

CHARLES R. EISENDRATH

**BETWEEN
WATERGATE
AND THE GULAG**

**THE FRENCH PRESS AND POLITICS
1970 – 1985**



UNIVERSITY OF MICHIGAN LIBRARY

Between Watergate and the Gulag

Between Watergate and the Gulag

The French Press and Politics, 1970–1985

Charles R. Eisendrath

Ann Arbor
Maize Books
2022

Copyright © 2022 by Charles Eisendrath
Some rights reserved



This work is licensed under the Creative Commons Attribution-NonCommercial-NoDerivatives 4.0 International License. To view a copy of this license, visit <http://creativecommons.org/licenses/by-nc-nd/4.0/> or send a letter to Creative Commons, PO Box 1866, Mountain View, California, 94042, USA.

Published in the United States of America by
Michigan Publishing
Manufactured in the United States of America

Cover by Carl Lavigne

DOI: <http://doi.org/10.3998/mpub.12391378>

ISBN 978-1-60785-749-5 (paper)

ISBN 978-1-60785-750-1 (e-book)

ISBN 978-1-60785-751-8 (open access)

An imprint of Michigan Publishing, Maize Books serves the publishing needs of the University of Michigan community by making high-quality scholarship widely available in print and online. It represents a new model for authors seeking to share their work within and beyond the academy, offering streamlined selection, production, and distribution processes. Maize Books is intended as a complement to more formal modes of publication in a wide range of disciplinary areas.

<https://www.maizebooks.org>

*To the old Time Inc., before it needed to merge with
anyone, a great news organization that positioned
me to study the press of other countries while
reporting them. And to the University
of Michigan, which gave me the time,
tools, and impetus to understand
what I had learned.*

Contents

Foreword ~ xi

Acknowledgments ~ xix

Introduction: La Politique and La Presse ~ 1

The Vocation of Revolution ~ 7

The Question of Trust ~ 16

PART I: STATE LAW, STATE MONEY

Chapter 1: Surplus Freedom and the Law ~ 21

The Dictates of Law ~ 23

Perceptions of Freedom ~ 34

Chapter 2: State Aid and State Intervention ~ 42

Publishers and the State ~ 45

Indirect Subsidies ~ 47

Direct Aid ~ 48

Origins ~ 50

Agence France Presse ~ 56

PART II: THE WORLD ON TRIAL

Chapter 3: *Le Monde* and French Society ~ 61

A Suit without Precedent ~ 61

Le Monde and Universal Influence ~ 64

Chapter 4: The Government Goes to Court ~ 73

Peyrefitte's Spring Offensive ~ 74

The Autumn Assault ~ 82

Chapter 5: The Public Record ~ 88

Chapter 6: *Dramatis Personae* ~ 97

The Plaintiffs ~ 98

The Defendants ~ 107

Backstage Maneuvers ~ 111

Government Thinking ~ 114

Chapter 7: Results and Conclusions ~ 117

PART III: *LE CANARD ENCHAÎNÉ*

Chapter 8: Media Discount in a Chained Duck:

A Portrait with Tax Return ~ 131

Media Discount Theory ~ 131

Appearance ~ 133

The Prime Minister's Taxes ~ 134

Chapter 9: Under Georges Pompidou:

Telephones and a Fatal Case of "Flu" ~ 139

Le Watergaffe ~ 139

Response ~ 143

President Pompidou's Fatal "Flu" ~ 145

Chapter 10: Under Giscard d'Estaing:

A Murder, a Suicide, and a Gift of Diamonds ~ 148

De Broglie and Boulin ~ 149

Le Giscarat ~ 156

Chapter 11: Structure, Policy, and How They Got That Way ~ 168

Structure ~ 169*Editorial Policy* ~ 171*Legal Strategy* ~ 172*Origins* ~ 173

PART IV: *LE GREENPEACE*:
A NEW TASTE FOR FACTS

Chapter 12: A New Taste for Facts ~ 183

Confusing Politics ~ 183*Journalistic Identity Crisis* ~ 185

Chapter 13: The Break: New Actors on Stage ~ 189

In Chorus, but Softly ~ 190*The Politics of Silence* ~ 194*The Blast of August 27* ~ 197

Chapter 14: The Third Team ~ 199

Le Monde's Break ~ 199*The Pack in Full Cry* ~ 203*New Style of Government Response* ~ 205*Mutual Admiration Society* ~ 207*A Curtain Call* ~ 210

Chapter 15: Watergate or Waterloo? ~ 213

Hunters and the Hunted ~ 213*The Political Equation* ~ 215*A French "Woodstein"? ~ 217**Big Play* ~ 219*A Managed Scoop* ~ 220

Chapter 16: What Had Changed? ~ 223

The Watergate Legacy ~ 223*A Lesser Standard* ~ 224*The Demonstrable Change* ~ 226

Notes ~ 231

Bibliography ~ 247

Foreword

First, a little story about the name of this book. I wrote the individual chapters as articles for peer-reviewed publications in the 1970s and 1980s. The title in my mind's eye was the one it carries in this edition. Between the 1991 final compilation and the present, however, it was *Free within Limits: The French Press and Politics, 1970–1985*. I was new to academe. Academic counselors advised that this sounded more, well, scholarly, and therefore more inviting to tenure and promotion committees. That was fine with me: both reflected how I perceived the French press in that period. That is, quite unfree compared to the American model. I was a Paris correspondent for *Time* magazine with recent Washington experience. Off duty, I would proudly expound on the achievements of American journalism in the Watergate era, urging French audiences to work toward emulating US free expression.

A generation later, so much changed that if I were now (in the first quarter of the 21st century) to choose a name for a similar study, the title might well be *Free within Limits: American Press Practice Becomes More French, 2005–2020*. Finding that clumsy, I returned to where I had started and reexchanged scholarly aura for specificity. After all, the Watergate scandal and the gulag prison galaxy were antipodes of the free expression equation throughout period.

That the main text was written in the form of articles to be published in academic publications accounts for its style and tone, which was far

from my journalistic style. I have not amended it, nor attempted to edit out assumptions I held in the 1980s that would be quite different today. Similarly, some references to the Soviet Union have been left in the present tense, others historically adjusted, depending on the sense of the passage. Where comparative monetary equivalents would suffice to suggest meaning, I have eliminated changeable currency rates. Finally in this vein, unless otherwise indicated, all translations are my own.

