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ROSCOE B. ELLARD, *Editor*

The Censorship and Press Laws of Sixty Countries

by

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THE JOURNALIST'S CREED

By WALTER WILLIAMS

I believe in the profession of journalism.

I believe that the public journal is a public trust; that all connected with it are, to the full measure of their responsibility, trustees for the public; that acceptance of lesser service than the public service is betrayal of this trust.

I believe that clear thinking and clear statement, accuracy and fairness, are fundamental to good journalism.

I believe that a journalist should write only what he holds in his heart to be true.

I believe that suppression of the news, for any consideration other than the welfare of society, is indefensible.

I believe that no one should write as a journalist what he would not say as a gentleman; that bribery by one's own pocketbook is as much to be avoided as bribery by the pocketbook of another; that individual responsibility may not be escaped by pleading another's instructions or another's dividends.

I believe that advertising, news and editorial columns should alike serve the best interests of readers; that a single standard of helpful truth and cleanness should prevail for all; that the supreme test of good journalism is the measure of its public service.

I believe that the journalism which succeeds best—and best deserves success—fears God and honors man; is stoutly independent, unmoved by pride of opinion or greed of power, constructive, tolerant but never careless, self-controlled, patient, always respectful of its readers but always unafraid; is quickly indignant at injustice; is unswayed by the appeal of privilege or the clamor of the mob; seeks to give every man a chance, and, as far as law and honest wage and recognition of human brotherhood can make it so, an equal chance; is profoundly patriotic while sincerely promoting international good will and cementing world-comradeship; is a journalism of humanity, of and for today's world.

Censorship and Press Laws

Part I—General Observations on Suppression and Control of News.

Part II—(a) Starting a Newspaper.

(b) Being an Editor.

Part III—(a) Qualifications of Newsboys.

(b) Authorities That Supervise the Press.

Part IV—Censorship, Suppression, and Control of the Press.

PREFACE

In this study of press laws, copies of the regulations in sixty countries were used. Of these regulations, those in forty-eight of the sixty countries, are found in a book edited by Montague Shearman and O. T. Rayner and published in London in 1926, entitled, "The Press Laws of Foreign Countries with an appendix containing the Press Laws of India." The Shearman and Rayner volume is solely a collection of laws affecting the press, some being in English and others in French. There is no explanation, interpretation or comment.

Copies of regulations affecting the news in twelve additional countries were available for this present comparison, and more recent decrees have been obtained for eleven of the countries treated by Shearman and Rayner. The translations which were necessary in some instances are as accurate as possible considering the difficulties of legal terminology. Despite delay in communication with distant countries and the imminence of new press legislation in some quarters every effort has been made to include the most recent material available.

The laws themselves, or their substance, is made the basis of this comparison with comment, interpretation and example used sparingly.

Copies of several press laws were obtained through *Le Moniteur de la Presse*, a magazine published in Paris by A. M. Chauchat.

EUGENE W. SHARP,
COLUMBIA, MISSOURI

CENSORSHIP AND PRESS LAWS

PART I

Outside of the United States, the major parts of the British Empire and a few other countries, chiefly north European, the press of the world is not what journalists like to call free; it is hedged about by rules and regulations and in some notable instances so closely bound to a rigid pattern as to be controlled at will by one person or group of persons. In France¹ and Switzerland, it is true, the press is essentially free, though the press laws take up much space, and in some of the countries of Central and South America there are few actual restrictions, particularly in Chile.

Nowhere is the press at liberty to run riot or to attack at will. In such countries as the United States, Great Britain, Canada, and France there are libel laws which safeguard the rights of the individual and of public officials against unjustified invasion; they have recourse through the courts. But in these countries no list of police bans on news exists; no copies of each issue must be submitted to any governmental authority for inspection before they are circulated; no prison term or heavy fine looms up for honest and fair criticism of public acts or honest difference of interpretation of news events. In more than sixty countries press laws exist, though restrictive in greatly varying degree, and applied in a widely different manner. In various ways, in the majority of these nations, the government can reach out and direct, to a large extent, the press.

Perhaps the most striking example of the difference between the free press of the United States and the controlled press in other countries is to be found in the closing, on March 30, 1936, of the Iranian (Persian) legation in Washington, D. C., because of a news story telling of the arrest of the Iranian minister to this country, Ghaffer Djalal. This arrest occurred in October, 1935, in Elkton, Md., on a charge of speeding. The minister was handcuffed and subjected to what he asserted were other indignities that violated his diplomatic immunity, according to press association dispatches. As a result of the state department's formal protest, both the governor of Maryland and the Secretary of State offered apologies and the arresting officers lost their jobs.

At the time, however, Secretary Hull stated to the press that while all foreign diplomatic representatives were entitled to immunity from arrest and prosecution, the American government did not consider that this privileged them to violate the laws of the land.

The closing of the legation and all consulates in the United States was a direct result, it was stated in Washington, of the news stories published and the action

¹ Though essentially free from government control, the French press is better understood when we remember that it is definitely venal. E. Pinkney Tuck, undersecretary at the American embassy at Paris, in charge of press relations, showed me a large chart on his desk three years ago. This was used constantly, he explained to help understand statements concerning America in French newspapers. The chart contained data about the ownership and business connections of French journals.—*The Editor*.

was taken because of the "hurt" of the Iranian government concerning articles and references in the press which were considered in Teheran to be discourteous to and unfriendly to the Shah and to Iran in general.

It is quite unlikely that Iranian papers would have printed similar news stories if the American minister had been arrested in Teheran because the Iranian press law of 1922 provides a penalty for such publication. Clause 41 states: "Insult to the representatives of foreign states in Persia is forbidden. The offender shall pay a small fine of from 5 to 200 tomans, or shall be imprisoned for a period of from one week to three months." And clause 40 reads: "Insult to friendly sovereigns is strictly forbidden. The offender shall be liable to a fine of from 12 to 300 tomans or to imprisonment of from one month to one year; and should the exigency of the case so demand, both punishments may be inflicted." Press offenses in Iran are largely punished by administrative action.

The American papers did not comment in any derogatory manner on the arrest of Mr. Djalal but merely printed the known facts in the case. The news was not suppressed. It happened and it was printed. And there was no fine or prison sentence, as might easily have been the case had an Iranian editor similarly acted.

Rigid censorship prevails throughout Iran at present. The local press has no freedom at all. When the news reached Teheran that the Iranian minister to the United States had been arrested, authorities in Iran showed great indignation. Editors were ordered to write lengthy editorials against America in spite of their strong personal convictions on freedom of the press. However, they admitted they were helpless to combat the power of the Shah, whose word is law. Everything printed by newspapers in Iran is strictly censored.

Recent word from Teheran shows that all second class matter from America, which includes newspapers and magazines, is not allowed to enter the country.

In many countries there is no special body of law or series of decrees relating directly to the press alone. In such instances and in others where sections of the law which deal with the press have not been codified or separated from the general body of law, what is commonly referred to as the penal or criminal code, affects the press. If a major crime mentioned in the penal code is committed through the press, the law in question is essentially a press law, even though not so labelled. In the United States the laws on libel are considered a part of the general body of law. Even in nations where the press regulations are separately classified, published reference to the penal law for political or seditious crimes is frequent.

Special emphasis will be laid in this study on the press laws of Germany, Italy, the Soviet, Spain, Turkey, Japan, China, Argentine, Brazil, and Bolivia.

The state of the press is seldom static. In most countries the trend is either toward a more rigidly controlled press or a more liberal one. Attempts to tighten the bonds are constantly being made. It is noteworthy that there are instances where very strict press laws have been introduced in the legislative body but

failed of enactment into law, owing to violent protest from newspapers and other sources.

In Poland a much sharper press decree than the one now in force was issued May 10, 1927, but was rejected in parliament. A press gag law was introduced in the Spanish parliament in February 1935 which would have provided the strictest censorship by ministerial decree whenever public unrest deemed to demand it. The fight against this proposal by both Monarchists and the Lefts was such that it was defeated.

In China on July 12, 1935, a thorough revision of the press laws in the interest of stricter regulation was passed by the Legislative Yuan. Because of the general opposition in journalistic circles, however, the enforcement of the new regulations has been postponed and a new revision is being considered. The laws of December 16, 1930, are now being enforced. A proposed press law in Argentina has been passed by the Argentine Senate, but it has not received the necessary approval of the Chamber of Deputies. Strict regulatory measures passed in 1935 were bitterly protested and not generally enforced, pending an opinion on their legality by the attorney-general.

Special committee recommendations for more stringent measures against the press in Greece were turned down in 1935. Incorporation of the suppression articles in the constitution was proposed. Foreign correspondents in Yugo-Slavia reported oppressive press regulations were being prepared for passage in that country in 1935. Strong opposition held them up. The opposite trend has been noted in Italy and Germany, where, particularly in the former country, there has been a succession of decrees affecting the press, each a little more drastic than its predecessor. Similar official decrees have characterized press supervision in Austria, Czechoslovakia, and the Soviet Union.

Some of the most common means of gaining this control of the press may be briefly stated here. They will be treated in detail later:

1. Registration with a court, commission or with the local police and, in some cases, a system of licensing. This permission to print a newspaper must be renewed annually or oftener and is revocable on very slight pretext.
2. Submission of from two to thirteen copies of each issue of a paper for official inspection and, of course for censorship, where it is deemed advisable.
3. Allowing the officials who directly supervise the press a great deal of latitude in deciding when news is subversive to the peace of the nation.
4. In most Latin countries, including those in South and Central America, and Spain, the proclaiming of a state of siege or alarm, usually coincident with military revolts against the government, gives the censors opportunity to ply their trade.
5. The seizure of the offending news matter together with the type and, occasionally, the presses.
6. Most countries require a money guarantee deposit to take care of fines imposed by the government, court costs of action against newspapers, and to pre-

vent the growth of mushroom sheets. These deposits must be kept to the full amount if some of the money is used for fines or similar purposes.

7. Finally, there are usually found lists, often quite comprehensive, of kinds of news which the paper cannot print. These are sometimes quite general, but in dictator countries are specific, and extend also to the expression of editorial opinion. Fines, prison sentences and suppression of the newspaper for a short period or indefinitely, are the weapons suspended over the head of the editor who does not willingly conform.

A marked tightening of the press law in Egypt followed anti-British disturbances there in November, 1935. At that time it was decreed at an emergency meeting of the Council of Ministers that the government may suppress any publication of not only false or inflammatory news, but even exaggerated statements. The law also applies to photographs. Its purpose is to prevent the local press from inciting Egyptian youth. The decree was immediately protested by the Wafdists.

A little later authorities revived an old law of 1929 forbidding the press to print accounts of student strikes and demonstrations, or of any student disturbances. Such news was printed for the last time on November 19, 1935, since notice of revival of the law was received too late to stop morning papers of that date. Editors of Egyptian papers printed in Arabic did not publish papers on the following day in protest against the new press law.

Convictions for press law abuses in the Central American countries are more infrequent than in many parts of South America. However, editors of two Communist weeklies in Costa Rica were sentenced to eight days each in jail for publishing alleged defamatory articles on the presidents of Cuba and Guatemala. This was said to be the second conviction under the law designed to protect the heads of friendly governments and their representatives. The sentence was classed as among the first invasions of the freedom of the press in Costa Rica.

President Vargas of Brazil revoked the press law of 1923 on January 16, 1934. It was a rigorous one and had been enacted when Brazil was under martial law. It was continuously fought by the press as restricting freedom of editorial and news expression. The president named a commission to draft a new press law which is now in force.

In March 1936, Brazil had just finished a year in a state of siege, owing to political disturbances. Upon a slight pretext it was again put "in siege," making suppression of news issues and newspapers an easy matter and battering down any attempt at a liberal press. When the judiciary committee in Congress was discussing a bill which would give the government power to suppress radical newspapers and to punish the editors in January, 1935, a twenty-four hour general strike was called in Santos as a protest.

The India Press (Emergency Powers) Act, passed in 1931 for one year, renewed and amended in 1932 for three years, and passed again in 1935, rigorously

restricts the press of India. The act "to provide for the better control of the press," has been bitterly opposed by the Indian Journalists Association as seriously impeding a free press.

Prior to the renewal of this law the Legislative Assembly of India, early in September, 1935, refused to pass the bill designed to give permanence to the India Press Act of 1931 and to certain provisions of the Criminal Law Amendment Act, 1932. The viceroy of India ordered that the assembly reconsider its decision and the bill was again introduced. The viceroy stated that "dangerous subversive movements are still active in the country. The experience of all local governments has been that the provisions of this bill give them powers effective in keeping these movements in check and in preventing the publication of incitements to communal dissention."

PART II

(a) STARTING A PAPER

While press laws greatly vary in length, from the short law of Ecuador with approximately 335 words to those of Italy with 15,000 words—Turkey, 7,700 words; Germany, 7,400 words; Sweden, 10,750 words; India, 13,500 words; or Hungary with 8,200 words—they are laid out according to a somewhat similar pattern. For the purpose of study, they may be broken up into six divisions: (1) The statements which it is necessary to print in each issue of a newspaper, together with the requirements for starting a paper; (2) The qualifications of an editor; (3) Qualifications of vendors of newspapers; (4) Authorities that supervise press regulations; (5) Retractions, fines, and rejection of petitions of those believed libeled; (6) The provisions for confiscation of news, suspension of publication, and censorship.

Every issue of a newspaper, in most countries, must contain the name and address of the printer, editor, publisher, or owner of the newspaper, together with the date of publication. There is considerable variation, however, as to whether it is the name of the printer, the owner, the editor, or the publisher which must be given. Penalties for failure to give this information or for giving it falsely consist chiefly of fines ranging from 35 cents in France up to a maximum of \$3,752² in Austria with the average running less than \$25.

In France the second omission of the name and residence of the printer, within twelve months, brings imprisonment. Likewise, repetition of the offense within six months is punished by 5 to 12 days of imprisonment. India imposes a fine of \$1,903 or imprisonment not exceeding two years, or both. Sweden provides imprisonment not exceeding six months as an alternative to a fine of from \$19.23 to \$192.30. These penalties are increased in ten countries if false statements are made in giving the information. The press laws of Roumania and Guatemala

2 Figures given in American currency exchange as of July 1, 1935.

require that the information be published but do not state the punishment for failure to do so.

