Can press freedom be maintained in a situation where the military establishment, backed by full governmental power, finds it necessary to impose stringent censorship on the media? In the light of the current furore over freedom of information in Canada, it is instructive to take a look at Israel, where editors and reporters have been living for 30 years with a potentially draconian set of censorship laws developed in a situation where war or at least a state of preparedness for war has come to be the norm since the inception of the State in 1948.

After having lived and worked in the country for a number of years and following a visit this Summer where I looked closely at several aspects of Israeli media, I would say that their press has worked out a viable "gentleman's agreement" guaranteeing it as much freedom of expression as is possible in terms of the tight security situation. This agreement is based on a mutually acceptable set of ground-rules worked out between editors and the military censor - quite an achievement in an atmosphere where possible security violations rather than sex and violence preoccupy official media watchdogs.

I would hasten to add, however, that the relationship between press (and I include electronic as well as print media here) and censor is by no means a cozy one. As Koshe Kohn, the Knesset (parliamentary) reporter for The Jerusalem Post told me: "We have to accept the fact that a story may have to be cut for security reasons, but we're certainly not happy about it." Israeli reporters not only have to accept that their hard-won story about a military skirmish or a new immigration policy may be killed by the censor, but must also be prepared to self-censor their own copy and submit anything they think might be classifiable to the censor in advance.

The author teaches English and Media studies and is now working on a Ph.D At York University. He lived in Israel for seven years.
Distasteful as all this may sound to our ears, Israeli reporters and editors look on censorship as a necessary evil—a fact of life like their regular stint in the army reserves. But they are far from being complacent, constantly aware of the possible abuses that could ensue from a too-easy acceptance of government control. Kohn, for example, points out that under the former Labour Party government there had been incidents of engineered "leaks" and suspicions of news-management: "An unfortunate side-effect", he says, "has been to reduce the number of incisive critics of defence and foreign policy—we could use more hard-hitting columnists and interpretive stories."

Despite these drawbacks, there is still enough heady controversy and criticism of government policy to reassure the observer that press freedoms are in a basically healthy state in Israel. There is a constant daily argument going on between editors and censor, and The Jerusalem Post, one of the most outspoken critics of the British censor in pre-Independence days—and of the Israeli's censor today—comments: "The blue pencil itself is a dangerous weapon, even when wielded by a friend." (1)

The present modus vivendi, which strikes a delicate balance between the right to know and the necessity to guard state security evolved in response to the Israel government's decision to retain and adapt where necessary the old Emergency Regulations promulgated in the thirties by the British Mandatory government which ruled Palestine up to 1948. The Press Ordinance, for instance, set out penalties for newspapers for publishing material threatening "the public peace" and even gave the authorities power to compel newspapers to print official statements denying the papers' own stories. (2)

The British in 1946 banned the American Declaration of Independence as helping the resistance

The British used this law frequently and often ludicrously. The Post files contain an account of how, on July 4, 1946, the censor refused to allow publication of the American Declaration of Independence on the grounds that its principles were too close to those of the Jewish resistance movement then fighting against the British in Palestine. (3) The Israel authorities have invoked this measure only twice, and the second time the charge was dropped by order of the Supreme Court.

Even more severe and broad of interpretation was the Treason and Espionage Act, involving arrests of suspects with indefinite detention at secret locations until trial. The Israel government's one early attempts to use this law ended in deserved fiasco, with the arrest of two bewildered porno magazine editors. The case aroused such a public rumpus that the editors were allowed to hold staff meetings in prison and the magazine continued publication! Also in the realm of theoretical use for security purposes are the country's regular libel laws, it being argued that a newspaper might vilify an army officer in his performance of duty.

More realistically, however, it is the last holdover law from British times, the State Security Law, which has become the statute under which military censorship operates and which, in effect, has been "unofficially" superseded by the Israel media's voluntary system of self-regulation. This arrangement has, for the most part, eliminated the need for the censor to wield his power of prior restraint or even closure. Look-
ing at it another way, the censor has agreed to put limits on his own exercise of power over the years.