Comparing press freedoms in France and the US makes an interesting bilateral study. The two systems began at nearly the same historical moment, during revolutions triggered by Enlightenment philosophy within a decade of one another. The resulting advances in free expression were then codified in nearly identical documents produced at roughly the same time. Article 11 of the French Declaration of the Rights of Man and Citizen (1789) provides free expression “except in the abuse of this privilege . . . in the cases determined by the law,” while the First Amendment to the American Constitution (1791) states, “Congress shall make no law abridging freedom . . . of the press.” The differences might seem a semantic hair waiting to be split by scholars. By 1970, however, a vast legal chasm had opened.

By and large, the American Congress had indeed made no such laws permanent, though stringent provisions came and went with the national paroxysms of the Civil and World Wars. In France, however, succeeding empires and republics bequeathed a system in which defamation statutes further circumscribed freedoms also compromised by state structures. For example, government representatives served on the committees granting press cards (with their tax deductions and other privileges) and state financial aid (with its implied threat of withdrawal for perceived misbehavior). The state even had a say about which publications could buy newsprint and how much of it.

American libel law had come to strongly favor free reporting about government and other well-known figures. The more familiar they were, the more difficult to win a case against the media. Not only must they prove the facts of the case wrong and demonstrably damaging; this class of plaintiffs must also prove “malice,” meaning that the falsifications were published knowingly. The more public the figure,

the less protection US law provided. French law cut the other way: the more known or highly ranked, the narrower the shield and stiffer the sentences.

There were statutes prohibiting “hate speech,” a term little-known in American press law at the time. Reporting *anything* that happened in “exempted” historical periods such as the German occupation required special care. Nor must an “offense” by a journalist at a public event even be journalism—a rude gesture itself could be legally actionable. The most Never-Neverland aspect to American sensibilities: in defamation cases, journalists entered the courtroom *presumed guilty*, the precise opposite of American practice.

I had a personal brush with all this while running *Time* magazine’s Paris bureau. The managing editor had ordered up a “crash” cover story, meaning the equivalent of a short book produced on tight deadline, about the Nixon administration’s war on drugs. The package would include a sidebar on a supposed “French Connection.” A film with that title, starring Gene Hackman as an obsessed New York cop, had been a smash hit, and the FBI, French police, and Interpol had been working on this connection for years. However, none found a definitive answer. We would have a week to put the story together, too little time for serious digging. So I hired an expert: a *le Monde* reporter thought to know everything about the French drug trade but unable to publish it in France’s constricted system.

He delivered: after exported French Mirage fighter jets were offloaded in Beirut, the empty containers were repacked with raw opium onto ships bound for Marseilles. Their contents were then refined at *labos* in the hills nearby and the heroin released to the drug trade in a system run by corrupt French officials. “Voilà,” I thought; end of story.

But the story behind the story was just beginning. Our reporting directly implicated the French state in criminal trafficking, albeit without naming names, and the state responded, striking close to home—in fact, within our own office’s nerve center, the Telex room, where files from across Europe, the Middle East, and Vietnam were relayed to editors in New York. Its chief summoned me to deal with an emergency. “Non,” he said simply, his crew would not—could not—send the file

about the *labos*. That identified him as the undercover agent reputedly attached to, and charged with, monitoring reports inimical to the French state. That came as quite a shock, made worse by something I did know—that the French system made it a practical impossibility to fire or replace someone in such circumstances. So . . . I telephoned *Time*'s London bureau and dictated the file. Again, problem solved—or so I thought. Not so.

A call from the American embassy from someone saying he represented a mysterious office that neither I, nor anyone contacted later, had ever heard of, reported the likelihood of a bomb in our office and suggested that the bureau be cleared, effective right then. I ended the working day for our small staff and took home everything assembled for the “French Connection” sidebar. By then, office phones had adopted the odd sounds of France's then-clumsy bugging system, installed by Nazi occupiers and unimproved since the 1940s. The same appeared on my home phone.

We never learned whether a bomb was found. A week or so later, American narcotics agents I had invited to a debriefing lunch (they were not happy with the story) rose to firmly escort me by both elbows to a neighboring table to “introduce” me to the four unsmiling men seated there. “This is what Mr. Eisendrath looks like,” said the American agents. And who might these menacing-looking characters be? I asked. “Two are ours; two are theirs.” It was an introduction to what some free press “limits” felt like and raised the question of American complicity.

While the standing and freedom of the French press suffered, the prestige and power of the US counterpart had reached an apogee. In 1967, the *New York Times* defied direct government threats to publish the top-secret Pentagon Papers. The *Washington Post* followed suit by breaking “Watergate,” a series of stories leading directly to the resignation of President Richard M. Nixon in 1975, a first in American history. In newspaper form, it won the Pulitzer Prize for public service. *All the President's Men*, the David and Goliath / Humpty Dumpty account by two young reporters who prevented the Nixon presidency from putting itself together again after their revelations, remained a best seller for months. The film won Oscars. Perhaps most importantly, regional

and even some local organs launched related investigations of their own, sending a clear signal to politicians that they were being critically watched in their home constituencies, where it mattered most.

Nothing remotely comparable happened in France, where a highly concentrated newspaper press tamed by a utilitarian obligation to please all sides was broadly regarded more as a kiosk than a check on political malfeasance. True, various publications favored and critiqued diverse factions, but none dared challenge the system itself. That is, except for an odd reincarnation from royal times, a journalistic court jester called *le Canard Enchaîné*, or “chained duck,” *canard* meaning both the bird and a disreputable newspaper. *Le Canard* broke major stories in joke form on a front page festooned with silly cartoons. It was permitted to tell truth to power because, by definition (with quintessential French irony), this most serious of investigative journals was “not serious.”

One result: Where Americans relied on their favorite media to provide “the news,” by which they meant all the news in a balance they trusted, French audiences knew the news they turned to first was only part of the story. For the rest, they sporadically consulted other parts of a partisan press and got the most serious revelations in satirical form.

By 2019, the COVID-19 outbreak revealed a 180-degree shift in the US. Americans had adopted the French approach, common across Europe, happy enough to stick with their own version of a journalistic spectrum that ran from denial to panic. Gone was the single, reassuring voice of a Walter Cronkite or, for that matter, a faith in objectivity, even as a goal. Cronkite himself was known as “the most trusted man in America,” but others shared his approach and prestige. Their place in television ratings and balance as an objective had been supplanted by partisan “opinionators” who wrote and ranted across the internet and, most loudly, cable news.

How did this happen? By the turn of the 21st century, American “culture wars” and the strains of international terrorism had supplanted domestic politics or even conventional warfare as constraints on free reporting. National divisions and mistrust from the Vietnam era morphed into a loss of the “we’re all in this together” spirit inherited from the Greatest Generation of World War II. Distrust of government

extended to suspicion of authority in general, experts of all kinds very much included.