Before a newspaper can be started in most countries a person must submit to a designated government authority an application showing:

1. The name of the newspaper together with an indication of its character (political, literary, technical, etc.).
2. The name, surname, age, citizenship and permanent place of residence of the responsible editor as well as the publisher.
3. The name and address of the printing establishment where the newspaper will be published
4. The intervals at which the newspaper will appear.
5. The language in which the newspaper will be printed.

The time for submitting this application varies from 4 to 15 days before publication.

Turkey includes a demand for the amount of education which the proprietor of the newspaper has. She asks also that if the capital is furnished by outsiders the names, residence, occupation and nationality of these money-lenders be submitted. In China, if a newspaper or periodical intends to print matter concerning the Kuomintang Party³ principles or affairs, it shall also apply through the Provincial party headquarters to the Central Kuomintang publicity department for registration. The name and location of the press used is required in Uruguay.

The permission of Gosizdat, the state publishing department, and of Glavlit must be obtained in the Soviet Union before a newspaper or any sort of printed matter is produced.

Italian law provides that "publication of a daily newspaper or journal shall not take place until the procurator-general shall have recognized a responsible editor. The daily newspaper or journal which is published before a responsible editor is recognized shall be seized." It is this written recognition of a newspaper's right to publication that is so important in Italy for it can be revoked for slight cause. The declaration must be renewed annually. The names and residence of all the proprietors of the paper must also be given, and in case of a corporation, the names of the council of administration.

In addition to supplying the government with general information in the application, some countries demand that the one starting a newspaper put up a money deposit of guarantee.

This deposit is 10,000 piasters (\$516) in Egypt; in Korea 300 yen (\$86.04); in Greece 5,000 drachmas (\$48); in Japan (in or near Tokyo and Osaka) 2,000 yen (\$600); in the French zone of Morocco 6,000 francs (\$390) with the security reduced for papers appearing at less frequent intervals than daily. The proprietors of papers in Syria must deposit 500 Syrian livres (\$392.50) for each newspaper. In Palestine a bond in such an amount and such form as prescribed by the district

3 The Nationalist Party, which now (Dec. 1936) amounts to dictatorship.—*The Editor.*

commissioner must be posted. A deposit may be demanded in Uruguay, but the amount and conditions are not stated. Belgium is a notable exception, for it provides that security can never be required of writers, editors or printers.

In some countries no definite requirements are listed for starting a newspaper. This is so in Argentina, Bolivia, Bulgaria, Cuba, Czechoslovakia, Iran, the Philippine Islands, Puerto Rico, Switzerland, and Venezuela.

Newspapers must obtain licenses from the police before starting publication in Austria. The Bureau for Public Enlightenment and Propaganda licenses all newspapers in Nazi Germany. Papers there must employ only members of the Press Chamber of the Reich.

(b) BEING AN EDITOR

The qualifications for being an editor are viewed differently in various parts of the world. Most nations state that the responsible editor must be a citizen of that country with the right to vote, in full possession of all civil rights and not under sentence or investigation for a crime, and that he be anywhere from 21 years old to as much as 30 years old in Bulgaria. Many stipulate that a member of the national legislative body cannot, at the same time, be the editor of a paper. This is true in Austria, Colombia, Esthonia, Italy and Uruguay. Italy adds that the editor must be enrolled in the professional register of journalists.

Greece takes the negative view by saying that the following may not be responsible editors: Non-Greek subjects; persons under 25 years of age; persons who are not responsible for their actions; those who are physically incapable of carrying out the duties of an editor; persons who are in private service under others; and persons who cannot prove that they have been taught at least ancient Greek by some teacher, and have completed their studies at a university within the realm or abroad. In China those of restricted ability cannot be editors, says the law. (This last might well be enforced throughout the world.)

Germany, under the law of 1933, and Turkey, law of 1931, have the most elaborate qualifications for an editor. The Nazis demand, in addition to the usual standards; that an editor be of Aryan descent and be not married to a person of non-Aryan descent, and that neither his parents nor his grandparents be of Jewish blood; that he have had professional training and that he possess the qualifications required for the task of spiritually influencing the public. This last provision puts editorship there on a high plane until one considers the numerous restrictions on how he may influence the public.

To be considered professionally trained in journalism, persons must have an apprenticeship of at least twelve months on the editorial staff or a German newspaper; must acquire the knowledge required of an editor and prove this through a certificate signed by an accredited editor. Training on the staff of a foreign newspaper may be considered equal to training on a German publication.

German law says that admission to the editorial profession shall be obtained through an application for entry in the professional roster of editors. These

rosters are to be kept by the district organization of the German Press. The decision concerning entry shall rest with the leader of the district organization. He shall refuse entry upon the veto of the Minister for Public Enlightenment and Propaganda.

The decision by which a district leader refuses to grant application for entry in the professional roster shall be communicated to the applicant in writing with a statement of the reasons for refusal. The applicant may demand a decision of the Press Court within a period of four weeks but such an appeal shall not be permissible if the refusal is due to a veto of the Minister for Public Enlightenment and Propaganda.

In Turkey the editor must be 21 years old and a Turkish citizen. He must have a diploma from a superior school, a college, or an equivalent school. He must not be in the service of a foreign power; must not have claimed a foreign nationality before an official authority; must not have been interdicted; must not be a public official on duty, a soldier, or under the jurisdiction of the army, nor have incurred sentence for a crime. Also he must not have been named by a sentence of exclusion from public service, nor have made a publication favoring designated enemies, in occupied territory, at the time of a national struggle. No person in Portugal can be editor of more than one publication at the same time.

A Palestinian editor, in addition to other things, must have passed the examination known as the Palestine Matriculation, or such other examination as the Director of Education may recognize to be the equivalent thereto. He must also be able to speak, read, and write the language in which the newspaper is to be printed.

In El Salvador, Honduras and Nicaragua, the directors of newspapers, managers, compositors, reporters and printers are exempt from military service during normal times. To obtain the exemption, the editor must present to the mayor a list of persons referred to, giving their occupation, and advising of their bank account standing. There is a fine for including on the list those not employed by the paper.

PART III

(a) QUALIFICATIONS OF NEWS VENDORS

The raucous cries of American newsboys calling out "extra, all about the big murder," are banned in many parts of the world. In Austria, for example, newspapers may be called out only by their names, not their banner stories. Papers may not be retailed in buildings devoted to religious services nor may they be sold on the street by anyone under 18 years of age.

A newspaper distributor in Egypt has to get a license from the Prefect of Police. France asks that they make a declaration with the mayor giving name, age, residence, etc. Police can forbid the sale of newspapers in Germany by refusing the vendor a license. Hungarian law stipulates: "If it be in the public

interest, the police authority may refuse or take away the licenses of vendors who have repeatedly been punished within one year for offenses affecting public order." This concession is made however: "In granting licenses, the police authorities may give precedence to persons who are unfit for heavier physical work."

In Turkey, the law is explicit on this point: "It is forbidden, in selling newspapers and magazines, to use terms contrary to public morals and decency, to attract public attention by throwing dishonor and discredit on a person or a group, or by stirring up emotions, or by speaking of news which does not appear in the printed work."

One can imagine the difficulties of an American newsboy who had to obey such a regulation. The Turkish law adds a penalty: "Those who violate the present article are liable to a fine of 1 to 5 pounds, or an imprisonment of one week at the most."

Minors may distribute newspapers in Yugo-Slavia, only if the editor informs the police of the place and takes all responsibility. Similar declarations must be made to police in Syria. This restriction is added: "Those who sell newspapers in public places can announce in a loud voice only the title, name of the publisher, the compiler, and the price of the newspapers; it is forbidden to use names or titles contrary to good manners and to attract the buyers by announcements or cries liable to provoke disorders or bring attention to the honor or the consideration of persons or groups." Most of the Latin countries of Central and South America make no mention of regulations for newsboys or carriers.

(b) AUTHORITIES THAT SUPERVISE THE PRESS

The laws of many nations do not set up special agencies or designate certain officials to oversee the press. Offenses on the part of the press are dealt with by judicial authority, police, or administrative action, whenever the Government considers it expedient. Commonly it is left to the Minister of the Interior or the Minister of Justice, with the police taking action in emergencies, when the usual court proceedings would be too slow.

Listed below are some of the countries that designate specific authorities to supervise the press:

Argentina—Minister of the Interior.

Austria—The Federal Ministers for Justice, for the Interior and Education, for Trade and Commerce, Industry, and public works, and the police, who issue licenses.

Czechoslovakia—The ministers of Justice, National Defense, the Interior, Posts and Telegraphs, and the Minister of Railways.

Ecuador—There shall be a press jury tribunal in the chief cantons of the provinces to try all cases affecting the press.

Egypt—Minister of the Interior.

Finland—Minister of Justice.

France—Minister of the Interior.

In Germany there is an elaborate organization for administering the press laws. At its head is the Minister for Public Enlightenment and Propaganda. He has many district leaders under him and these in turn are over other leaders. There is also a system of special press courts to consider only offenses against the press.

"The Reich Press Association with its hierarchy of officials and district leaders, also shall establish institutions for the training, future education, and the welfare of editors; shall cooperate in the drafting of the employment regulations for editors; mediate upon the request of one of the parties concerned in disputes between editors, and arbitrate in case all parties concerned agree thereto; and finally, the association shall be entitled to levy assessments on its members for the payment of its administration expenses, collecting them as though they were taxes."

•The Press Court of the first instance, says the law, shall be the district press courts; courts of the second instance shall be the press courts at Berlin. The press courts are authorized to do four things: to institute proceedings and to render decisions as to whether enrollment in the professional roster is to be granted, if it has been refused by a district leader; to consider erasure of an editor's name from the professional roster for failure to live up to all the qualifications of an editor; to give opinion on the effectiveness of notice to editors by publishers, which is allowed only when it constitutes violation of contract or violation of public duties as an editor; and last, to give decision in case of infraction of the provision stating the professional duties of editors (Court of Honor Proceedings).

These press courts shall consist of the chairman and assessors. Deputies shall be appointed for both. The chairmen and their deputies shall have the qualification of judges or of high civil servants. They shall be vested with the independence of judges. The assessors shall be selected in equal numbers from among editors and publishers. All members of the Press Courts shall be appointed by the Reich Minister for Public Enlightenment and Propaganda.

Paragraph 36 of the law provides that anyone working as an editor, although not enrolled in the professional register, who has been temporarily forbidden to practice his profession, shall be punished by imprisonment up to twelve months or by fine.

In China the Minister of the Interior is charged with the application of the press law.

Guatemala—The Secretary of Government and Justice is charged with maintaining relations between the public powers and the press.

Honduras—The mayors of cities have charge of applying most provisions of the press law.

Irish Free State—The Censorship of Publications Board administers the Censorship of Publications Act of 1929.

In Nicaragua and Panama, the mayors of the districts apply the law.

Turkey—The Council of Ministers is charged with the execution of the press law.

(c) RIGHT OF CORRECTION AND RETRACTION

Most persons believe they have a just grievance against a newspaper when the latter prints an incorrect story about them regardless of whether the mistake was due to gross carelessness or made unintentionally but in good faith. They ask for a correction; sometimes they go so far as to demand it, or to threaten a libel suit.

Quite often they attempt to dictate the exact wording of the correction as well as its position in the paper. But the editor of a newspaper in the United States himself decides whether or not that correction shall be made and in what manner. There is no law compelling him to make it in a certain way or suffer the consequences.

In most other countries of the world, outside of Great Britain and Canada, an editor has no such freedom of choice. His course is definitely prescribed by law.

The editor of a newspaper is bound, on the demand of the person concerned (whether an official or a private person), to publish without charge a correction of or response to any statement made in the newspaper which can legally be classified as definitely injurious. The correction must be published without additions or omissions, without explanation or comments.

Such a provision as this is found in the press laws of Austria, Belgium, Brazil, Colombia, Czechoslovakia, Denmark, Egypt, Finland, Germany, France, Greece, Guatemala, Haiti, Hungary, Italy, Japan, Latvia, Morocco, Norway, Palestine, Panama, Poland, Portugal, Roumania, Syria, Yugo-Slavia, Bolivia, China, Korea, Nicaragua, El Salvador, Spain and Uruguay. The only exception to this is that in Yugo-Slavia the editor is allowed to make comments if the authorities deem he has sufficient reason to do so.

In twenty countries the correction must be published in the same position in the paper and in the same type as the passage which has given rise to it. Nations requiring this are: Austria, Colombia, Czechoslovakia, France, Germany, Guatemala, Hungary, Latvia, Morocco, Norway, Panama, Poland, Yugo-Slavia, Syria, Turkey, China, Nicaragua, El Salvador, Spain and Uruguay.

Press laws of Finland and Japan state that the correction must be made in the same type as the articles provoking it, but do not say that the correction must be made in the same position in the paper as the article itself.

In Portugal when matter is published which might be construed to the detriment of any person, that person may notify the author or editor, says Article 33, law of 1910, and ask whether he intended to refer to him. If the author states that the article was not intended to be aimed at the person in question, he may not be sued; but if he gives no answer, or an unsatisfactory one, he may be sued. In all cases of libel the defendant must prove the truth of the facts he alleges.

The corrections must be printed within a rather narrow time limit, in most nations, and is to run free up to a certain length. Refusal to print the response is allowed in some places but under rigidly defined conditions.

The time limit on which the correction has to be run varies from the next issue to within two or three days thereafter, Haiti allowing the longest time—fifteen days. Countries which specify the next issue, if it is not already in type, are: Greece, Guatemala, Germany, Palestine, Poland, Yugo-Slavia, Turkey, Korea, Panama, and Uruguay. Those which require the appearance of the response in the first or second issue after its receipt are: Austria, Denmark, Czechoslovakia, Finland, Japan, Norway, and Roumania; in Italy and Belgium it must be within two days; three are allowed in China, Brazil, Colombia, Egypt, France, Latvia, Morocco, Panama and Syria; but if the newspaper is not a daily, the correction must be found in the next issue.

In Spain and El Salvador, if the correction is from an authority, it must be published in the next issue; otherwise it may be printed in one of the three following issues. In Esthonia, only responses from officials are mentioned by the press law as required for publication.

