the adequacy of news and obstacles to the free flow of information. In the operative part of the resolution, there was a reference to a problem which was currently before the Economic and Social Council, namely, the furnishing of technical assistance to under-developed countries. The problem had been given more definite expression in the fourth point of President Truman's inaugural address.

/Mr. BINDER

Mr. BINDER stated that he was not sure that he understood the spirit and purpose of the resolution. If the underlying aspiration was the desire to obtain for under-developed countries better facilities for the gathering and transmission of news in order to give the people more and better information, he was in sympathy with the resolution. If, however, it meant that governmental funds would be used to develop some 59 separate national information agencies, he could not vote for it. He believed that the way to better news gathering and distribution was not through governmental aid. The news agencies and syndicates which he had mentioned in his preceding statement had not received governmental aid. They were developed by the efforts, risks and sacrifices of individuals or groups who, as pioneers, used private funds without regard to profits to provide news which the people, at the time, may not have wanted, but which was in the national interest. They did that as a public service. Others had developed information agencies for purposes of economic welfare, when they felt the need for them.

If the resolution under consideration meant that taxpayers would be taxed to help finance the development of competing services in each of the under-developed countries, he could not recommend such a policy at that time; the American people were already taxing themselves to perform many services to improve standards of living in many places throughout the world.

Mr. Binder added that, in his opinion, it might not be advisable to develop such national information services in the way suggested in the draft resolution.

Mr. WILLIAMS pointed out that the example which Mr. Binder had given of the development of information agencies and news services in the United States did not apply to under-developed countries. He approved the general principle of Mr. Azkoul's resolution and thought that the under-developed countries should be assisted, but he was not convinced that the best method of assistance would be the development of national information agencies. Moreover, he thought that the Economic and Social Council might question the advisability of such a course. The Sub-Commission could not make specific recommendations to that effect without a thorough study of what technical assistance and facilities were needed in the under-developed countries.

/In regard

In regard to Mr. Azkoul's draft resolution, he wished to propose an amendment to the effect that paragraph 1 should be retained; paragraphs 2 and 3 should be deleted; in paragraph 4, the words "through the development of national information agencies in countries where such agencies are under-developed" should be deleted; paragraph 5 should be deleted; in paragraph 6, the words "Considering that any increase in the amount of information should apply without exception and in equal measure" should be deleted, and the word "in" should replace the word "to" before "all countries"; in paragraph 7, the words "of national information agencies in countries where these are under-developed, so that such national information agencies may be strengthened and the flow of information accordingly increased" should be replaced by the words "in each country of measures tending to increase the flow of information".

The resolution, as amended, would show that the Sub-Commission considered that it was important to develop facilities for the free flow of information in under-developed countries. The proposed amendment would shorten the resolution, broaden its scope and make it less explicit.

Mr. AZKOUL stated that that was precisely why he objected to the amendment: it made the resolution less explicit; in other words, it took the resolution outside the field of action and left it in the field of principles.

Mr. FONTAINA extended to the Sub-Commission an invitation from the Government of Uruguay to hold the fourth session in Montevideo in January or April 1950.

The meeting rose at 1 p.m.