So too “political correctness,” a belief in freedom *from* free speech, had increasingly limited public discourse in the US in ways long familiar to France, which is perhaps the reason why it was resisted much more strongly there. For example, while a broad swath of Americans cheered denunciations of movie mogul Harvey Weinstein, superstar Catherine Deneuve led an A-list of French women in a letter castigating “American Puritanism” and defending as natural and harmless male behaviors that in the US would put them out of a job or even in prison, unthinkable in the 1970–85 period.

That was nothing, however, compared with what happened at *Charlie Hebdo*. By then, *le Charlie*, more provocateur than court jester, rivaled *le Canard* in influence and was hungry for more. This included publishing—or rather republishing—a cartoon first seen a decade earlier in the Danish daily *Jyllands-Posten* and freely available on the internet. It depicted Mohammed with a bomb in his turban, fuse sparking.

At 11:30 a.m. January 7, 2015, the culture war bomb symbolized by the cartoon exploded in a fusillade that left seven dead at *le Charlie*’s offices. The debate in Western media about self-censorship and “sensitivity” fell into a paroxysm of self-accusation on both sides. Was it more important to defend free comment by practicing it or to be sensitive to religious beliefs by describing the image instead of *showing* it? Would it be responsible to publish an incendiary image that might lead to violence against reporters and editors? While it would be reasonable to assume that the ubiquity of the image would render the issue moot, it most assuredly did not. In France, mobs of thousands, then tens of thousands, demonstrated in Paris and across the country with placards reading “I AM *Charlie*.”

Just as nothing remotely similar to the public support for investigative journalism inspired by Watergate had happened in France a generation back, this time it was in America that public support of media speaking truth to power had withered. Although liberal in many respects, the administration of Barack Obama proved highly restrictive in criminally prosecuting journalists for alleged use of confidential

materials. Often using the draconian Espionage Act of 1917, it brought more cases against alleged leakers than all those before it combined. Polls ranked journalism near the bottom in prestige.

By then, the erstwhile powerful of news organizations had been seriously weakened. Nearly overnight, Craigslist drew away classified advertising, a newspaper special reserve. Facebook, Google, and other online organizations sapped display ad revenue. “Legacy” newsrooms cut editorial staffs heavily, beginning in investigative reporting, the most costly to maintain. Increasingly, they partnered with journalistic hybrids like ProPublica, a nonprofit staffed by refugees from top publications who provided reporting muscle in return for mass audiences. The International Consortium of Investigative Journalists adopted a cooperative model, coordinating talent drawn from around the world. Instead of the Pentagon Papers or Watergate, each first presented by a single newspaper, its major revelations such as the Panama Papers and the Pandora Papers were the work of hundreds of journalists in dozens of countries, organized by the consortium and presented by participating news outlets.

Enter the presidency of Donald J. Trump, coinciding with both the coming of the internet age and the rise of a militant political right wing and its attendant media. Beginning in 2017, the new “leader of the free world” took to Twitter to tweet tirades against journalists as “Enemies of the People.” A large following agreed. To many, it seemed that at the very least the free press paragons of the 1970–85 era had lost their nerve or had opted to let sensitivity overrule traditional notions of journalistic responsibility.

Among major print broadcast and cable news outlets only one, the *Washington Post*, ran the *Charlie* cartoon, leaving other audiences with about as good a grasp of its power (or lack of it) as word descriptions of the *Mona Lisa*. The *Post*’s editorial page editor’s explanation—that “seeing the [cartoon] will help readers understand what this is all about” would have seemed a non sequitur in the 1980s. Two decades later, it was widely perceived as borderline reckless. It fell largely to online editors to show the image as part of their ordinary duties to their publics.

That dramatic exercise of self-censorship along the lines practiced for many years in France may have been sufficiently jarring to be a turning point in American media. By 2017, the *Washington Post* had a new owner and added a subhead to its banner: “Democracy Dies in Darkness.” Would it now stand up as *le Charlie* did? If so, would the public follow in, say, 2020–35?

Acknowledgments

This book resulted from twin fascinations with freedom of the press and France, probably in that order. Until *Time* magazine gave me a chance to explore the latter in exercise of the former, I had not understood the relation of one to the other. A stint in Paris as correspondent and acting bureau chief from 1970 to 1973 gave me the familiarity of a working reporter. That perspective proved invaluable when I returned as an academic researcher in 1978, 1980, 1982, 1983, and 1985.

In France, a number of people contributed more to the understanding—and the book—than they are probably aware. Some, indeed, are not even cited by name. But my fond appreciation as student goes to a group I will list in alphabetical order: Pierre Albert, Francois-Xavier Alix, Claude Angeli, Francis Balle, Denis Baudoin, Dominique Borde, Olivier Chevrillon, Hervé de Carmoy, Pierre Deyon, Rolland Dumas, Robert Escarpit, André Fontaine, Roger Fressoz, Françoise Giroud, Claude Imbert, Jacques Jacques-Francillon, Serge July, Georges Kiejman, Jean-François Lemoine, Bernard and Philippe Meaulle, Sam Pisar, Michel Tatu, Olivier Todd, Nadine Toussaint, Jean-Jacques and Jean-Louis Servan-Schreiber.

Acknowledgment also goes to *Time*, and specifically to the Paris bureau, which kindly lent support to my scholarly vocation long after I had left: Jordan Bonfante, Bob Simon, Claire Senart, Pat Rogereau, and Pierre Benoist.

At home, the late and much-missed Wilbur Schramm gave me the benefit of first reading. William E. Porter provided encouragement and the example of his *Italian Journalist*. I was blessed with able research assistants *seriatum* in Ann Arbor and Paris: Marion Lacombe, Pam Schirmeister, Peggy Pollack, Sophie Roquelle, Steve Rosoff.

Portions of chapters concerning “Surplus Freedom” and state aid to the press appeared previously in the *Journal of Contemporary French Civilization*, which allowed me to proceed, with help from the Howard R. Marsh Center in the Department of Communication at the University of Michigan. Primary support from my Michigan faculty colleagues resulted in an enabling grant from the Horace R. Rackham Graduate School, supplemented by the German Marshall Fund and the Earhart Foundation.

Ann Arbor, 1989

INTRODUCTION

La Politique and La Presse

The relationship of press to politics is never easy and seldom boring, even in a period of abnormal normalcy such as 1970–85 in France. As it began, the Fifth Republic, proclaimed at the brink of a threatened coup d'état in 1958, had survived the quasi-revolution of 1968, which the French, to reassure themselves, euphemistically called “The Events of May.” It had even withstood the departure of Charles de Gaulle.