The provision that the correction be inserted free is somewhat restricted in most countries. Anything more than the prescribed length must be used but is to be paid for at regular advertising rates. The response is free if it does not exceed twice the length of the article provoking it in Colombia, France, Korea, Germany, Greece, Haiti, Morocco, Roumania, Syria, Turkey, Yugo-Slavia (or length of one full column), and Belgium (or length of 1,000 letters).

If the correction is to be run free, it must not exceed the length of the article provoking it in Finland, Poland, Hungary, Japan, Latvia, Spain and Panama. In Egypt the response may be five times as long as the original story. In Norway payment begins after fifty lines. The mayor decides, in Panama, if the space taken up by the correction is excessive and can make the person pay for any surplus he thinks is fair.

In Guatemala the correction is free as long as it is written about the object of the explanation or correction. The length of the reply in Uruguay is limited by the length of the original item, but it must be at least fifty lines long even if the first article was shorter, and must not exceed 200 lines, even when the first story was longer than that.

In the press laws of Guatemala, Turkey, and Hungary are provisions permitting the relatives of a deceased person to make responses to statements concerning them. Three countries, El Salvador, Spain and Uruguay, allow the same thing if the person injured by the article is unable to appear in person at the newspaper office to ask for a correction.

Under certain conditions the editor can refuse to run the correction. Four conditions are named in Austria: If the correction is received more than two months after the publication of the statement to be corrected; if, in connection with the article containing the statement in question, the person concerned has already obtained a correction in the same journal; if the correction is not in German or in the language in which the statement was published; if the publication of the correction should be punishable.

Brazil allows refusal only when the answer has no bearing on the subject of the alleged offending article. Colombia does so if the replies of themselves constitute an insult to the journalist or to any third party. In Finland the rectification must be signed by the person on whose behalf it is made and contain nothing libelous or criminal.

The explanation in Panama should be explanatory or defensive but not aggressive. If the editor there thinks the answer is aggressive and the writer does not consent to revise it, the editor shall merely publish notice that the answer has been received, and can, under his own responsibility, suspend the insertion, advising the mayor of the district of his action immediately.

Turkey provides: "If the reply contains terms injurious to the newspaper and expressions capable of committing a crime or if three months have passed since the article was printed, the reply may be refused." The refusal, in the case of injurious expressions, is not final, however, as it must go to the public minister who tones down the expression so it can be printed.

Uruguay—The judge may order the response not be published if: It is not made out in the manner required by the press law; would be contrary to public morals or conventions; contains reflections on a third party; is dishonorable or disturbing to the editor's private welfare; exceeds the length limits set by the press law; or if two months have elapsed or ten issues of the publication have been made.

Germany—The corrections must be signed by its contributor and confine itself to a statement of actual facts.

Hungary—The reply must appear if one month has not elapsed since the appearance of the original statement and provided the falsity of the correction cannot at once be decisively proved.

Japan—If the name and address of the person making the request are not clearly specified, insertion is not necessary.

Norway—The correction must appear within one year after the publication of the injurious article and not give right of contradiction to any third party.

In Yugo-Slavia the corrections must be drawn up in polite form and contain nothing of a legally objectionable nature. The right to correction expires at the end of thirty days.

The penalty for failure to publish the correction ordered by law is, in almost all cases, a fine which varies greatly in the different countries. In a few instances short jail sentences are added or made optional. The amounts run from \$1.65 in Czechoslovakia to a possible \$5,628 in Austria for refusing without cause.

If the publication of the response is not made within the time limit prescribed the Austrian fine would be a minimum of \$375; if publication did not take place in the manner laid down by the law, the court shall fine the editor 2,000 to 20,000 crowns and order publication. Denmark provides a fine of from \$9.11 to \$45.58 and the insertion demanded may be enforced by a daily fine according to the judgment of the court. The fine is \$3 to \$33 in France. In Japan it is \$14.88 maximum.

The court of justice in Hungary can force the editor to publish the reply and also pay the costs incurred by the complainant having to bring the matter to court. Yugo-Slavia adds a stronger touch: Fine of from \$6.91 to \$13.82 or a one to two months imprisonment.

China has a fine of \$76.72. If the editor in Guatemala is obstinate about making the correction, in addition to a \$25 fine, he is subject to two months minor arrest which is not commutable. If the editor in El Salvador prints the correction but not in the same place and same font of type as the provoking article, the fine is \$50.

Panama—The editor is subject to a fine of \$5 for each day that passes from the time the insertion should have been made (in the next issue after its receipt) or to imprisonment of corresponding severity.

Spain—If the sentence for failure to publish the correction in the proper manner is condemnatory, it shall always include the costs of the trial. If the party bringing suit for improper correction is a person of authority, the sentence shall also carry a fine of 300 pesetas (\$40.95).

PART IV

CENSORSHIP, SUPPRESSION AND CONTROL

News abroad is controlled, suppressed and censored to a degree difficult to imagine in the United States. Governments in the dictator-ruled countries, particularly, see in the press chiefly a means by which they can shape and mould public opinion; they have made journalists semi-official workers of the state and have throttled the free flow of news within their countries, and, so far as they are able, news sent abroad.

The permanent suppression of a newspaper frequently results from repeated or willful violations of the law. Most of the countries, it is true, provide that the cases be heard in a court which must justify the seizure or suppression, within a limited time. But in emergency cases the courts are too slow and the police are given power to act at once. In the dictator countries of Europe the courts are government-controlled and afford no real justice for the accused.

Types of news prohibited in almost all countries include the following: Stories of the military defenses or strength; articles favoring Communism or distinctly opposed to the prevailing form of government of the nation concerned; attacks on the royal family; attacks on religious institutions; stories reflecting on the representatives of another country; news of obscene or immoral acts; news regarding criminal trials previous to the final decision of the court.

Some of the types just cited ought not to be printed, perhaps, but the list grows and the powers of suppression are so broad that public officials have little trouble in making the press do their bidding.

News is least free and unhampered in such nations as Italy, Germany, Russia, Spain, Poland, and Portugal in Europe; Turkey, Egypt, India, Japan and China in

the Near and Far East; and Brazil, Bolivia, Paraguay, Ecuador and Nicaragua in South and Central America. Even in Switzerland, which justly boasts of its press freedom, measures restricting the press have had to be passed recently.

This subject of suppression of news is so broad that its discussion will be confined chiefly to the actual provisions found in the press laws and will be taken up by countries, with those coming first where journalism fares worst.

GERMANY

The heart of the rigid press law in Germany is to be found in the prohibitions in Paragraph 14. These say: (it shall be the particular duty of editors to keep out of newspapers everything apt—(a) to confuse selfish interest with common interest in a manner misleading to the public; (b) everything that might weaken the power of the German Reich at home and abroad; weaken the common will of the German people; injure German military preparedness; impair German culture and economic life; or offend the religious feelings of others; (c) anything apt to be derogatory to the honor or dignity of a German; (d) anything likely to be illegally injurious to the honor or welfare of another person, or to hold him or her up to ridicule or contempt; (e) that which is apt to be, for other reasons, contrary to the principles of decency ”

No one could object much to provisions (d) and (e) but (a), (b), and (c), especially the last two, are dynamite to a free press if interpreted by officials working under a dictator. For one must substitute the word Nazi in place of German people and German Reich.

“A publisher may,” says the law, “oblige the editor by contract to observe certain conditions concerning the general policy of his paper. These regulations, however, shall not infringe upon the public rights and duties of the editor as laid down in paragraphs 13, 14 and 15 of this Act of 1933.” Paragraph 13 demands that editors describe matters truthfully and judge them to the best of their knowledge, and 15 adds that editors shall be conscientious and prove themselves worthy of the esteem of their profession.”

“The newspaper publisher shall appoint a chief editor and give his name in writing to the press organization of the district concerned. The chief editor shall be responsible before the law—professional, criminal, and civil—for the entire textual content of his newspaper. All editors shall be organized into the Reich Press Association and each editor shall belong by virtue of his enrollment in the professional roster. Headquarters of the association shall be in Berlin, and subject to the Reich Minister for Public Enlightenment and Propaganda.”

An editor violating paragraphs 13, 14, 15, 19 and 20, part 3, will have committed a breach of professional duties and the press court may reprimand him, or fine him up to one month's salary, or strike his name off the professional roster. (Paragraphs 13, 14 and 15, have been enumerated.) Paragraph 19 calls for a clearly defined field of activity for each and every editor, and 20, part 3, stipulates that an

editor must inform the proper authorities which editor is responsible for a given contribution in the paper.

Swifter action is provided in Paragraph 35. "The Reich Minister of Propaganda may decree the striking of an editor's name from the roster (which means he can no longer write anything in Germany), independent of proceedings before the Press Courts, if he deems this vital for the public welfare." And there are no restrictions on his judgment.

Whoever attempts to influence an editor to change the contents of his paper contrary to paragraphs 13 and 14 shall be liable to fine or imprisonment. A publisher convicted under this act can be deprived of the right to operate his plant "by the proper authorities."

It is easily seen from this that the Minister of Propaganda has things all his own way and that papers and editors who do not please him are immediately suppressed. The editors cannot express views other than those outlined by the government. They are told what news to play up, what to omit and what foreign dispatches to use. It is a thoroughly governmental press.

News from abroad comes from only one source, the official telegraphic agency, the Deutsches Nachrichten Bureau, which carries only the type of telegrams Hitler wants published. Any infraction of the stringent press rules by a reporter means that the man loses his job and has no possibility of obtaining another.

Censorship of news sent abroad from Germany is, of course, rigid. Dispatches are not censored officially, but if not favorable to the government they are delayed or garbled. Correspondents' use of the telephone to London or Paris is usually not interfered with, but their papers come back to Germany and the correspondents may later find themselves threatened or expelled.

A stronger censorship law was passed June 1, 1933. It extended the penal provisions for treason from purely military to diplomatic affairs and provided that "whoever obtains news that the welfare of the Reich requires shall be kept secret from other governments, with the intention of transmitting it to another or publishing it, will be punished with imprisonment at hard labor up to ten years." True reports are thus punishable if their secrecy is held desirable. New decrees are issued for suppression of any hostile press as need is apparent.

Dr. Josef. Goebbels, head of the Ministry for Public Enlightenment and Propaganda, said in 1933 that the function of the bureau was to explain just what the government had in mind and to furnish guidance. He ruled that German newspapers might criticize the administration providing the criticism could not be used by oppositionists to the government's detriment. Newspapers, he said, must inform the people what the government is doing and why.

In 1933 a special secret political police was created which was to trace and fight all political activities dangerous to the state, and was to include the press in its jurisdiction.

SOVIET RUSSIA

The censorship of Soviet Russia or the Union of Soviet Socialist Republics, is well-known. Officials say there is no one set of laws there known as the press laws but that the press is controlled by a number of special decrees issued frequently from 1917 to the present; these are scattered among various resolutions of the Congresses, often overlap each other, lack precision, present breaks, and are often self-contradictory.

The licensing system and a most careful supervision by a special commissariat forms the heart of the press control there. On June 6, 1922, an agency, known as Glavlit, a central administration for the affairs of literature and publishing, was formed. It grants licenses to publish all kinds of printed material and has the right of previous censorship of all matter intended for publication and distribution to the public. Glavlit keeps a list of articles which the press is forbidden to publish. It has the duty also of making all rules, ordinances and instructions concerning press affairs.

Glavlit, under its definition of censorship, must see that no paper in Russia publishes articles which manifest a hostile tendency to the Communist party and the Soviet government; it forbids works of all sorts containing an ideal which is fundamentally hostile to Russia in the social sciences, religion, political economy, national problems, art, etc.; it suppresses immoral literature and immodest advertising; it has the power of suppression, in some articles, of passages dangerous to the power of the Soviet government and the Communist party.

At the head of Glavlit is a director named by the commissar of public instruction for the people, and two vice-directors named by the same authority. The local sections of Glavlit in the large cities such as Leningrad, Kiev, Odessa, Kharkov, etc., are organized on this same model. In the other cities, the local section of the Commissar of Public Instruction names a censor with the approval of Glavlit.

A circular of Glavlit states: "Glavlit and its local sections exercise all the censorship (military, political, ideological, etc.), which is applied." It adds that the publications imported from a foreign country are likewise submitted to its censorship.

All printed works must carry the approval of this agency. Article 12 of the decree of June 6, 1922, obliges the editors of printed matter to send to the censor, immediately after the printing, five copies of each work. Thus there is censorship both before and after printing. The former is merely permission to go to press. The latter may bring disciplinary measures, followed by expulsion from the party.

Glavlit has the power to send before tribunals the responsible editors who violate the rules on censorship, unless it prefers to have them brought before the Commissar of the Interior.

Article 5 of the constitution of the Soviet Republics states: "In order to assure to workers the full liberty of expressing their opinions, the Soviet government removes the dependence of the press from capital, putting into the hands of

the working classes and the peasants all the technical and material resources necessary for the publication of newspapers, books, etc., and assures their free distribution throughout the country."

The term "workers" and "peasant," however, are political terms and apply to that part of the "working class" invested with dictatorial power, i. e., the Communist party and particularly its directors. Workers who are not in accord with the direction of the Communist party are deemed to be influenced by "capital" and have neither the right, nor the technical means to freely express their opinion. The Soviet doctrine therefore denies true freedom of the press.

June 12, 1936 the text of a new constitution was announced in Moscow for the Soviet Union. It contains a guarantee of freedom of speech and of the press, but, as one foreign correspondent pointed out, these clauses are only more liberal wordings of provisions already contained in various republican constitutions of the U. S. S. R. and their efficacy will depend on their interpretation.

The Communist party is recognized in the new constitution as "the foremost association of toilers in their struggle for social order," and it is understood that in practice the single party system will be maintained. Approval of the constitution by the Soviet Congress was given December 5, 1936.

The press in Russia is considered an instrument of the government and not a means for the governed to manifest their opinion and to criticize, eventually the conduct of public affairs. Permission is given only to renounce, in the official organs and under the control of the Central Committee of the Party, the errors and abuses committed by the agents in power or the deviations of which certain officials render themselves guilty. "The purpose of the Soviet press legislation is evidently not to fix limits on the freedom of the press in the interest of good morals or of one particular person, or of the public welfare, but to assure to the state the exclusive disposal of all the means of propaganda and the direction of all the intellectual production of the nation," says *Le Moniteur de la Presse*.