Ironically enough, The Jerusalem Post, long a critic of censorship before 1948, was one of the first victims when the Israel Government took over from the British. The Haganah, forerunner of the Israel regular army, had produced its own system of military censorship which had been voluntarily accepted by a committee of editors (both of these elements would evolve into the more formal bodies dealing with censorship today) and the Post found itself closed down for a day over the publication of an issue which, due to a communications breakdown, had not been received for clearance by the chief censor. Since that time, there have been reprimands, but closures have been extremely rare and never has a newsman gone to jail over a security breach.

At present the following mechanisms exist for monitoring news dissemination:

The Israel Editors' Committee, consisting of senior editors from all branches of the media, acts as liaison between the news outlets it represents and government/military news sources and sets the ground rules on security levels to be maintained by its members. The editors' group receives regular "off-the-record" news briefings from top officials on the tacit understanding that, being informed of sensitive issues, they will exercise informed judgment in deciding what not to print or broadcast. The committee votes to decide on voluntary self-censorship on a given topic, but if two or more votes go against, the motion is rejected. The presidium of the committee may take measures (usually imposing a fine) on any member-newspaper, for example that has ignored a ban on publication. Under the Rabin regime, as Kohn pointed out to me, there was a built-in government bias in this committee since the half-dozen or so small foreign-language newspapers that sent delegates were supporters of the Labour Party. In this sense, the claim that press censorship in Israel is purely of a military nature and not political (a statement that may be found in government yearbooks and the like) is open to some doubt.

THE CENSOR CAN "KILL" A STORY BUT THE EDITOR CAN PUBLISH IT ANYWAY AND TAKE A CHANCE ON BEING FINED, CLOSED OR VINDICATED ON APPEAL

The "Joint Appeals Committee", made up of a journalist from the IEC (above), one army representative and one respected public figure acceptable to both, (usually a prominent lawyer) judges cases brought up by the censor who, on a day-to-day basis receives, through a voluntary submittal system, all potentially sensitive copy, including teletype, tapes, TV clips and even overseas cables and telephone calls. (Actually there are close to 50 censors located across the country working under the authority of a chief censor appointed by the Minister of Defence.) If a censor decides to kill or "edit" a story, the newspaper or other medium involved may comply or decide to go ahead and publish its original version. In this latter case, the three-man appeals committee adjudicates: If security is deemed to have been breached, the offending paper can be fined (the money goes to the Journalists' Association Welfare Fund) or even closed
down; if the judgment is otherwise, the censor's hands are tied and he must retire gracefully. In practice, only one paper has ever been closed down, and that was in 1950, for knowingly publishing censorable material. It is also estimated that on a yearly average, only one percent of all copy is killed by the censor.

Again however, as with the IEC, there is a bias in favour of the authorities, since a newspaper breaching security may have to pay a heavy fine, while the censor whose motion is overruled gets off scot free. More disturbing is that the army representative, even if outvoted, may, if he judges that vital security interests have been threatened, appeal to the army Chief of Staff, who has veto power.

This voluntary system applies not only to domestic journalists, but also to all foreign correspondents -- a fact which led to a flurry of protests from disgruntled reporters, especially those from the United States, who flocked to Israel to cover the Yom Kippur war in 1973. Apart from being physically prevented from covering critical battlefronts, some had their teletype message to home offices intercepted and, on occasion, long distance telephone calls were "bugged" by the censor. Some correspondents got around the censor's blue pencil by cabling their stories from nearby Cyprus or from Southern Europe. The censor's attitude becomes understandable, however, if one considers the case of the severe measures taken against CBS correspondent Tony Hatch in 1969. Hatch apparently had telephoned details of an ongoing Israeli raid into Egypt to his U.S. editors, endangering the lives of over 100 men. (4)

Few protests against the Yom Kippur censorship were heard from domestic reporters, who were used to the system and understood the need for it. Moreover, a number of Israeli army officers also function as war correspondents, and they must have understood it even better. In this connection, it is interesting to report one of the results of a survey taken of over 100 foreign correspondents in Israel just after the cease-fire. When asked "If you were an Israeli would you justify the use of military censorship in the present situation?" 74% of the visiting reporters said they would justify it, while 100% of the resident reporters answered "yes". (5)

The Israelis, on the other hand, are understandably frustrated when the news they are prevented from publishing appears in the foreign press. This occurred, to give just one example noted by Hirsh Goodman, military correspondent of The Jerusalem Post with "the long-withheld story of the Israel-made Merkava tank," which appeared in the U.S. Armed Forces Journal. According to Goodman, this has happened "dozens of times" with Aviation Week and others. The Israelis also complain that foreign correspondents are given access to exclusive stories by Israeli officials. (6)