During the 15 years under study, there were no revolutions nor even “Events.” The most dramatic domestic development brought Socialists and Communists to power in a structure designed by conservatives, for conservatives. But experience belied dire forebodings; elections removed the leftist cabinet as smoothly as they had brought it to power. Abroad, France fought a war, but without having to admit it—an occasionally significant, rarely discussed police action in Chad. Dramatic times often produce distortions in the relationship between political and journalistic power. The altogether placid nature of the period makes it ideal for analyzing the world's oldest continuous system of indirect control of the press.

Since the revolution of 1789, two empires, one restoration monarchy, an occupation puppet regime, and five republics have equipped the

French with considerable experience in dealing with critical journalists. But even without the political stress characteristic of modern French history, 1970–85 added remarkable—and instructive—chapters.

Near the beginning, the government felt it imperative to install eavesdropping devices in the offices of the weekly *le Canard Enchaîné* even though paradoxically the publication was dismissed at the time—and still is—as unworthy of being taken seriously. A few years later, another administration brought unprecedented legal action against *le Monde* (The World), then the unquestioned paper of record and journalistic moral arbiter of national discourse. Yet at what should have been the moment of truth, the case was dropped. The end of the period brought something new: American-style investigative reporting so dramatic a departure that many called it a French Watergate. But instead of a denouement by the press, *l'affaire Greenpeace* closed with a manipulation by government.

Watergate and other instances of what is often seen as defiance of central political authority are made possible by a unique information system. It applies 18th-century laissez-faire market theory to the exchange of news with a fundamentalist zeal long departed from the buying and selling of other goods and services. Contemporary economics has brought a “mix” of free, regulated, and state-owned enterprise in the US, as in the rest of the industrialized world. News, however, remains in the palm of Adam Smith’s “invisible hand,” supposed to lead individual self-interest toward collective benefit, in this sense by informing citizens well enough to govern themselves wisely.

So strong is this ideological devotion that even the strictly business aspects of newspapers and magazines remain nearly entirely free of government involvement, the only exception being the Failing Newspapers Act, granting exemption from antitrust laws under certain circumstance. Even reduced postal rates utilized by many publications are not specifically for the press but rather for any use of “bulk mail.” In this matter, the US, famous for its pragmatism in other areas, is just as doctrinaire as the USSR.

France permits the egalitarian spectacle of journalists hounding a president from office no more than it tolerates totalitarian gags. While

far more merciful in its scrutiny, the French press is also less predictable than its American counterpart because it operates within a system in which a philosophical commitment to free speech collides head-on with a restrictive notion about the role of the press.

In the US, journalists often define truth as “objectivity,” “balance,” or “fairness,” all of which are meant to encompass varying and even opposing versions of reality. But in France, journalism traditionally has been expected to bring not the whole truth but rather a politically and often personally colored aspect of it. Nor is journalistic truth considered an absolute. Instead, as summarized by a senior leading journalist, “We regard the value of truth as hierarchical: more important than some things, less important than others.”¹

In the US, the press is viewed as a powerful instrument of social control in providing a check on political power. Structural underpinnings are clear. In France, where the press is judged less important, both its constitutional fabric and social role are less well-defined. French journalists often call the Fifth Republic “la Monarchie”—and with reason. The legal, economic, and social structure of their profession had become a hybrid of authoritarianism and liberty. It is the sort of mixed characteristic of 19th-century limited monarchies, in which the crown retained the ability to threaten the press economically or suppress it legally but could afford to do so openly only rarely because of countervailing forces in parliament and society at large. An authoritarian press commands the public; a democratic one champions its cause. The French regard their press as neither leader nor defender.

Although the range of free expression in any country varies with leadership and the times, legal structure sets the parameters. Personalities, after all, generally interpret (or amend) existing laws. The measures themselves outline the limits of repression, beginning with fundamental constitutional statutes. Comparing the US with France on this level reveals an interesting progression.

The First Amendment (1791) and article 11 of the Declaration of the Rights of Man and Citizen (1789) were not merely contemporaneous documents. Their reasoning was formulated by many of the same people, working in such close cooperation that if American executives

making corporate investments in Europe became known as the “jet set” in the 1960s, American Founding Fathers who sought first culture, then military aid in France two centuries before ought to be viewed as a “sail set.” The intellectual leadership of the revolutionary element in both nations belonged to a transatlantic mutual admiration society that was sustained by frequent visits. This was best symbolized by the drafting of the Rights of Man and the Marquis de Lafayette. This Frenchman, so well grounded in the new philosophy sweeping his country and so well-traveled in America, incorporated rhetoric borrowed from Philadelphia into the revolutionary document adopted in Paris.

Benjamin Franklin, James Madison, James Monroe, Thomas Paine, John Adams, and others regarded France as the intellectual mother country because it had produced Jean-Jacques Rousseau and other philosophes with whose Enlightenment theories they were building a new nation. Their French counterparts admired them because, beginning with the Declaration of Independence, Americans were successfully applying those new ideas. Both societies were in turmoil. The common political enemy was England; the spiritual foe, monarchy. The shared language was French, spoken fluently by Thomas Jefferson, who drafted the First Amendment months after his last visit to Paris.

His proposal, adopted with the Bill of Rights by the Continental Congress, reflected the Enlightenment view common to both sides of the Atlantic:

Congress shall make no law . . . abridging the freedom of speech, or of the press.

The provision could not have been more absolute. No law meant just that. Significantly, this had not been the case with article 11 of the Rights of Man, as adopted by the National Assembly meeting in the tennis court of the Tuileries Palace:

The free communication of thoughts and opinions is one of the most precious rights of mankind. Each citizen may therefore speak, write

and print in liberty, *except in abusing this freedom in cases set forth by the law.*²

Emphasis has been added to the last dozen words because the phrase is of great importance. It specifically allows for prior censorship. Reduced to essentials, the American fundamentalist interpretation of Enlightenment theory from the beginning permitted expression of anything, although punishment might follow later. The revisionist French version left room for situations in which free speech could be exempted from public discourse.

In a world accustomed to thinking itself aligned behind “Western” and totalitarian superpowers, it may come as a surprise that the philosophical division in terms of constitutional free speech—a key distinction—is *not* one of democracy and dictatorship. Radical departure stems from documents formulated by some of the same people from the same texts at the same time, tightly within the family of Western nations. In terms of legal definition, the models for systems of expression are not the US and USSR but rather the US and France.