Special decrees of importance include: That of December 1921 on private publishing houses being registered and licensed by the state publishing department; that of December 2, 1922 on the formalities required for starting a printing enterprise; nine articles of the penal code; resolution on the organization and management of daily newspapers, June 27, 1925; that on the creation of the publishing house of *Izvestia* in 1924; and one setting the salaries and fees authorized by the syndicate and Soviet organizations.

The Soviet penal code, Article 58, punishes, by one year's imprisonment, those who make-up and store anti-revolutionary literature with a view to distribution and diffusion. In the same article, six months imprisonment is decreed for distributing, with an anti-revolutionary purpose, false rumors and news not verified, which is likely to spread unrest or discredit the public officials. Article 59 aims at political crimes in general; article 160, authorizes six months in prison for slander by means of printed works, and article 161, provides a year of penal servitude

for libel. In practice, however, it is said that the penal code is rarely applied to the press for infractions.

Offenses and crimes having a character clearly political are generally brought before and punished by the political police, who have the right to sentence, without trial, to deportation, banishment, or internment in a concentration camp for five years. In exceptional cases, political crimes are referred to the supreme revolutionary tribunal.

On the other hand, the competent agents of the Communist party may always intervene to straighten the ideological line of newspapers and periodical reviews and to make journalists guilty of deviations return to the right road. This is done either by directly ordering disciplinary action, or by transmitting the information to the agents of political repression.

In such a regime of monopoly and of political and ideological censorship, an offense of the press, is difficult. The Encyclopedia of Law, published by the Communist Academy of Moscow, states: "The penal code for 1926 provides three months of prison or a fine up to \$154.20 (300 rubles) for violation of laws on the publication of printed words or of censorship of photographs."

There are also strict penal laws against illegal publication of information about any investigation or administrative inquiry or inquest. Soviet legislation makes no exception in favor of the press where the general principles of penal law and criminal procedure are concerned.

From the American viewpoint the Russian censorship is probably the most intelligently and sanely conducted operation, of its kind, for it is entirely an open censorship. The correspondent takes his dispatches directly to the censor who reads them in his presence. If anything is to be prohibited the correspondent is frankly so advised and is given the reasons why the government feels the material should not be sent. Often the matter is debated in friendly fashion with the correspondent winning out. The activities of the censor seem to be developing along the lines of a centralized bureau of official information.

All thirty-five of the foreign correspondents in Moscow gave a dinner on March 27, 1935, to honor the retiring censor. He was liked personally by all the correspondents. Press Day, the twenty-third anniversary of the founding of Pravda, chief organ of the Communist party, was celebrated May 6, 1935. The Russian Army and Navy are the hardest things to get information on, correspondents say. Censorship, usually reasonable in Moscow, is not reasonable where the army and navy are concerned, for news about them is considered divulging military secrets.

The appendix to the Soviet constitution stresses the participation of the press in the active support of party principles. It urges the execution of a form of control that will assure individual stability and the maintenance of the essential character of the press, which will prevent abuses; the strengthening of the press organization; selection and education of press workers; improvement and examination of the editorship of the press. Timely mention and insistence upon new

questions and problems, and cooperation toward their correct solution through the party press is mandatory. All these duties are charged to the press department of the Central Committee.

La Pravda of Nov. 30, 1935, states that, on the demand of the Central Committee, a hearing was opened against comrade Ber, editor-in-chief of the newspaper *Oktiabr*, published in Minsk, because of the transposition discovered in an account of a speech of the Commissar of the People, Vorochilov, chief of the Red Army. Two lines of the text had been reversed. The inquiry established that the error had not been premeditated and the editor was freed with a severe reproach and warning.

ITALY

The press, as organized by the government in Italy, is not greatly unlike that in Germany. Mussolini uses the device of a professional register of journalists with the licensing feature; warnings by a standing committee of five for alleged infractions of the law; a ministry of Propaganda and Press; a tightly controlled state-owned news agency; and direct orders to police for suppression. Being more secure in his position than Hitler, Il Duce does not apparently fear the press quite as much, but he nevertheless, has not yet allowed any opposition newspaper to exist. But foreign newspaper men are not persecuted now as much as in early days of Fascism.

A drastic censorship law was passed by Italy in July, 1924, and put rigorously into effect the following January. The present law provides that the responsible editor of every newspaper must obtain the recognition or permit of the procurator-general or prefect of the district. To get this he must be enrolled in the professional register of journalists.

This permit may be withdrawn if the newspaper has been warned twice in one year by state authorities for infractions of the press law. This warning is pronounced after hearing the opinion of a commission composed of a judge, a representative of the tribunal where the prefecture is situated, and a representative of journalism nominated by the local press association.

Article 7 of the law of Dec. 31, 1925, states that a discipline is provided for all editors in the professional registry. Without being signed in the register it is not possible to practice journalism in Italy. The law adds: "The rules for such signature shall be stability combined with special regulation." A committee of five oversees the regulation.

The editor must also present to the prefect a declaration containing the names of all the proprietors of the paper, their residence and domicile. If a corporation owns the paper a copy of the constitution must be included. These declarations are to be renewed each January.

Newspapers shall be warned or censured if by false or tendencious news it shall embarrass the government in its relations with foreign countries or damage the national credit at home or abroad, or arouse unjustified alarm among the popu-

lation, or in any way disturb the public order. (This last phrase is obviously a broad statement and capable of interpretation to suit the varied whims of a dictator.)

Still other reasons for warnings are inciting to crime or to class hatred by articles, comments, headings, illustrations; disturbing the discipline of state employees, favoring the interests of foreign states, to the detriment of Italian interests; vilifying the country, king, royal family, supreme pontiff, the religion of the state, the institutions and powers of the state, or friendly powers.

Other punishable offenses include published adherence to "another form of government or threats to destroy the monarchical order; the publication of anything calculated to prejudice the safety of the state or to help its enemies; attacks on the inviolability of property, the sanctity of oaths, and the respect of laws; the defense of, or apology for, crimes or misdemeanors; libel and defamation of character."

The prefect of the district may refuse recognition of a new director or editor when the previous one has been suspended or has been condemned or imprisoned, or when newspapers assume new titles to continue publication. Appeal may be had from the prefect's decision to the minister of justice or the interior or the council of state, most of which are Mussolini, since he holds or controls all important portfolios.

Newspapers which do not heed official warnings may be confiscated by the public security authorities without the necessity of any special authorization. The prefect represents the executive power in the whole province. He superintends the public security; and he has the right to make disposition of the police force and to call upon armed force. He is directly under the minister of the interior, whose instructions he carries out. In cases of urgency he makes such provisions as he deems necessary in the various branches of service.

Three copies of every publication must be delivered to the prefect before being given out for sale. It is also forbidden to publish any documents relating to a case under trial until the verdict is pronounced or until the documents have been read in open court. Editors must publish within two days any sentence given against their periodical.

The proprietors of a newspaper are responsible, in civil matters, with the editor for the payment of a sum devoted to repair and indemnification of losses or for the costs of proceedings resulting from sentences pronounced for press crimes. The machines, type, etc., of the paper constitute a second guarantee for this fund. In addition to this a security must be deposited at the beginning of every year, the amount to be determined by taking into account the nature, importance and circulation of the publication.

In 1934 Mussolini made the under-secretary of state a minister of press and propaganda, conferring on him powers of censorship. In September 1935, Count Ciano, minister of propaganda and the press, left for the Ethiopian front to direct the collection of news and information of the Italian army. Mussolini then took the office of minister of press and propaganda. The council of ministers conferred

on this official the power of giving orders and instructions to the local authorities in the matter of suppressing publications.

On Dec. 7, 1935, Mussolini extended the censorship powers of this ministry. The propaganda official was empowered to order the police anywhere to seize newspapers, books and magazines without requesting Il Duce, as minister of the interior, to instruct the police to act. Shortly thereafter the Cabinet appointed at all principal embassies special press attaches responsible to the minister of press and propaganda.

Regulations provide that editors must insert any written communication sent to them for publication, in the interest of the government, by the competent authority. Mussolini takes full advantage of this. Part of what Italian editors write they are told to write; a part is in the form of "handouts" from the press bureau of the ministry of the interior and the Stefani Agency, and the rest is of a nature they know will cause no offense, says the New York Times.

A check-up is made on news sent abroad. All Italian consuls in the United States clip anything the papers say in their cities on Fascism and Italy and mail the clippings to the Italian embassy in Washington. The best and the worst of these are forwarded to Rome where the favorable ones are reprinted. Correspondents who wrote the unfavorable ones are reprimanded or even dismissed in extreme cases.

All wireless copy goes through the office of Italo Kadio where it is handled by a board of revision, and is revised, killed or held up. The correspondent has no way to find what happened to his dispatch until his American papers arrive.

Lists of restrictions issued to Italian editors, showing strong press control, have been printed in anti-Fascist papers in this country. Some of them are listed here.

"Individual officials and 'hierarchies' should not be commended, except Il Duce.

"Feature Il Duce's visit to Camp Sandra, avoiding all exaggeration, under a two-column head.

"Quote at length Il Duce's visit to the reclaimed Pontine marshes.

"Articles on the depression are not timely. Papers should concern themselves with signs of recovery. The depression will be examined when it has disappeared.

"Do not comment on Hoare's speech.

"Reproduce—you must reproduce—news from Agenzie Roma (Italian news agency) regarding sanctions and France's position.

"The account of the Fascist accomplishments in the year XIII must appear with emphasis in all newspapers.

"Quench the correspondence from Asmara regarding Count Ciano, especially the headlines. (The Count was Mussolini's son-in-law and it was believed jealousy of Ciano's popularity was the motive for this instruction.)

"In the speech by Mussolini to the press, there must be taken out in the third paragraph the word 'profound' which follows the word 'justice.'

"Devote the entire front page to the ceremony at the inauguration of University City, Give it much prominence. Comment on Il Duce's speech."

Concentrated editorial attacks on the British were frequently ordered during the tension in the Mediterranean last fall.

All the instructions come from the press bureau of the minister of press and propaganda.

SPAIN

Newspapers opposing the government in power in Spain have been dealt with severely, particularly in the last two and a half years, 1934 to June 1936 inclusive. Censorship, always available in times of governmental stress, became almost continuous following the passage of a law of public order which provided for rigid censorship whenever a state of public alarm made it appear necessary.

The basis for the state of alarm law is found in Article 39 of the press law of June 28, 1933. This states: "The civil authorities possess the right to previous censure of all printed matter and may, in an emergency, suspend any publication which prepares, excites, or aids in the commission of crimes against the public order." Authorities may adopt the following regulations, says Article 28, during a state of alarm: "To order that all printing establishments shall present, sealed, two hours before publication, sample copies which are to be stamped by the police on approval: daily newspapers must comply one hour earlier."

News difficulties both for Spanish editors and foreign correspondents date chiefly from the fall of the monarchy in 1931. It is noteworthy that Shearman and Rayner in their book on the press laws of foreign countries published in 1926 give only one page to Spain and no detail. The authors list a number of decrees affecting the press dating from 1883 to 1920, but add that "It has not been thought necessary to translate and print them at length, as they are very seldom resorted to either by private individuals or by the government."

This does not mean that there was no censorship before 1931, for there was a good deal of it for a time in 1923 under Primo de Rivera, when each paper carried a line on page one that this issue had been passed by the censor; but censorship was certainly not resorted to as often nor found to be so useful a weapon to the party in power as in the last few years.

The Spanish constitution proclaims emphatically that there shall be liberty of the press, but the word liberty has been construed often to mean those papers which are "right" politically; for the others there are only fines and suppression. Censorship is specifically outlawed and the individuality of correspondence in all forms is guaranteed by Article 32 of the constitution. Suspension is, however, more frequent than complete suppression.

Article 11 of the fundamental Spanish press law of 1883 requires that the director of all periodicals and newspapers shall present, with his signature, three examples of each number and edition with the government of the province or with

the mayor of the city. In Madrid, three additional examples shall be sent, with the same formality, to the Minister of the Interior."

These three copies are examined by him and any articles that criticize too severely the existing political order are deleted. Revolutionary writings or drawings approving pacifism are prohibited. It is also forbidden for military officers to publish military opinions, concerning the service, in the press. No army officer can be the editor of a newspaper.

So frequent did the practice of deletion become recently that in November 1935 the censor in Madrid forbade the offer for sale of newspapers with Catholic articles or with blank spaces. Censored articles, he decreed, must be rewritten and published in shortened form. The suppressed passages must be replaced by other news articles. That same month the Senate and Congress of Deputies defeated by a vote of 148 to 22 the motion that censorship be suspended.

There has been almost continuous martial law in Spain from October 1934 to January 1936 and from late February 1936 to June of the same year. Late in 1935, the Rights, who were then in power, proposed to pass a gag press law which would have been much worse than censorship but the fight against the proposed law by both Lefts and Monarchists was such that it had to be abandoned.

Previous to the elections in the spring of 1936, when there was every reason for freedom of the press, there were frequent seizures of issues, particularly among the Left papers, and in early February three papers were fined for publishing political matter obnoxious to those in power. *El Socialista*, the organ of the Socialists, which was suppressed for more than a year, resumed publication in January 1936 and the Monarchist press was permitted to operate.

But the censorship persisted. And the Left government which came into power in early March 1936, although its members had always opposed the censorship when they were out of power, now found it convenient and applied it vigorously. The Spanish censorship covers outgoing cables and the Spanish press but does not cover telephone calls abroad by foreign correspondents, except during a brief period in October 1934 and during the civil war which began in July 1936. Hence most foreign correspondents in Madrid utilize the telephone whenever they are certain their dispatches will be held up or red-penciled altogether.

During the bitter Civil war of 1936 between the Fascists and the Socialist government, reporters experienced all the severity of wartime censorship. All important news stories were sent over the single telephone line from Madrid with the government censor sitting beside the correspondent listening to every word of a previously rigidly censored dispatch. Nothing favorable to the Rebels was allowed to go out nor were press association editors permitted to give any instructions on news coverage by telephone. If a single word was read which was not in the copy the telephone communication was instantly cut off.