CENSORSHIP CAN BE A COVER-UP FOR OFFICIAL BLUNDERS AND CAN REDUCE A SOCIALLY USEFUL SCOOP TO A HO-HUM ITEM BY DELAY

The Israeli journalist often has great difficulty in defining for himself the borderline between what is and what is not, censorable, and he is "helped" in screening his own copy by an official
guide, which provides clarification of nearly 100 categories of sensitive topics, ranging from questions of public morale to defence planning. Faced with some of these ambiguities, the journalist is not at all compliant if he feels that the censor has been unjust, if he suspects political influence, or simply if he feels that the public's right to know has been unjustly denied. A good example of this (not that the journalist achieved a victory) is given by Goodman:

I filed a report about a housing project being put up in one of Israel's northern border towns which said that the Housing Ministry was building prefabricated houses on a slope facing enemy territory, with inadequate shelter facilities. Residents refused to move in until changes were made. The report was killed. Reason: I was isolating a potential target for the enemy. On the other hand, was it not important for the taxpayers to know about this apparent blunder wasting millions of pounds? Was the censor being used to protect politicians? (7)

Goodman recounts, how, upon request, the chief censor, in cooperation with the Post's editor, forwarded the story to the Ministries of Housing and Defence with a demand for clarification. The censor, now playing devil's advocate, pointed out to the officials that the paper wished to correct the situation, not merely to criticize. Several months later, the Post was allowed to print a "watered-down version" of the original. (Censors are aware that a delay can reduce a scoop to a ho-hum item on page ten).

Ostensibly above politics, the censor, as in the example above, frequently finds himself in hot water over just this issue. A clearer case of news management is provided by Goodman when he describes an incident during the Rabin regime when permission was unaccountably given to publish information about a top-secret weapons system: "According to the Opposition, the disclosure came at an auspicious time for the ruling party."

In 1974, the censor was widely criticized when he scissored a story about a fire at the Abu Rodeis oilfield in Southern Sinai, suspected to have been caused by an off-course Hawk missile. "Finally", comments Goodman, "NBC correspondent David Barrington went to Cyprus in order to file the story. The Press was in an uproar -- it was felt there could be no justification for censorship in this case."

On a more ridiculous level was the affair shortly preceding this when reports about Egyptian missile movements near the Suez Canal were censored after the news had already appeared in Opposition right-wing (Likud) political advertisements. A Post editorial termed the censor's policy "not only arbitrary, but inept."

The segment of the press that has felt the weight of the censor's disapproval is that which is located in the Arab-populated "occupied territories" on the West Bank, taken over by the Israelis in the Six-Day War. Here, the Israeli government, feeling that there has to be a line drawn between political opposition (which is tolerated) and incitement to violence, has closed down, or censored Arab-language newspapers in East Jerusalem on several occasions. The daily Al-Kuds (Jerusalem) once ran a whole page blank in protest against the censor's blue-pencilling of a satirical attack on the Israeli government.
As far as the Israel media are concerned, I would conclude by saying that apart from the abuses and injustices inherent in any long-term system of censorship, ("always vicious, unless limited strictly to genuine military secrets") freedom of the press in Israel has not been seriously eroded, though, as Kohn suggests, the level of incisive anti-establishment criticism may have declined. The major newspapers at any rate, retain their lively character and right to free expression, and it may have been a good sign that the Rabin government was harsh in its criticism of certain media revelations about scandals in high places.

It seems axiomatic that if press freedom is to be maintained under long-term censorship, even where both sides agree on the need, a maximum level of mutual trust and credibility must exist between the press and the authorities that seek, in the name of national security, to delimit the scope of free expression in a democratic society.

NOTES
2. This and other background information is found in: Salpeter, H. "Censorship in a Gossipy Democracy". New Leader, April 2, 1973, p.11
3. cf note 1
6. Ibid. 7. cf note (4) 8. cf note (1)

(NEXT ISSUE: THE JERUSALEM POST, A REMARKABLE ENGLISH LANGUAGE NEWSPAPER, IN EMBATTLED ISRAEL)