In its free-press attitudes, the US stands alone and frequently isolated. Even Britain, generally assumed to be closely allied to its former colony in social philosophy, differs significantly in the regulation of information. Its laws exempt from reporting everything beyond basic docket information concerning pending litigation or *anything* government deems to threaten national security. The Official Secrets Act of 1911 authorizes peremptory arrest by “D-Notice” of any journalist about to print offending material. It is worth remembering that during Watergate, Richard Nixon sought some means of stopping the *Washington Post* on just such “national security” grounds—in vain. No machinery existed.

American ideological isolation and the suppleness of France’s real-politik approach were thrown into sharp relief in October 1980. The United Nations Educational, Scientific and Cultural Organization (UNESCO) had called a special meeting in Belgrade to vote on the adoption of a New World Information Order. Proposed two years

earlier by a commission headed by the well-known Irish statesman, Sean MacBride, and backed by Soviet-bloc and third-world nations, it urged governments who judged their development plans threatened by adverse reporting to “circumscribe the action” of Western news agencies with restrictive measures, including the licensing of journalists.

To the US, it had been a sort of ideological Pearl Harbor. There had been no awareness of an isolated position under challenge, no appreciation of the depth of opposition to something the country was accustomed to thinking “as American as apple pie” and no more threatening. Philip Power, a publisher who joined a hastily assembled US negotiating team, put it this way:

It was a disaster. We were so used to thinking of ourselves as everyone else’s model for free speech that it took a long time to realize that a free press scares the hell out of most of the world. All we could do at first was to fight a holding action.³

The issue proved so inflammatory that the US eventually pulled out of UNESCO, depriving the organization of 25 percent of its funding.

France experienced no such trauma. Although it eventually—coolly—sided with the US, nobody at the Belgrade negotiations could have missed a signal from Paris a mere two weeks later. After voting in favor of free reporting abroad, the French government initiated its prosecution of *le Monde* in an effort to silence criticism during a presidential election campaign—precisely the sort of action favored by the Soviet and third-world backers of the New World Information Order.

How did such different systems evolve from a common impulse in shared progenitors? Part of the answer, of course, is the vastly different histories of France and the US over the last two centuries: repeated upheavals and invasions in one, none in the other. Yet from their respective revolutionary beginnings, the press of the two nations assumed markedly different roles. Briefly outlining French experience in the 18th, 19th, and early 20th centuries explains a great deal about how the system operated in the period 1970–85.

The Vocation of Revolution

The distinction between the “Anglo-Saxon” tradition of a press of information, as opposed to the French-led continental tradition of opinion and belles lettres, is well known. Generally, this is argued—or perhaps assumed—upon grounds of tradition and preference. But analysis indicates there is much more to the issue. Underlying French legal structure, as will be seen, puts journalists at peril in critically reporting an enormously broad range of subjects involving personal lives, politics, military affairs, crime, public institutions, and diplomacy. In addition, a system of state aid and quasi-licensing makes “rocking the boat” unacceptable to publishers and unrewarding for reporters and editors.

These factors feed another: the issue of credibility. Compared to US counterparts, French journalists are neither well respected nor widely trusted. Given the profession’s history, this might not be surprising. To an extent unknown in any country with the single exception of the USSR—where journalists Karl Marx, Friedrich Engels, and Vladimir Lenin prepared the ground, then led the assaults on the old order—French journalism is connected to, and associated with, the cause of revolution.

From the late 18th century through the early part of the 20th, French journalism served as the central profession of revolution—not only for France but also for Europe, whose disaffected thrived in the cafés of Paris between periods of active agitation. Journalism formulated the ideas, provided the necessary new terminology and supplied many of the practitioners. Lacking such a tradition, Americans can best envisage it through reference to Thomas Paine and, more recently, Tom Hayden and the “underground press” of the 1960s and ’70s, whose revolution failed but who dramatized the need for reform. In 18th-century France and 20th-century America alike, revolutionary rhetoric mixed pornography with politics, as much as an outlet for roiling energy as for what dirty words might achieve through shock tactics.

The pivotal role of journalism was well recognized by contemporary observers. In 1789, the abbé Sieyès, a prominent member of the

National Assembly, realized that “the printing press has changed the fate of Europe.”⁴ Modern historians such as James Billington add that

the Fourth Estate in many ways replaced the First, the Church. In revolutionary France, journalism rapidly arrogated to itself the Church’s former role as the propagator of values, models and symbols for society at large.⁵

New journals sprung up proclaiming a new legitimacy, a new language, a new universality for events transforming France. The focus for all this was a remarkable Paris institution called the Palais Royal, located just across the rue de Rivoli from the Tuileries Palace, residence of King Louis XVI. But unlike the Tuileries and despite its name, the Royal Palace was neither royal in any conventional sense, nor a palace of anything but pleasure, sedition, and subversion of the ancien régime.

The only thing royal about the place was its ownership. That was of tantamount importance. Philip, Duke of Orléans, was not only sufficiently entrepreneurial to have transformed a rundown creation of Cardinal Richelieu into a maze of profitable galleries, cafés and brothels. He was also sufficiently reform-minded (nicknamed “Philip-Equality”) to appreciate revolutionary sloganeering and sufficiently royal to guarantee immunity from arrest for anyone on the premises. It was a legal loophole of considerable importance. In permitting the existence of this small reservation for free expression under the auspices of a royal renegade, the law of the Bourbon kings provided both the offices and megaphones for the forces that would overthrow it. As Billington puts it,

If the French Revolution can be said to have begun in any single spot at any single moment, it may have been in the gardens of the Palais Royal at about 3.30 in the afternoon of Sunday, July 12, 1789, when Camille Desmoulins [a journalist from Picardy], climbed up on a table and cried “*Aux armes!*” to the milling crowd.⁶

Exactly who heard that first of many revolutionary rallying cries by journalists isn’t known. Throughout the 1780s, however, clientele at

the Palais Royal had been colorful, to say the least. Outrageous porno/political sheets like *The National Bordello under the Sponsorship of the Queen, for the Use of Provincial Confederates* circulated throughout the place, to personages like Philippe-Egalité's mistress, herself "a sort of princess among prostitutes." The duke's personal secretary dabbled in pornography and wrote *Les Liaisons Dangereuses*; the Marquis de Sade opened a booth to market his books, which weren't describing anything unavailable close by, in the Palais.