The influential newspapers in Spain are centered in Madrid, Barcelona and Seville, but those in Seville contain less political agitation and are therefore not so often the victim of the censor. The large number of political parties in Spain and

the very recent continuous warfare between Communists and Socialists, make the government most wary of any real freedom of the press. The press in Spain is not a means of state propaganda as in Germany, Russia and Italy, but government officials fear its power of criticism and its ability to sway public opinion.

Examples of disciplinary action in Spain are the fine of 1,000 pesetas levied on *La Vanguardia* for printing the pictures of two Catalonian rebels who had escaped to France and another fine of 2,000 pesetas for vigorously protesting that Madrid papers had been allowed to publish the pictures. Another instance was a fine of 500 pesetas for commenting unfavorably on German activities in the Saar on the ground that it was unwarranted criticism of a friendly nation.

Spanish newspapers have been forbidden to publish Sunday evening or Monday morning editions since Feb. 14, 1920. This was done, it is said, to quiet the clamor of the press for at least twenty-four hours. The price and the size of newspapers is rigidly defined in Spain. A special price is fixed for a given number of square centimeters of printed space. The law states that subscriptions for dailies in Madrid and Barcelona shall not cost less than 3.50 pesetas per month with a single issue selling for fifteen centimes. The charge for selling 15-centime papers is 4 centimes.

PORTUGAL

Spain's neighbor on the west, Portugal, has had even more of censorship. The decree which at present regulates the press of Portugal was promulgated July 29, 1926. In practice it has been modified by the establishment of censorship which was instituted a month earlier. The rules of the censorship, which varied with the administration in power, were made more definite and specific in a decree published April 11, 1933, which frankly admits censorship.

Its major provisions were: Article 1—The expression of thought by means of any graphic publication shall be guaranteed.

Article 2—The periodical publications as defined in the press law, as well as loose leaves, pamphlets, posters and other publications, shall continue subject to censorship whenever any of them treat subjects of a political or social nature.

Article 3—The sole purpose of censorship shall be to prevent corruption of public opinion as a social force and must be exercised in such a manner as to protect said public opinion against the elements which are contrary to the truth, justice and morality, good administration, and the common welfare, and to prevent attacks upon the fundamental principles of the social organization.

Article 4—The censorship shall be exercised by commissions appointed by the government, and their services may be remunerated.

In the fall of 1935 the government organized a bureau to which all foreign correspondents were required to report. The purpose of the bureau is to prevent incorrect information regarding the government from being sent out of the country. The bureau has the power to censor all news dispatches contrary to national interests. The local press in Lisbon was already censored.

In March of 1933 a committee on press instituted by the military government to prevent use of the press against the realization of the government's program of national reconstruction, announced that unwholesome doctrines, publicity of murders and other crimes, must be reduced to the minimum required for the informative functions of the press.

Seizure of newspapers in Portugal is based on the press law of July 9, 1912 and March 9, 1916. It states that the police authorities may seize any publication which contains insults to Republican institutions or defames the president. Other things banned are: Immoral passages; language offending or threatening to the security of the state or public order and tranquility.

Administrative authorities are also permitted to seize any printed matter in which information is circulated with intent to alarm the public mind either in respect to internal or external security, in respect to its interest with foreign nations or the execution of military defenses. In addition to seizure, publication may be suspended for from three to thirty days.

Curiously enough Article 3 of the 1916 laws says that the suspension of any periodical authorized shall in no case be preceded by censorship, but always accompanied or followed by supplementary measures for the effective prevention of the circulation of the printed matter.

The press law of 1910 was more liberal. It declared that the expression of thought by the press is free, independent of censorship, and without previous authorization. Article 2 provided a heavy fine and penalty of dismissal for any official who is proved to have impeded the free circulation of any publication. Copies of all papers were to be supplied to the ministers of justice and of the interior and the procurator of the republic.

Abuses of the liberty of the press are defined as consisting of: Attacks made by priests in sermons on the authorities or the law; offenses against foreign sovereigns or their representatives; offenses by threats against members of the legislature; defamation and imputation of dishonorable actions to any person; offenses against any corporate body exercising public authority; threats against the president of the republic. Punishment of thirty-three days of correctional prison for offenses against foreign sovereigns and heads of foreign states, outrage to public morals, and incitement to crime, is provided.

Liberal, constructive, and quite out of harmony with censorship, is this provision of Article 13: "Discussion and criticism of legislative acts, political and religious doctrines, acts of the government, etc., are allowed in order to educate the public mind and prepare it for the necessary reforms. Liberal, also, is Article 12 which says, that in considering a case, the court will take into account the author's intentions and antecedents and the circumstances of publication.

Also referring to libel are the following sections: "In all cases of libel, the defendant must prove the truth of the facts he alleges. An offense amounts to libel when directed against certain official persons. If the defendant is unable or

unwilling to substantiate his allegations he will be punished by from three months to two years correctional prison and will have to pay a fine also."

Especially interesting is Article 25: "All fines collected under the present decree will form a special fund to help associations of journalists and press employees."

SWITZERLAND

Swiss freedom is well known, both of the press and of government. It remained neutral during the World War and, bounded on two sides by dictator governments, it maintains an independent press. The principle of liberty of the press was proclaimed in Switzerland by the federal constitution of 1848. Article 55 says: "The liberty of the press is guaranteed."

The burden of press legislation is shifted to the individual cantons. "In the case of abuses of this liberty, cantonal legislation shall establish the necessary provisions which must always be approved by the federal council. Censorship and other restrictive measures are contrary to the constitution and their revival is impossible in any of the Swiss cantons. "The federal council and the federal assembly have refused to approve a proposed law of the cantons of Tessin and Valais which contained provisions contrary to the principle of the liberty of the press."

Swiss jurisprudence recognizes the right of the press to criticize not only the acts of the government, but also the Constitution of the State, and even the judicial and moral ideas which are at the base of the actual political and social organization.

In 1934, however, the Swiss government found it necessary to pass some exceptional laws restricting moderately the press. This was done to repress certain Irredentist plots directed against the integrity of the national domain; to safeguard the good relations of the Swiss Confederation with its neighbors and; to protect the interests of the Swiss press from the arbitrary acts of dictatorial governments such as confiscations, suspensions, and expulsion of journalists.

The most important of these decrees was that of March 26, 1934. It provided that: "Newspapers and periodicals which, in exceeding in a manner particularly grave, the limits of criticism, threaten to trouble the good relations of Switzerland with other states, will receive a warning; if this warning is not heeded, their publication will be forbidden for a determined period. The federal Council speaks on the motion of the department of justice and police. The cantons must see to the application of this suspension."

It is noteworthy, however, that after the publication of this decree the government, desirous of getting hold of all useful information established, with the accord of the Swiss Society of editors, a consultative commission of the press composed of five members, all journalists. This commission started functioning July 4, 1934.

The federal department of justice and police asks the advice of this commission each time it deems a newspaper, by its tone, is threatening to provoke complica-

tions of an international kind. Thus the aid of the press is sought in protecting itself from too violent criticism rather than its suppression by stringent measures applied from without. Difficulties with both Germany and Italy over the acts of political refugees were believed responsible for the modified restrictions.

This consultative commission prepared a list of expressions which they believed to be of a nature to provoke troublesome incidents from a diplomatic point of view. Some are those one would naturally expect to find; many are German. Examples are: Criminal, bandit, murderer, incendiary, drinker of blood, fool, beast, Fascist, Verbrechterbande, bluthunde, Henker, Diktaturbestien, Mordgesellen. Desirous of guarding as much as possible against official interventions in the matter of freedom of the press, the commission asks that its fellow members of the press take into account the delicate position of Switzerland among the nations of Central Europe.

Six cantons have special laws on the press: Geneva, Lucerne, Fribourg, Vaud, Tessin, and Grisons. In ten others, the cantonal penal code takes care of all abuses of the press. Swiss law holds the editor responsible for all the contents of his newspaper. When the author is known he may be prosecuted but the editor may refuse to reveal the name of the author by invoking editorial secrecy except when it is a question of a crime of high treason.

On August 5, 1935 the Swiss Federal Council suspended the newspaper, *Adula*, for the publication of propaganda favorable to the attachment of the canton Tessin to Italy. *Adula* is published in Tessin. This is one of the few instances of suspension in Switzerland except during the World War.

IRISH FREE STATE

One wonders why there should be any special press law in a state ruled for centuries by Great Britain. There is very little. British laws on libel and seditious are in force with the exception of the Censorship of Publications Act of 1929, which is additional. This act provides that the circulation of a newspaper may be prohibited if it devotes an undue proportion of its space to matters relating to crime. Three British Sunday newspapers are now banned under this Act. Another English newspaper was banned but the ban was removed when a special edition for the Irish Free State was produced which was free from the objectionable features of the English edition.

The DeValera government established a press bureau in 1934 to supply accurate information on the work of the government departments to home and foreign press. It is also charged with the function of correcting misstatements in the newspapers which appear likely to injure the credit or prestige of the country. Some think this bureau is the first step toward more rigid control of the press.

FRANCE, BELGIUM, NETHERLANDS

The press is essentially free in these countries. There is no censorship in ordinary times. The press laws are concerned quite largely with libel and rectifi-

cation. In few nations does the press criticize public officials and the government so severely as in France. Even the libel laws there are elastic.

The law of 1881 in France provides for seizure and deletion of parts of copies of newspapers when the accused is convicted of committing offenses through the press. It is almost never invoked, however. Editors in France cannot publish acts of accusation before they have been read in a public audience, nor can they report a process in libel where proof of libellous facts is not authorized. They are also forbidden to report secret deliberations of juries or to announce public subscriptions to indemnify fines due the courts for press offenses.

"The Press is free; censorship will never be able to be established," says the constitution of Belgium. Economic difficulties in recent years have prompted two decrees affecting the press, however. The first, passed July 19, 1926, specifies that anyone who knowingly or voluntarily spreads opinion or information of a nature to disturb the credit of the state, shall be punished. Such an act is considered socially harmful. On July 31, 1934 a second decree provides penalties also for spreading information which is relative to the monetary statutes or which is of a nature to disturb confidence in the franc.

In the Netherlands the press is free, though, as is usual, the penal code takes care of attacks on royalty or attempts to incite violent overthrow of the government.

POLAND

Poland, being composed of parts of old Germany and Russia, may easily be expected to have censorship in a high degree. Such is the case. Thirteen copies of each periodical or newspaper must be submitted to the local authorities for examination (and thus technically for censorship) and filing. As soon as the periodical has been mailed it may be distributed generally. Any disciplinary action following examination may take the form of confiscation of the offending issue; it is taken from the dealers who are remunerated by the publisher. The particular article in question is then eliminated from the periodical, and the column is left blank. This is a fairly frequent occurrence in the opposition press.

Every confiscation must be ratified by a court of law within forty-eight hours. If no ratification is forthcoming, the publisher may sue for damages. Confiscation may follow the publication of articles threatening the general interest of the state, slandering members of the government, revealing state secrets, or constituting a breach of public morals. The authorities may impose a fine on the editor of fifty to 1,000 zlotys or a prison sentence up to six months in addition to confiscating his paper.

Oddly enough there is no control or censorship on news going out of Poland but a very strict supervision is exercised over incoming news. Since few Polish newspapers have their own correspondents abroad, the official agency, P. A. T., has almost a monopoly over incoming news and an official of the foreign office press department is constantly in the agency office to check incoming dispatches. Much material is withheld from the Polish newspapers in this way, both on stories affecting

Poland's domestic politics and also stories on world politics whose effect might be considered injurious to Poland.

NORWAY, SWEDEN AND ESTHONIA

The press in Norway and Sweden is comparatively free. There is no censorship of the vicious type prevalent in central Europe or the Balkans. Restrictions apply chiefly to unwarranted attacks on the state or its rulers or incitement to crime. Confiscation, while possible, is extremely rare.

Sweden has a very long and detailed press law, but it is concerned chiefly with libel and the publication of news relating to the courts. A strong religious trend is noted in the provisions providing confiscation if the press publishes denial of a God or a life hereafter or of the pure evangelical doctrine or urges profanation of public worship. Other things on the forbidden list are abusive pronouncements regarding friendly states and any negotiations in progress with other powers, unless the government consents. Most press crimes in Sweden are punishable by fines.

In Norway the constitution states that "there shall be freedom of the press. Every person shall be at liberty to speak freely regarding the administration of the state and any other subject unless he wilfully incites to disobedience of the laws."

Newspapers in Esthonia, press law of 1935, are required to print the official communications of government officials whenever they are sent to them. News stories and headlines must assume a form as approving as possible.

Editors are forbidden to print articles which, by their scoffing or hateful tone, may provoke hate among the different classes of the population; articles having for an object disputes with other newspapers; articles containing descriptions of crimes; stories concerning the deaths of illegitimate children or of suicides.

AUSTRIA, HUNGARY, CZECHOSLOVAKIA AND ROUMANIA

Censorship has a tight grip in all these countries with Czechoslovakia in a slightly more favored position than the others. As stated in Part I the police were authorized in 1934 to license all newspapers in Austria for publication. This law ended all liberty of the press since the government can now prevent expression of any opinion unwelcome to it by withdrawing the license at any time. Of 1,500 publications in 1934, about 200 were found to require no new licenses since they were already conforming to all the authorities wished. Only 1,200 of the remaining 1,300 received permits. The other 100 ceased publication. The law provides that upon publication, one copy of all printed matter must be delivered to the public prosecutor and one copy to officials of the public security. An editor may be punished for negligence in supervision if he allows an article violating the law to be printed.

A more liberal section is found in Article 31 of the Press Law which states that no responsibility can be incurred for the printing of true and faithful reports of proceedings in the public sessions of the national assembly.

In 1930 a new law to restrict the freedom of the press was passed. Its most dangerous provision is a clause rendering liable to criminal prosecution "anyone who spreads or prints incorrect statements calculated to endanger the prospects and credit of persons about whom they are made." The measure is considered a threat to foreign correspondents because, by politically prejudiced judges, the law might be used to suppress criticism of the government.