From the first, journalists imprinted the revolution itself. Jean-Paul Marat was first to use the press for clear calls to violence, demanding dictatorship in his journal, *l'Ami du Peuple* (The People's Friend). René Hebert called his paper *Père Duchêne* (Father Duchêne), after a folk hero loved for earthy wisdom, and became famous for never releasing an issue that failed to include the requisite repetitions of the word *fuck*. Shock tactics stole the language itself from its intimidating aristocratic forms in ways that prefigured the revolt against bureaucratized expression during the 1960s in both France and the US. Perhaps most important, Hebert is credited with popularizing new verbal weaponry: the use of "ism" to categorize people and movements. Ultimately, his crusading format proved fatal. Robespierre silenced *Père Duchêne*'s demands for social and economic regulation by guillotining Hebert.⁷

As Billington notes, "In a highly verbal culture, linguistic shock was essential to the sustaining of the revolutionary spirit."⁸ So was theoretical ideology, which was similarly in the hands of journalists. The first known use of the word *communist* in print was part of the voluminous (250 tomes), often phantasmagoric output of Restif de la Bretonne, "the Rousseau of the gutter," defender of whores and chronicler of nighttime Paris, who openly attributed his literary output to "failing the physical satisfaction so ardently desired"⁹ and who prefigured the fascination of computer-jocks with direct composition printing by setting his own type as he composed at home, skipping the manuscript stage altogether. In Restif's work, revolutionary rhetoric and social criticism never strayed far from romanticism. After appealing to successive regimes for various forms of communal government, Restif published *Monsieur Nicolas, or The Human Heart Unveiled*, in which he condemned the

new American revolution for failing to achieve equality, argued for the abolition of private property, and suggested production goals.

What Restif formulated on nocturnal rambles, others systematized and attempted to operationalize. Months before fellow journalist Desmoulins moved the crowd from the Palais Royal out into the streets, the famous cry, “Aux armes, citoyens!” which became the opening line of *La Marseillaise*, was appearing in the *People’s Tribune*, published by Nicolas Bonneville. Bonneville contributed one significant advance toward revolt by radicalizing language in an important way. His paper began substituting the familiar *tu* form of “you” for the more respectful *vous* in reference to the king. To a population girding itself to seize its own destiny, the change had an effect similar in kind but far larger in effect to the sudden widespread reference to Richard Nixon as “Tricky Dick” in psychological preparation for impeachment proceedings.

Bonneville conceived postrevolutionary France as a “republic of letters” rather than of politics. He did not mean literature, however. Bonneville anticipated later revolutionaries by putting greater faith in journalism than politics, regarding newspapers as a more effective, enlightened avenue to social control and leadership. He represented the branch of Enlightenment thought summarized on the other side of the Atlantic by Thomas Jefferson, who wrote at roughly the same time (1787):

Were it left to me to decide whether we should have a government without newspapers, or newspapers without a government, I should not hesitate a moment to prefer the latter.¹⁰

The impulse has surfaced and subsided in American journalism, generally taking the form of an increased acceptance of investigative reporters as special emissaries for truth. In such periods—including that of what Theodore Roosevelt dubbed the “muckrakers” and, more recently, the Watergate era—ethical and even legal transgressions involving misrepresentation, trespass, theft, and state secrecy are justified in the name of higher goals.

While serving as secretary of the Paris Commune in 1790, Bonneville folded the *Tribune* and opened the *Bulletin de la Bouche de Fer* (Iron Mouth Bulletin). The image was meant to imply incorruptible revolutionary dedication in not only the words issued from the oracle but also those it took in. The *Bulletin* was an experiment in social control by journalism. Citizens were urged to communicate their concerns—and denunciations—directly to the journal, which had an iron letterbox in the shape of an open mouth. Bonneville and his editors would digest the tips, then mete out verbal opprobrium or retribution as they deemed appropriate.

In Bonneville's republic of letters, an elite "tribunal" of intellectuals writing the language of the streets would become "legislators of the universe" in place of "those pusillanimous beings" called moderates. In the revolution's early years, his "Social Circle" of reporter-savants, who emphasized collective progress over individual happiness, was distinctly more radical than the Jacobins. Bonneville attracted a large, international, and occasionally unconventional following. Thomas Paine came to help the cause, shared the attentions of Bonneville's wife in a ménage à trois, and eventually took her to America with him—all under Bonneville's blessing.¹¹

François-Noel Babeuf had been a provincial correspondent for the *Courier de l'Europe*, an international paper printed in London, before joining Bonneville's Social Circle. Developing a taste for publishing, he set up the *Journal of Freedom of the Press*, then, appropriating Bonneville's title, his own *People's Tribune*, credited with being "the first newspaper in history to be the legal arm of an extra-legal revolutionary conspiracy."¹²

In a Communist search for the disappearance of all government, editor Babeuf formed the position of Secret Director of Public Safety, using terminology and techniques that became classics in revolutionary development. "Phalanxes" of followers—a term later appropriated by Benito Mussolini—would lead the masses in directions indicated by manifestoes, beginning with Babeuf's own *Plebian Manifesto*, a direct antecedent of *The Communist Manifesto*¹³ by Karl Marx (another

journalist) half a century later. The way to end hierarchical domination, both argued, was to accept the dictates of a knowing elite—who happened to be journalists.

The 19th century's greatest exponent of raw power did not overlook the new possibilities of the press—for disorder *or* control. Of the 70 newspapers published in Paris in 1800, Napoleon had suppressed all but four a decade later, one of them the emperor's own quasi-official mouthpiece, *le Moniteur* (The Monitor). Anticipating the reaction of future French leaders (such as de Gaulle's famous remark to John F. Kennedy about the impossibility of governing without control of television), Napoleon said bluntly, "If I loosen my bridle on the press, I shall not stay in power for three months." During the period of iron repression, it was journalists who secretly tended the flame of revolution. Billington argues forcefully that

the "handful of men" who enable the revolutionary tradition to survive . . . were very different from the *dramatis personae* of most history books. They were not . . . political-military leaders, but journalist-intellectuals.¹⁴

With Napoleon's exile, the fire passed to a new generation. It remained, however, within the same profession.

But in mid-19th-century France, journalists were more than sloganeers and technicians. They were also the prophets of the intellectual combat waged through ideologies—systems of ideas designed to conceptualize history and mold the present into an instrument for shaping the future. History seemed to be on their side. Just as pressures for change were building toward the political revolutions of 1830 and 1848 in France, the chief weapon of change, journalism, was being transformed by the Industrial Revolution, centered in England. Cheap paper and steam-driven presses created a new mass medium that to contemporary French observers looked like "simply a machine of war,"¹⁵ as one put it. A young journalist-revolutionary in the 1840s went further:

A study of the French press reveals a characteristic of its own that is eminently distinctive: by the very fact that it exists, it is revolutionary.¹⁶

International journalistic terminology reflected the explosive impact. *Magazine* was borrowed from the military designation for an ammunition store, *caricature* from the Italian *caricare*, “to load a weapon.”¹⁷

Ironically, the most ultimately influential French journalist/prophet-of-the-common-man was born an aristocrat and began his seminal work while imprisoned by the groups he championed. Henri de Saint-Simon spelled out his theories that human relations could be explained and guided scientifically in *The Science of Man*, which he hoped would help end the revolution. Instead, he created a new one on a different level. He is the recognized progenitor of modern sociology as well as socialism. The first to popularize history as susceptible to change, he argued for meritocracy. His analysis of society in terms of constituent classes became central to later revolutionary thinking.

The new press was deemed central to the development and propagation of what became a religion of man, of which the guiding lights were a daily newspaper, *le Globe* (The Globe) and a weekly, *l'Organisateur* (The Organizer). Using them, Saint-Simon's followers created a national system of temples attracting tens of thousands of adherents and influencing intellectuals across Europe. “Socialism,” “socialization,” and “to socialize” entered common parlance, as well as new intellectual structures. The *Globe* was capable of both journalistic innovation and mimicry: it used free distribution to double circulation and borrowed from Bonneville's *Bouche de Fer* in using provincial correspondents as tipsters as well as polemicists.

All of this worried restoration monarch Louis-Philippe, whose government viewed the press as a “universal dissolvent.” It prosecuted 400 journalists in the same 12 months (1831–32) that the *Globe* was doubling its readership but to little avail.¹⁸

The enormous popularity of the press defied traditional controls. Alexander Dumas's serialized *The Three Musketeers* was transfixing readers of *le Siècle* (The Century) and a whole new journalistic critical

weapon—pictures—had been added to the arsenal. Honoré Daumier's drawings in the magazine *la Caricature* built class consciousness as effectively as any socialist tract by depicting the king's bourgeois supporters as overfed buffoons. In an era with literacy broadening far more quickly than access to either politics or education, journalism became a substitute for both. To one French observer in 1838, it seemed that journalism was building a new democracy by providing a forum "higher than the throne of kings and, I shall say, even the altar of the living God."¹⁹

A neutral forum it was not. Albert Laponneraye drew alienated middle-class intellectuals to communism, the new form of socialism associated with violence, using his *l'Intelligence*, published in the industrial city of Lyons. Unlike many who had come earlier and were to follow, he also managed to make a cerebral theory popular with workers. *l'Intelligence* became the acknowledged leader of the Communist movement, which was also gaining ground in Paris under a remarkable journalist name Pierre-Joseph Proudhon, editor successively of the *People's Representative*, the *People*, and the *People's Voice*. Karl Marx regarded Proudhon as his chief rival.

A crucial test of strength between government and the press was coming. By the late 1840s, technical, organizational marketing developments had stacked the deck to favor the latter. Charles Havas, a sometime newspaperman and entrepreneur ruined by Napoleon's demise, in 1832, had set up the first news agency (a full 14 years before the Associated Press). It was an immediate success. Equally important, Emile Girardin launched *la Presse* at half the price of its rival dailies, creating the basic formula for modern popular journalism. Circulation quickly shot to 200,000, a number unimaginable only a few years previously.

So formidably armed, the press marched directly into politics. It led mobs into the Paris streets against the regime of Louis-Philippe. Late in the morning of February 24, 1848, after two days of chaos, Girardin dispensed with mere editorialization and personally deposed the last French king in a face-to-face confrontation. A provisional government was being put together in the offices of another newspaper, the radical *la Réforme*, along lines discussed with journalists from *le National*,

edited by the versatile Armand Marrast. Marrast, who as a youth had helped compose the libretto for Rossini's *William Tell*, then moved on from journalism to become mayor of Paris.²⁰

With such events going on around him, it was only natural for Proudhon to base theoretical models for society on the dynamics of the newspaper office. Proudhon, by then the acknowledged journalist/prophet of revolution, had played a leading role in the upheavals of 1848. At newspapers such as the *People's Representative*, he found,

here truly was a sense of community, built around a journal designed for ordinary men in contemporary language. Physical and mental work existed in balance and harmony. Its product was for the profit of mankind rather than of some absentee owner.²¹

The same background shaped the thinking of another journalist/theorist who became Proudhon's sworn enemy.

Karl Marx, 10 year's Proudhon's junior and not nearly as well known, divided his writing between Paris and Brussels. His goals for society resembled the Frenchman's. His means for achieving them, however, differed dramatically. Marx, believing revolutionaries needed an ideology, shaped the faction of socialism that eventually triumphed in the next century's communist takeovers. Proudhon, who substituted moralism for science and dispensed with ideology in envisaging an immediate, nonviolent transfer of goods and property, became the progenitor of the anarchists who played havoc with European governments but failed to destroy them. He dominated socialist thought in France throughout the latter half of the 19th century, heavily influenced the whole Latin world, and became the central mentor for Russian revolutionary populism as practiced by Alexander Herzen and Michael Bakunin and described by Leo Tolstoy. *War and Peace* was a title borrowed from Proudhon's writing. So deep was the Marx-Proudhon schism that it remained sufficiently tender to prompt Soviet condemnations of the "New Left" of the 1960s as "a return to Proudhonism."²²

The by then well-established tradition of journalistic leadership of leftist agitation continued strongly in the 20th century. Fernard

Pelloutier became leader of the Labor Market-Exchange (*Bourse de Travail*) movement, capturing workers' imaginations with a theory of general strikes. The idea—as well as the movement—was absorbed by the *Confédération Général de Travail*, the communist-led organization that remains France's largest labor union. At Pelloutier's death, another middle-class journalist named Emile Pouget carried on the work in formulating a method for paralyzing modern industrial states by seizing their communications systems.²³ It became classic revolutionary—and counterrevolutionary—strategy.

Ironically, the most successful of France's early 20th-century journalist/radicals sold out the legacy. Georges Clemenceau had made himself the preeminent politician of *la Belle Epoque* by broadcasting his views in a succession of leftist newspapers. *L'Aurore*, for example, published "J'Accuse," Emile Zola's famous condemnation of the government's prosecution of the Dreyfus affair. But as Clemenceau held increasingly responsible political posts, and as World War I approached, the former crusading journalist drifted so far to the right that by the time he launched *l'Homme Libre* (Free Mankind) in 1913, he—and the paper—had become staunchly militarist. The stance fit the times. Elected prime minister, Clemenceau tightened censorship as a means to French victory in 1918. Immediately after the Armistice, he dispatched his leading general, Marshal Ferdinand Foch, to crush the Bolshevik revolution in Russia.