A sort of invisible censorship is often at work in Hungary. Confiscation and suppression occur frequently and the government has the power to forbid the street sale of newspapers which make themselves objectionable. There is not a long list of forbidden topics nor are editors told very definitely just what they can publish. They have to take a chance. But, if the government does not like an editorial or news story, the writer (whose responsibility is heavy under Hungarian law), and the editor go to jail. Foreign newspapermen are received most courteously by officials but are said to be constantly trailed by an official of the foreign office. Although much of the law deals with libel and defamation the government's main concern now is with political expressions in news or editorials.

Czechoslovakia, which before the World War was a part of the Austria-Hungarian empire, maintains an active censorship over the local press. The press law of 1934 prohibits the street sale of newspapers. The government was also given power to prohibit transportation of certain newspapers by post or railroad for two years. Previously this could not be done for longer than six months and then only after five convictions of the editor for violation of the press law. A vigorous clipping bureau is maintained on the foreign correspondents' output.

The 1934 law also made it mandatory for newspapers to print statements made by the president or a member of the government up to a length of one column. For sensational or indecent headlines editors are liable to three months imprisonment and a fine of \$200. These measures were directed against the Right and Left radical press, especially Communist organs which were constantly criticizing the government.

Chief among the convictions which, under the law of 1934, led to withdrawal of cheaper postal rates and railroad facilities, were those involving defamation under the penal and military code, offenses against personal honor, and the crime of false accusation. An editor who has been sentenced for such violations is not allowed to occupy the position of responsible editor for two years. He is also forced to name the author of the alleged defamatory article.

In Roumania everything is ostensibly fine for the newspaperman but an harassing and intermittent form of censorship often appears there in times of political disturbance.

The constitution guarantees to all liberty of opinion, speech and printing. Article 25 says: "No censorship or other measure may be passed to prevent the issue, sale or distribution of any publication. No previous sanction is required from any authority for issuing a publication. No journal or publication can be either suppressed or suspended."

In practice, however, the press does not fare so well. Every newspaper is forced to publish official notices sent out by the government at the latter's expense. Official communiques rectifying errors, or contesting false accusations, must be published free of charge.

Press offenses consist of such things as attacks on the legislative body, on the sovereign, and stories urging contempt of the government or causing strife among the people. (This last can easily be seen by an official in some criticism he does not like.) Baseless attacks on people, of a nature likely to throw contempt on public authorities, are punished by imprisonment.

Accounts of meetings of parliament are privileged. The law says: "It may be difficult to reproduce the exact speeches made in parliament; journalists, should, however, before sending in their accounts, eliminate any inaccuracies of an injurious nature." This may sound a bit naive but it is good law for any journalist to follow. Editors cannot print accounts of libel cases where the sentence is not in favor of the plaintiff.

Much is made of the importance of the responsible editor whom foreign correspondents say is frequently paid to serve jail sentences for the paper that gets in trouble with the authorities.

The government may tolerate all types of articles antagonistic to the existing government but when the situation gets critical it clamps down and the most innocuous article in an opposition paper is likely to be suppressed and the writer sent to jail.

Censorship was imposed when Premier Ion G. Duca was assassinated. The press chief of the Foreign Office said it was brought on by the attitude of extreme Roumanian Nazi newspapers. Foreign newspapers which carried accounts of the plot against King Carol and Madame Lupescu in 1934 were confiscated as well as two leading Bucharest papers which protested the censorship.

In 1930 a majority of the non-governmental newspapers were seized. A law increasing governmental control of the press forbids any attacks whatsoever on the honor of the royal family. Another provides severe penalties for anyone engaging in a political campaign in the press which is likely to damage the public credit or affect the banks.

BULGARIA AND YUGO-SLAVIA

Until 1934 Bulgaria was one of the brighter spots in the Balkan censorship picture. But in June of that year the government began the permit system for newspapers. The premier who was trying to suppress a Macedonian revolutionary movement, ordered all publishers to apply for permits to assure further publication. Such permits were refused all opposition newspapers which meant that 11 of 21 papers in Sofia were suppressed.

Following the more recent expulsion of J. Swire, a correspondent of the New York Times in Bulgaria, who revealed in his dispatches the rise of Macedonian

and Bulgarian terrorist elements in the country, the Cabinet Council drafted a new law. This measure made it possible to impose penal servitude on correspondents if their dispatches were adjudged by authorities to be "untrue or to misrepresent facts and damage the interests of Bulgaria." This, of course, makes Bulgaria prosecutor, judge and jury all in one.

Article I of the basic press law of 1921, states that offenses committed by the press are punished according to the demands of the penal law. Author, compiler, publisher, printer, are all held responsible. Printed matter in which are declarations constituting offenses or treachery is confiscated if the law or the public interest requires it. The confiscation is decreed by the court on the demand of the attorney or of the plaintiff. If circumstances require prompt action the seizure can be made by the attorney who must inform the court immediately. The offending material can be taken by court order.

Yugo-Slavia has a rigorous censorship for its own press but is ordinarily a little more lenient with foreign correspondents. As in other instances the constitution states that the press is free and that censorship, except in time of war, is not to be tolerated, with the facts of actual practice telling a different story. The press censorship, characterized as one of the most rigorous in the world, ended in July 1935—for only three days—when it was continued in a more modified form. The very first day it was lifted one or two of the more extreme papers offended the government. Two days later the control of news was tightened. Editors were allowed, however, to report opposition movements briefly and mild criticism was allowed.

Article II of the press law says that newspapers can be destroyed if they contain an insult to the King, an insult to a foreign ruler or his representative or an appeal to the citizens to organize an armed rising. The publishing of untrue reports or of falsified or inexact documents, will be punished by a heavy fine or up to five months imprisonment. Libel against private persons will be punished by from one month to a year in prison.

Each newspaper in Belgrade, Yugo-Slavian capital, is said on good authority, to have a jail editor who assumes all responsibility for anything that appears in the paper. Even in the case of a signed article, if the man who wrote it denies that he did so, the jail editor will affirm the work was his own and goes to jail without question when the government orders.

This concession is made to the printer in the press law: "If the printer so desires, the type may be broken up and dispersed. If the unobjectionable parts can be published, it will not be prohibited."

GREECE

On Sept. 12, 1935 the New York Times printed the following story: "A secret censorship has been established at Athens by the Greek government. The censorship is illegal and contrary to the Greek constitution. Censorships are permissible only during a state of siege according to the constitution. Neverthe-

less, the government is secretly deleting a large portion of the messages of all newspaper correspondents filed at Athens."

This is interesting in the light of the fact that on July 6 of the same year a committee on constitutional changes recommended control of the press by giving right of suppression to the cabinet and Court of Appeals. The committee said that "it was imperative and necessary that energetic measures to control aberrations of the press be taken to hold it in the *public* interest. The principal method is suppression and seizure of the means of publication. To avoid abuse, however the reasons motivating suspension must be in the constitution." The recommendations were not approved by Parliament yet peace-time censorship persists at times despite the constitution.

The Greek law provides that the first or second time an editor commits violations of the press law he is temporarily dismissed for from one to three months and, for a third offense, is out for a year. It also provides that abuse of the freedom of the press by the commission of a crime draws a heavy fine and dismissal.

All sentences relating to crimes or offenses connected with the press must be published, as soon as final, in three local newspapers at the expense of the condemned person. Much emphasis is put on the money guarantee being kept up to the full amount at all times. There are the usual bans against affront to the King, insult to religion, news of military defenses and obscene stories. The Judicial Council must decide in twenty-four hours whether seizure of a newspaper was justified.

A tight censorship was clamped down on all reporters in Greece when Premier John Metaxas became dictator in August, 1936. From control of telephoned and telegraphed communications the censorship spread to mail inspection and even required that all newspapers in Greece must submit galley proofs before going to press. No paper could print editorial matter or political news except communiques. Every paper was invited to print daily editorials favoring the dictator, Premier Metaxas, under threat of suppression. The police also forbade the sale of newspapers such as the Communist Humanite of Paris, the Left magazines and pacifist publications of any kind.

Confidential censorship orders, according to Editor and Publisher, included the following. "Don't write anything against German or National Socialism. Don't announce Spanish Republican victories. Don't print anything from Moscow. Don't give too much space to crime, murders and suicides."

TURKEY

The press law of Turkey, promulgated in 1931, is quite complete and frank as to press freedom. Article I states that the liberty of the press is subject to the provisions of the present law. News is rigorously controlled by the government. Two copies of each issue of a newspaper must be sent the same day to the highest civil official. Failure to do this means a fine of five pounds and more than double that for a second offense.

Likewise all reporters, correspondents, photographers, etc., on a newspaper must have identification cards. They will lose these if five consecutive issues are late without legal obstacles.

The right of property in news is recognized, however. Article 25 says: "The information which a newspaper or magazine inserts after procuring it at the cost of special sacrifice is the property of the newspaper or magazine. It cannot be published by others before twenty-four hours have elapsed." The identity of the author of an article referring to the internal or external safety of the country or to military secrets must be furnished. Failure means confiscation by the tribunal in charge of all printed matter and a prison sentence of at least three months.

Reporters, editors, etc., are held responsible for crimes resulting from the publication of information forged by them or which they know to be without any foundation of truth. This action is under the Turkish penal code. One finds this provision in Article 29: "Those who publish, under any pretext whatsoever and by means of any allusion, facts about the private life of people, are punishable by a month in prison and a fine of 50 pounds. But if the publication is made with the full consent of the interested parties, it does not constitute a crime." Black-mailing is also punishable under the penal code.

Those who publish and distribute, by fabricating or altering them, facts capable of provoking the fall of the national currency are punishable by imprisonment of three months to a year and by a fine of 100 to 500 pounds. Numerous restrictions are found on the printing of court news. Proceedings and documents may not be printed in criminal cases without authorization of the tribunal; nor can suits of slander in which truth is not a defense; nor cases heard in camera. News of penal inquiries can only be used on special authorization. Paragraph G states flatly that "it is forbidden to publish the deliberations of the courts." No editor can express an opinion on a magistrate's decision or on court procedure. Only the briefest notice of divorce decisions can be used.

Stories of suicides are barred by Article 38, except with authorization from the highest official of the local police. Even when permission is granted by police no pictures of suicides can be used. Prison up to one year and a fine are the penalties.

No news tending to disturb the family existence or capable of weakening, in a woman, the moral tendency to maternity, may be published. No open column letters of opinion by officials, or soldiers, on internal or external political questions, implying criticism aimed at the military state and duty, can be used. Letters from exiles come in the same forbidden class.

Chapter XIII of the press law is illuminating and candid. It is entitled: "Publications which do not constitute a crime." It is not surprising to find that these consist first of news of an informative nature furnished by officials of government departments as well as "handouts" by the recognized agencies of the government. Newspapers are, however, allowed to publish slanderous terms contained in the pleadings in court under Article 486 of the penal code, unless the

tribunal has ordered their retraction. Papers are also immune from prosecution for publishing offenses aimed at third persons which come to light in trial of a case.

Suppression is based on chapters 16 and 17 of the press law. The Council of Ministers is given the power to temporarily suspend newspapers by decree because of publications of a nature to injure the *general policy* of the country. The same council can also bar the entrance of foreign publications into Turkey. Violation carries a maximum fine of 300 pounds. Offenses against the press are outlawed by limitation if no action is taken in six months.

EGYPT

Drastic control of news prevails here. The law states that every newspaper may be suspended or suppressed by a decree of the Minister of the Interior after two warnings, as in Italy, or without previous warning if the Council of Ministers so decides. Such suppression is, of course, to be done "in the interest of the public welfare, of religion and good morals." Another article reads: "There is cause to seize if the publication is denounced by the courts of justice *for its contents*."

Recent riots against British authority made the restrictions tighter. In November 1935 the Council of Ministers decreed that the government could suppress any publication carrying exaggerated statements or false or inflammatory news. The government could, of course, say any news it did not like was exaggerated.

As stated in Part I the law was designed to prevent the local press from inciting Egyptian youth. An old law of 1929 was also revived in the interests of censorship. The authorization of the minister of the interior for printing a newspaper can always be withdrawn if there is cause, says Article I of the basic press law. Much stress is laid on keeping the money deposit up to the legal mark. Incitement to crimes against the state or to pillage, arson, etc. or to an attack on the powers of the Khedive are punished by imprisonment and temporary suspension. A third conviction in two years for violation of the native penal code means permanent suppression.

PALESTINE

In view of the riots in Palestine between Arabs and Jews in June, 1936, it is interesting to note with what a strong hand the British high commissioner is able to control the press in that country. The press law of 1933 authorizes the High Commissioner "to suspend publication of a newspaper which continues to publish matter which in his opinion is likely to endanger the public peace. The suspension shall be for any period he sees fit, but he shall state in the order the period of such suspension.

This suspension may take place either with or without the warning of the editor provided for in Section 19 of the law. This states that the Commissioner may warn the editor that certain matter appearing in his paper, if continued, is likely to disturb the public peace and that he is considering suspension.

It is mandatory on all editors to deliver two copies of each issue or supplement to the chief secretary and two more copies to the district commissioner. For each failure to do this there is a fine not exceeding two pounds. Following a special notice from the commissioner this fine can be increased to five pounds for each day of failure to comply.

When the chief secretary sees any allegation of fact in a newspaper which he thinks is incorrect, he may request the editor in his next issue to insert free such denial as he may deem necessary in the public interest.

Conviction of printing seditious or other libel in a newspaper may result in the court suspending the paper for not exceeding three years and enjoining the editor from practicing his profession for a similar length of time. If the printing press of the paper in question is used during this time it may be seized by the police.

The high commissioner may also exclude from Palestine any foreign newspapers which he believes would endanger the public peace. The permit for authority to own or operate a printing press must be kept conspicuously posted at all times.

There are three places in the world under British control where newspapers are compelled to publish, without charge and without question, any communications issued by the government—Cyprus, Palestine, and Seychelles. The laws there provide for the compulsory publication, free of charge in newspapers, of communications from the government which are, in the opinion of the government, in the public interest. In a House of Commons debate these provisions were cited as being "rather too faithful a copy of the methods of Hitler and Mussolini as a method of regulating the press in the colonies."

Restrictive press laws are in effect in the following colonies, protectorates and mandated territories of Great Britain: Antigua, Bahamas, Barbados, British Guiana, British Honduras, Ceylon, Cyprus, Dominica, Federated Malay States, Fiji, Gibraltar, Gold Coast, Hong Kong, Jamaica, Johore, Kedah, Kelantan, Kenya, Leeward Islands, Montserrat, St. Christopher and Nevis, Virgin Islands, Malta, Mauritius, Nigeria, Palestine, Perles, St. Helena, St. Lucia, St. Vincent, Seychelles and Sierra Leone.

In most of the places the acts consist of newspaper control ordinances, newspaper registration acts, newspaper surety ordinances, or false publication acts.

INDIA

Control of the news in India has been established over a period of years through a series of decrees, the most recent of which is the Criminal Law Amendment Act of 1932 which was passed for a three-year period and, after one defeat in the Assembly, renewed in 1935 for three more years. This act is concerned largely with prohibiting wilful attempts on the part of the press to dissuade the public from entering the military, naval or air force service of His Majesty or to induce any public servant to fail in his duty. A prison sentence and fine are the penalty. An exception is made in the case of criticism of the policy of the gov-

ernment on such services made in good faith. Similar penalties are provided for false reports published which are likely to cause fear or alarm to the public or hatred or contempt of public servants. The law further provides that any publication which contains seditious matter may be declared forfeited to his Majesty by the local government. The money deposit, the printing press and all copies of the newspaper may be so forfeited. Police have the right of search whenever the governing authorities believe an unauthorized newspaper is being printed and distributed. Nine different reasons for such forfeiture or suppression are enumerated, ranging from inciting to interference with administration of the law, to bringing His Majesty's Government into contempt, or stirring up hatred between different classes. Disapproval of the government's policy with a view to obtaining alteration by lawful means is not barred, however.

The All-India Journalists' conference of 1935 considered the 1932 act so oppressive that it passed a resolution that such an act was utterly incompatible with the legitimate freedom of the press and the fundamental right of free expression of opinion and strongly urged that the Act be stricken from the statute books. The conference also strongly objected to the maintenance of a press censor in Bengal as well as to the manner in which, in various ways, the freedom of the press has been interfered with by the operations of the censor. The Conference urged the immediate abolition of censorship. The rulers of Indian States were urged to recognize the freedom of the press in their states and to encourage the free expression of opinion as a fundamental right of citizenship.

The vernacular press in India dates from 1818. The first newspaper was established in India in 1780.

CHINA

A continuous though often light censorship prevails here for the foreign correspondent and a strict censorship for the Chinese, particularly in those regions of China where Japanese influence is strong. The press regulations of 1930 are those in effect now, since the revision of 1935, although passed, was not enforced owing to vigorous journalistic opposition. A change along more moderate lines is being considered.

The Chinese National Party sees to it that no editorial attacks or critical news stories menace its position. A censor is assigned to every Chinese newspaper office and every article which is to appear in the paper must first obtain his approval. The censors receive their instructions from the local government and the local Kuomintang Party organ.

Article 19 of the 1930 law reads: "Publications may not print the following classes of articles: Articles the intention of which is to destroy the Chinese National Party of the Three Principles; articles the intention of which is to overthrow the National government or injure the interests of the Republic of China; articles the intent of which is to destroy public law and order; articles prejudicial to good

morals." Newspaper also may not print comments on legal cases on which publicity has been forbidden.

The minister of the interior, to whom two copies of each issue must be sent, is empowered to specify the offending articles in question and prohibit the sale of the newspaper, and in case of necessity to impound it. The editor, in such cases, is liable to a year's imprisonment and a fine of not more than \$1,000.

There is a fine of \$200 for printing a newspaper without the proper registration with government authorities. The minister of the interior may issue corrections and warnings in cases where the offenses are considered slight. In the most serious cases, from the government's standpoint, the newspaper may be suspended from publication.

Censors are also established at all central cable and wireless offices and examine all dispatches sent out of the country. The government gained its power to install censors in all communications offices about 1931 when certain cable treaties with other countries expired. The censors are appointed by the ministry of communications.

The stricter press law of July 12, 1935, whose active enforcement has been held up, provided for the licensing system with the local Kuomintang official as the final authority, and for the designation of the local party organ as in direct charge of press matters with the power to detain or hold up publication. Added also were the prohibition of printing reports about the private affairs of individuals or families, and a prison sentence for smaller press offenses. Censorship in China is even stricter than that laid down in the law of 1930, experts say, owing to the peculiar political conditions which prevail in China. Anything that might complicate Sino-Japanese relations is ruthlessly suppressed, as is Communism. Also local authorities often take things into their own hands without regard to the letter of the law.

JAPAN

Although news control is provided for in the law and censorship is often imposed by the government in Japan there has been a fairly steady development toward a more liberal enforcement of the law of May 6, 1909, in the opinion of expert observers. It is rare today, they point out, for an editor or writer to be imprisoned for a press law violation. Usual punishments are fines ranging from 50 to 500 yen which are a strong deterrent to small papers but not heavy enough to keep larger ones from occasionally publishing a banned story.

A fairly rigorous police supervision of the Japanese press is maintained, however. Press bans come from the Home Ministry, which controls the police, and are frequent. There may be as many as 100 bans in force at once so that an editor is compelled to keep his press ban file complete and consult it often. Most bans refer to police cases in which criminals are still at large; others refer to troop movements or naval vessels. Bans on political matters are rather rare. All copy in Japanese newspaper offices is read with one eye on the ban book. These often

include financial, social and even some business news. Examples are: "Editors, do not mention plans to build a railway between Harbin and Yoyogi." "Do not publish any news in regard to the removal of the remains of Chang-Tes-Lin." "A newspaper is liable to suppression for publication of matter concerning the condition of various banks in Yumagata Prefecture."

All periodicals, including newspapers, are required to be submitted for censorship before distribution, but rarely is a protest made against the actions of the censors on the ground of its being a violation of legal authority. The power to regulate the press is quite broad and the scope for the exercise of discretion by the minister of home affairs under Article 23 of the law of 1909 is very wide. The section reads: "If an article inserted in a newspaper is considered subversive of public peace and order or against public morals, the minister of the interior may forbid the sale or circulation of such newspaper, or if it is necessary he may attach it. In circumstances such as those specified above the minister may forbid the insertion of items on the same subject."

A newspaper published abroad or in Japanese territory where this law is not in force and which has been banned twice in a year for violations mentioned in Article 23 may be seized by the police. The censorship is quite fair in one respect in that newspapers are advised in advance of coming events and are warned to treat them according to specification. The Japan Times, owned by Japanese but published in English, once ran a small item from Washington on page one, merely stating: "There was no comment here today on the maneuvers of the Japanese Navy." The censor had ordered all news on that subject suppressed so that edition of the Times was destroyed insofar as it was possible to reclaim the distributed copies.

On March 1, 1936, the minister of war announced that the censorship imposed on newspapers and communications after the military coup of February 26, was lifted. Martial law had been in effect up to that time and the civil press regulations had been practically suspended. Some papers were suppressed under the martial law regime, but most editors were very wary of what they said or printed. Telephone communication with America was cut off for several hours after the coup in which high Japanese officials were killed by army officers.

The editor of one of the biggest Tokyo papers was called to the War Office one day and told an editorial he had published the day before on the army budget, as being "too large", was an offense. He was commanded to publish another editorial the next day retracting every word he had previously written.

SYRIA AND SIAM

The press laws in Manchukuo are almost identical with those in Japan.

In Syria the chief control of the press is based on Article 8 of the 1924 law: "When the publication of printed matter in a newspaper is of such a nature as to trouble the peace and public order, or to bring attention to international relations

in an unfavorable way, the suspension of the paper can be pronounced by decision of the High-Commissary."

In Siam any newspapers which are seditious may be seized without any warrant by all officials competent to act. Criminal action shall be brought against the offenders without delay, and if they are acquitted the newspaper seized shall be returned to them. Seizure of newspapers for inciting to commit crimes or for violations punished under the criminal code is also authorized but must be ordered by a judgment of the Criminal Court sentencing at the same time the person or persons responsible for the offense.

A severe censorship was enforced in 1935 following the king's threatened abdication. Even communication by telephone was interrupted.

ARGENTINA

The press in this country is relatively free of harsh restrictions. Its freedom is protected by Article 32 of the federal constitution which is based on that of the United States. It reads: "The federal congress shall not dictate laws which restrict the liberty of the press or which establish federal jurisdiction over it. And Article 14 provides that any inhabitant may publish his ideas in the press without previous censorship. There is no special legislation dealing with the press except such offenses which, because of their general nature, would come under the penal code.

However, censoring of internal news in Argentina does occur and is based on Articles 20 and 21 of the Argentine Telegraphic Regulations. These prohibit transmission over telegraph lines of the following kinds of messages: Those inciting treason against the republic or rebellion against constituted authorities; those drawn up in terms contrary to ethics and good customs; those whose obvious effect is to commit crime; those hindering the action of justice; advocating disregard of the constitution; those containing terms susceptible of originating personal incidents; those transmitting information tending to discredit a third party.

In the absence of any specific federal law on the subject the director of posts and telegraphs has set up a principle that no news that is "alarming or sensational" may be sent out of the country. There are no official censors, but the managers of the cable and radio companies act as censors, in a sense, under the liability of heavy fine for the company or the possibility of being completely closed down, if they allow such news to go out over their lines. There is no exact definition of what is alarming or sensational. Sometimes, in emergencies, such as strikes, the cable companies are required to submit all cables to the post office where the department of post and telegraphs passes on the cables before they are transmitted.

The government has the power, during a political disturbance or other breakdown of law and order, to declare a "state of siege" which is a modified form of martial law, suspending constitutional guarantees, including the liberty of the press and the right of assembly. The president of the republic is the supreme authority in the nation during a "state of siege" and government is administered by decree

instead of legislation. State of siege differs from martial law in that courts are not suspended during a state of siege.

There is also no direct law which gives the government power to deport a foreign correspondent, as was done a few years ago. But a precedent has been established by which a foreign correspondent who sends dispatches deemed by the authorities to fall in the prohibited class, may be deported under the residence law which is used for deporting undésirables.

On Jan. 1 and 2 of 1934 the New York Times printed dispatches telling of the severe Argentine censorship, the most rigorous since President Justo's election. The government called in the directors of press agencies and warned them that if they continued to try to send news abroad on the political situation, the agencies would be suppressed. They said telegraph and telephone companies must prevent news of the revolt from going over their lines. On April 27, 1934, President Justo lifted the ban on fourteen papers he had suspended during the state of siege lasting five months.

For a time in 1935 all correspondents were ordered, by decree, to register and make bond of 5,000 to 50,000 pesos at the post office department and keep copies of all news sent open to inspection. The sending abroad of news which post office inspectors thought would discredit the country, was prohibited. This decree was vigorously protested by Argentine papers and was not put into effect because the attorney-general ruled it was unconstitutional.

BRAZIL

The press here has been hampered by many months of martial law or "state of siege" during the last three years. There have been but few gaps marked by a more liberal treatment on the part of the government. President Vargas revoked the press law of 1923 on January 16, 1934 as it was harsh and had been continuously fought by the press. The present law was promulgated July 14, 1934.

Probably the most vital of the prohibitions on the sending or printing of news is that in paragraph 5: "It is forbidden to publish false news, or give true facts having a tendency to provoke social alarm or disturbance of public order." What more could any censor wish than that!

Other things banned are: "To encourage others in the practice of some infraction of the penal law; to publish secrets of the state or news of military defenses; to offend public morals or good custom; or aid in the sale of newspapers or periodicals containing the same."

Fine or imprisonment or both are the usual penalties for publishing articles contrary to these restrictions, but seizure and suspension of the publication may result, depending on the gravity of the infraction.

In ordinary cases a hearing must be called by a minister of the government before the newspaper is seized and reasons and motives for the act be decided on. But when the situation requires urgency, the seizure can be ordered, independent

of a judicial order, by the chief of police, or by a lesser political authority in the immediate locality.

In December, 1931, George H. Corey, correspondent for the New York Times, was forced to leave Brazil rather than submit to long imprisonment on false charges. Censorship on outgoing news was very strong at that time. He made out a partial list of news topics allegedly injurious to Brazil and hence forbidden to correspondents.

The list included: "All news touching internal political events. All news dealing with important changes in government personnel. All news regarding Communistic activities. All news regarding mishaps or accidents in the army or navy. All news about labor disputes or industrial troubles. All news, unless distinctly favorable, regarding the government's financial condition. All news dealing with fluctuations in exchange or declines in prices of agricultural exports. All news about unemployment. News regarding natural catastrophes (floods, drought, etc.) which might be considered injurious to Brazil."

To impute vices or defects without specific facts so that a person is exposed to hate or deprecation of the public means a fine up to \$5,000 or three months to a year in prison. When the calumny or injury is published under the forms of "alleged," affirmed" or "appeared," or other similarities, it is considered as an idea expressed by the responsible editor of the publication.

Publication of the following news is not considered a crime, states Article 25: "Reports of debates in assemblies or legislatures; court decisions allowed by the courts or any court orders; sentences or official communications; the discussion and criticism which aims to pave the way for reforms of interest to the public, when manifested without offense; the criticism of laws and demonstration of their inconvenience when made without intention of inciting disobedience in so doing."

CHILE

Freedom of the press is guaranteed by the constitution of Chile but here again the "state of siege" sometimes means censorship. As a general thing, however, the government may be criticized quite freely providing there is no advocacy of anything faintly resembling Communism. The law of June 24, 1932, regulates the press now.

The preamble of this states: "Considering that we do not have in our country adequate legislation to repress the delinquencies which tend toward the destruction or perturbation by means of violence of the existing social order, aimed against basic institutions such as the organization of the family, of property, the administration of justice, of public education etc. it is decreed etc."

"Any person who puts in print doctrines which tend to destroy by means of violence the social order of the political organization of the state, will be considered an enemy of the republic." Penalties shall be imprisonment, and fine or minor exile. Most of the decree is apparently directed against Communism or terrorism.

Article 12 states: "If a state of siege has been decreed in the republic, while it lasts, crimes will be judged by the military tribunals as in time of war." Juries

in Chile have been very lenient in their decisions in the relatively few proceedings that have occurred through abuses of the liberty of the press.

On Jan. 3, 1934 Chile, as well as Argentina and Uruguay established rigid censorship owing to revolutionary plots in the states. Only official dispatches could be transmitted. Ordinarily criticism of public measures and public acts in Chile is freely permitted.

BOLIVIA AND PARAGUAY

Newspapers in Bolivia have had to be very careful what they print about the government. During the Gran Chaco war between Bolivia and Paraguay there was a continuous censorship of all newspapers in Bolivia maintained by the general staff of the Bolivian army. The primary power for this censorship is to be found in Articles 10 and 11 of the law of January 19, 1925. Even without a state of war these provisions would have made a strong control of news possible.

They read: "Writings aimed to disturb, to overthrow, or to induce to overlook the provisions of the constitution are unlawful.

Article 11: "It is against the social law for writings to compromise the existence or integrity of the Nation, to expound a foreign war, to tend to disturb the peace and public order, or to incite or support commotions or disobedience to the laws or authorities, or to provoke the perpetration of a crime or to be obscene or immoral."

The general staff has frequently refused authorization for the publication of articles, and newspapers have occasionally been issued with blank spaces captioned: "Prohibited by the censor." It has also closed newspapers. It temporarily suspended the publication of "La Republica" organ of the Republican-Socialist party in August, 1935. The general staff gave no explanation for its action but it was generally believed to be on account of an attack on the president. This same opposition paper was again suppressed on Dec. 1, 1935 and has not been permitted to appear since. The government had not rescinded the state of war in the spring of 1936 and special war regulations, such as censorship, were still in effect.

The press law, however, permits what it terms fair criticism. Article 12 states: "A crime is not committed when the defects of the constitution or of legislative acts are stated with the object of making known errors, or the necessity for reform, provided they do not contain offenses of another nature."

Secrecy in matters of the press is held inviolable. The editor who reveals the identity of an anonymous writer without a summons from the proper official, is liable to punishment under the penal code.

Just what constitutes publication is told in Article 7. It reads: "There is no crime of the press without publication. Publication is understood to exist when three or more printed copies are distributed, or have been read by five or more individuals, or are put on sale, or posted or sent through the mails."

In Paraguay there is censorship only during war or when the country is declared to be in a state of siege. This has happened rather frequently in the last few years. There is no separate body of law governing the press in this country. The Paraguayan constitution says in Article 24: "The freedom of the press is inviolable, and no law shall be enacted that limits this right in any way. Crimes of the press may be heard only before juries, and in cases caused by publications in which the official conduct of public employees is censored, proof of the deeds is admissible."

ECUADOR

The police code of 1923 referring to libel, slander and similar offenses, is the only special press law used today. Certain of the more serious press infractions possible would come under the general penal code. A military dictatorship has been in control of the government of Ecuador since the fall of 1935. One of its first acts was the suppression of the opposition press; hence the other newspapers are very careful what they say in criticizing the government. The constitution guarantees freedom of the press, but the present censorship has made it largely null and void. On the other hand only occasionally do the authorities suppress the small weekly newspapers which thrive on slanderous attacks against individuals.

After the newspaper, *Plus Ultra*, silenced early in 1936, received permission to resume publication the editor said some of the objectionable articles had been used without his knowledge. The government minister warned him he must assume responsibility for everything in his paper.

PERU, URUGUAY, COLOMBIA AND VENEZUELA

Peru modified its press law of 1823 in 1930, bringing it more into line with that of other South American countries. Censorship here is sporadic, sometimes lasting over a considerable period. All editors are responsible for sending to the political authority of the district, to the local attorney for the courts, and to the public library, a copy of every printed document published and, in Lima, an additional copy must go to the department of government. Article 13 states: "The Department of Government shall keep a file of all newspapers and other enterprises for printing or publicity, together with data on incitement to homicide, robbery, fires or crimes against public utilities." For violation prison up to a year and a maximum fine of \$115 are provided.

Limits of the liberty of the press are set by Article 6 and include abuse by publishing doctrines the object of which is to raise a rebellion or produce a disturbance of the public peace or by direct incitement to disobey any law or lawful authority.

On August 17, 1934 the Peruvian assembly voted confidence in the government after the minister of the interior had suppressed Leftist newspapers. During the summer of the same year censorship prohibited outgoing dispatches on reported

port strikes and stopped all incoming news of strikes and other labor troubles in all parts of the world.

One curious provision of the old law of 1823 was that the authors or publishers of printed publications described as obscene were liable to a heavy fine. If they are unable to pay this they were required to inter corpses in the cemetery for four months.

The censorship situation is somewhat similar in Uruguay. Here the press is controlled, not by special decrees or laws, but by the general criminal code. Most severe of these provisions is that leading to suppression.

"If the responsible editor commits a crime (such as provoking unjustifiable public alarm) and is convicted for it three times in the same year his legal permission to print a paper shall be revoked. And if the new editor is also convicted for a crime through the abuse of the use of the press three times in the same year, the judge shall close the newspaper for a term of not more than six months."

Strict censorship was established in Uruguay in December 1934 when revolution appeared imminent. Only news favorable to the government was allowed to be sent out and this news failed usually to tell the whole truth. Censorship is sporadic, however, and not in harmony with the constitution of the country.

The laws limiting the freedom of the press are not particularly severe in Colombia. A copy of each issue of a paper must be sent to the prefect, however, technically for purposes of censorship and suppression.

Venezuela has no special press laws, the constitution guaranteeing freedom of the press; but the ordinary Penal Code is applicable. The local press is prohibited, however, from publishing anything pertaining to Bolshevism or Communism. It is significant that observers say there are seldom editorials or editorial comment in the local press. That can only mean that editors there have learned better after harsh treatment at the hands of a dictator-ruled government. All United States newspapers carrying stories in any way descriptive of Communism were barred from Venezuela in 1935.

Under the Gomez regime, which was a dictatorship, there was no board of censors and no rules by which an editor could decide what he could or could not print. An editor never knew when the government might pounce on him for something he printed. This discouraged political news of all kinds and even resulted in little local police news being printed.

After Gomez's death a board was set up and editors could determine in advance what could be printed. Then Gen. Felix Galavais came into power and restored the old order in so far as the press was concerned. On Jan. 6, 1936, the Caracas Libertad was forced out of business. Finally the combined newspapers of Caracas issued a manifesto which denied that censorship is a right of the government, recalled the duty of the press as a critic and public watchdog and stated the impossibility of doing so when regulations prohibited personal allusions and criticism of the authorities. The signers refuse to continue publication.

Public support of the newspapers' stand was immediate. General strikes followed. On Feb. 14 a mob charged the government palace demanding the restoration of constitutional guarantees of freedom of the press. Police fire killed five persons. Galavais' dismissal followed and the newspapers resumed publication, after three days. Editors were outspoken in the use of their new freedom but strove to be fair as evidenced in the treatment of a statement in defense of an ousted official.

PANAMA

With a few exceptions the press in Central America is less restricted in what it may print than in many parts of the world. Most liberal in this respect are Panama, Guatemala and Costa Rica.

The first two articles of the press law of Panama prohibit previous censorship of news or opinion and permit criticism of official acts of public officers. An added dignity is given to the profession of journalism by Article 21 of the 1936 law.

It reads: "Proprietors of newspapers must provide their employees and reporters with notes of identification and the political authorities must recognize these notes and must grant to the holders those guarantees and facilities necessary to the exercise of their work."

Of interest also is Article 22: "Ideas shall not be punishable if they are of religion, philosophy, politics, science or of whatever inclination. Consequently it will not be possible to persecute the propaganda which it may be feared these ideas involve. Nevertheless, foreigners cannot make use of the press to intervene in partisan political debates in this country."

EL SALVADOR

The San Salvador local press, in January 1935, was relieved of the censorship which required official approval of all matter before the printing of each issue of a newspaper. The publishers agreed to publish nothing which would disrupt international harmony or interfere with constituted authority. A plan of cooperation between the press and the government for the good of the country was put into effect. Previous to this agreement three papers had been suspended within a year.

COSTA RICA

As stated in Part I the only serious violation of the press law in years were the sentences of 8 days in jail given the editors of Communist weeklies for attacking the presidents of Cuba and Guatemala, friendly governments. It was a violation of Article 8 of the law of 1934. "A minimum jail sentence or fine shall be given to whoever by publication attempts in whatever form to subvert public order or to interfere with friendly relations with any state." It was also an infraction of Article 6: "Minimum fine and arrest may be given to that person who by work, writing or actions, or in any other way, should offend a friendly nation, its ruler, or its representatives. Charges shall be brought by the attorney general."

NICARAGUA

In this country the president is given express authority in the press laws to declare a state of siege for sixty days or more and he may even suspend the constitutional order in the republic when it is found that the public peace is menaced. Ample opportunity for censorship is found in Article 42 which orders all editors to send seven copies of all matter to be printed to a government official before printing. A moderate fine is the penalty for violation.

HONDURAS

All original copy used by the press should be kept for six months, says Article 11 of the press law. This is done for the protection of the printer and editor and the court's examination when cases of libel, slander or calumny are presented. The national press in Honduras has the use of the mails freely, according to Article 22. It has also the use of the telegraph up to a maximum of 500 words for service of information or administration. In this regard the Central American press agency is considered national.

GUATEMALA

The press law is quite liberal. Most of the provisions deal with libel and slander. The government makes no attempt to control the news and any sort of censorship is rare.

CUBA

The constitution proclaims full liberty of the press here but, as in many other instances, there are exceptions. When required by the safety of the state or serious internal disorder the president of the republic is empowered to suspend Article 22 which prevents seizure of press copy and documents. The secretary of the interior then dictates such orders as may be deemed expedient for regulating the press.

During the regime of President Machado censorship was frequently applied to opposition papers which were forced to submit proofs to the government authorities for approval before publishing. To protest meant a visit from the secret police. On Oct. 26, 1935, the New York Times carried a story that the Cuban cabinet repealed the law which imposed an implied censorship of the press. This law had required that newspapers cease printing news viewed by the government as alarming and required the posting of bonds to obtain authority for publication. The Supreme Court had declared this law unconstitutional on the ground that it constituted censorship of the press; the repeal followed immediately.

MEXICO

Theoretically the press is free here and, within certain limits, criticism of the action of the government is allowed or tolerated. It is tacitly understood, how-

ever, that such criticism must be kept within bounds or suppression may result. The constitution forbids attacks upon the state and upon the social morals or private lives of individuals. Different regimes apply the law with varying degrees of harshness or liberality. Many editors have been punished for press abuses, so-called, and there is always censorship during a serious revolution. There are no special press decrees, however. In 1931 a congress of journalists met in Mexico City and drew up a proposed set of press regulations, but the Chamber of Deputies has not yet acted on them.

The government can exercise censorship through control of the telegraph system.

NEW ZEALAND

Even in New Zealand a censorship on news cables sent abroad was imposed April 20, 1932, to prevent circulation of alarmist reports concerning possible recurrence of labor disorders at Auckland. The step was taken under the postal law. Parliament had granted emergency powers to deal with such disturbances.

In the far-off country of Tibet there is only one newspaper appearing in the Tibetan language. It is published at Lhasa and its circulation does not exceed fifty copies. It is sent to leaders who call special meetings to read the news to the people.

At the other extreme to central Europe or Tibet stands the American press, by comparison wholly free from government restrictions.

APPENDIX

Complete list of countries whose press laws were available for this comparison.

Albania	Java
Argentina	Latvia
Austria	Korea
Belgium	Lithuania
Bolivia	Mexico
Brazil	Morocco
Bulgaria	Netherlands
Chile	Nicaragua
China	Nigeria
Colombia	Norway
Costa Rica	Palestine
Cuba	Panama
Czechoslovakia	Paraguay
Denmark	Persia (Iran)
Dominican Republic	Peru
Ecuador	Poland
Egypt	Portugal
El Salvador	Roumania
Esthonia	Soviet Russia
Finland	Siam
France	Spain
Germany	Sweden
Great Britain	Switzerland
Greece	Syria
Guatemala	Tunisia
Haiti	Turkey
Honduras	Union of South Africa
Hungary	Uruguay
Italy	Venezuela
Japan	Yugo-Slavia

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- No. 56. "Journalism and Diplomacy," addresses delivered by Mr. Katsuji Debuchi and Senor don Manuel C. Tellez.
- No. 57. "News, Its Scope and Limitations," addresses delivered at the twentieth annual Journalism Week at the University of Missouri, May 5-11, 1929.
- No. 60. "Missouri Alumni in Journalism," a directory of the graduates and former students of the School of Journalism, University of Missouri, compiled by Lola Anderson.
- No. 61. "Visit of the German Ambassador and the Gift From the Press of His Country," a report of exercises held at the School of Journalism of the University of Missouri during the twenty-first annual Journalism Week, May 4-10, 1930.
- No. 62. Missouri's Honor Awards, 1930; "For Distinguished Work in Journalism."
- No. 63. Missouri's Honor Awards, 1931; "For Distinguished Work in Journalism."
- No. 64. "Presentation of Stone Lions From China," a report of exercises held at School of Journalism during the twenty-second annual Journalism Week, May, 1931.
- No. 65. "Deskbook of the School of Journalism," eleventh edition. Revised, 1932, by Prof. T. C. Morelock. (Price 25 cents.)
- No. 66. "Some Observations on the German Press," by Dr. Walter Williams, dean of the School of Journalism and president of the University of Missouri, on the occasion of a visit to Germany in 1932 under the auspices of the Carl Schurz Memorial Foundation.
- No. 67. Missouri's Honor Awards, 1932; "For Distinguished Work in Journalism."
- No. 68. "Struggle in Europe for the Freedom of the Press," by Walter Williams, dean of the School of Journalism and President of the University of Missouri.
- No. 69. Missouri's Honor Awards, 1933; "For Distinguished Work in Journalism."
- No. 70. Missouri's Honor Awards, 1934; "For Distinguished Work in Journalism."
- No. 71. Journalism Alumni Directory.
- No. 72. "Deskbook of the School of Journalism," twelfth edition. Revised 1935. (Price 25 cents.)
- No. 73. Missouri's Honor Awards, 1935; "For Distinguished Work in Journalism."
- No. 74. Statutes of Missouri Relating to Notice by Publication in Newspapers.
- No. 75. In Memoriam: Walter Williams: 1864-1935.
- No. 76. Missouri's Honor Awards, 1936; "For Distinguished Work in Journalism."