Unlike the leftist cohort's leading role in revolutionary politics, the imperialist wing of the French press simply followed the custom of the times. *Le Figaro* led the chorus of support for the Crimean and later Franco-Prussian wars, followed by a Paris press that popularized a new term for blind patriotism. Nicolas Chauvin was a vaudeville character who in skits unquestioningly followed Napoleon I to ruination.²⁴ *Chauvinism* soon entered the languages of Europe.

The Question of Trust

Above all else, the politics of the press relates to the issue of trust. Can audiences believe in—rely on—what publications tell them? The

question demands a tracking of journalistic performance against history, a comparison of reporting and polemic experience as lived by journalistic consumers. Here, French experience is unique. Throughout the introductory period of mass journalism, the press led not only domestic but also international causes. More importantly, those causes were most often lost. Revolutions were thwarted and/or crushed. Beginning with the Anglo-French invasion of the Crimea in 1856, wars were disastrous. Even World War I, which brought the only clear military victory, was fought on home soil, staining it red while bleeding the country white. Northern France was pulverized. Another full generation of French males did not come of age until the 1970s.

The contrast of reality to the censored reports and hortatory bombast of the press bred a cynicism only intensified in the “between wars” years of the 1920s and 1930s. It was a period in which the left-right polarization of France was intensified by a press whose unscrupulousness earned it a reputation for venality unmatched in the Western world. By the time German forces invaded in 1940, the publishers of many of France’s largest newspapers openly favored fascism as the last bastion against Communism. Residual resentment of this journalistic sellout was written into the ordinances of 1944, published by de Gaulle’s provisional Free French in Algiers. They provided that no newspaper that remained in publication during the Vichy takeover would be permitted to use its prewar name.²⁵ That explains the preponderance today of newspaper logos prefixed with “The New,” or “The Liberated.”

Only with the establishment of *le Monde* after the war did anything resembling a balanced journal of serious public discourse appear. And although it quickly began playing the role familiar to other papers of record, the whole process of creation had a characteristic French twist. *Le Monde* did not emerge triumphant from the rigors of competitive selection. It was imposed from above by de Gaulle in the tradition of Napoleon and *le Moniteur*.

An analysis of the French press *system* is an exercise in evaluating the experience of democratic impulses and authoritarian structures. Any Western society is susceptible to the pressures that produced France’s indirect press controls. In fact, during the period this book

was researched and written (1970–85), they have brought an acknowledged chill to newsrooms across the US through libel judgments in the courts and calls for restraints in Washington and state capitals across the country. An examination of the French system is not necessarily a study of the future. It is, however, a lesson in the alternatives available within a free society to produce a press unthreatening to political power because it is only quasi-independent.

Part I

STATE LAW,
STATE MONEY

Chapter 1

SURPLUS FREEDOM AND THE LAW

To journalists everywhere, the 1970s brought a new great standard against which all work—past, present and future—invited judgment. Watergate was to reporting what Hiroshima had been to soldiers in the 1940s, what Sputnik became to scientists in the 1950s, what Everest has always meant to mountaineers. On a potentially universal level, Watergate was a recognition of the legitimacy of journalistic policing of public power. Using the Watergate standard, it became possible to describe journalistic practice in any country in terms of a two-part test:

1. To what extent does the law permit revelations about society's most powerful (hence, most potentially repressive) institutions?
2. To what extent do journalists exploit the opportunities provided by law?

Comparing French and American press law and practice in the 1970s requires a standard conceptual framework within which both may be evaluated. *Surplus freedom* creates an approach to the problem by relating the degree of press freedom sanctioned by a nation's legal system to the freedom actually practiced by its journalists. Where

surplus freedom carries a positive value, more freedom is provided than is actually used, implying that journalists in that country are lazy, intimidated, or uninterested in testing limits. In countries where surplus freedom has a negative coefficient, journalists ply their trade under the gun: they routinely go beyond the legally permissible and are therefore open to discretionary prosecution.

Determining the value of surplus freedom in a nation's journalism can provide clues to tensions within not only the profession but also the host society. It can also produce surprising bedfellows. Even in the era of Soviet glasnost, for example, the two countries with the greatest amount of surplus freedom are arguably the US and the USSR, albeit for quite different reasons. The First Amendment enjoins congress to "make no law . . . abridging freedom of speech," and with rare and highly specialized exceptions generally associated with war, Congress has obeyed. Yet Watergate is unique in the history of American journalism, and major press investigatives are—and always have been—far more the exception than the rule. The amount of surplus freedom in US journalism has traditionally been immense. The same is true in the Soviet Union, where article 50 of the constitution guarantees press freedom, yet the general understanding is that the press is owned by the state and operated in the service of guiding the populace toward a perfected socialism. Self-censorship adjusts journalistic performance accordingly. It would never occur to Soviet reporters and editors—certainly not in the Brezhnev era—to take article 50 literally.

If French journalists abided by the dictates of governing legal codes, on the other hand, they probably wouldn't publish anything at all. Although article 11 of the Declaration of Rights of Man and Citizen (1789) provides that "all citizens may speak, write, and print in liberty," it contains qualifying language: "except in responding to the abuses of this liberty in cases set forth by the law."¹ When an enterprising weekly newsmagazine reporter inquired about such provisions in 1978, the National Assembly's own computer obligingly spat back citations to 661 laws designed specifically to abridge freedom of the press. Publications violate some of them on a daily basis and only escape prosecution because of tradition of selective enforcement. As Pierre Albert, a

leading expert, put it, “Happily, the government is much more respectful of the spirit of liberty than the letter of the law would lead one to believe.”²

Except when it wants to be. So formidable is the legal stockpile of armaments against free expression in France that, like the atomic bomb, it deters most effectively by *not* being used. Sensing the limits of permissible reporting and commentary, ordinary publications routinely are in technical violation of the codes, and would thus be liable should anyone decide to prosecute. *Le Canard Enchaîné*, which specializes in going considerably beyond the law in its investigative reporting, can do so only because it is protected by a unique set of attitudes dating from the license granted to court jesters in a monarchical past. In France, surplus freedom carries a negative coefficient.

The Dictates of Law

French free speech law lies scattered through the Penal Code, the Code of Penal Procedure, the Code of Military Justice, the Law of 29 July 1881, and a host of special edicts. Individually, the clarity of each measure contrasts sharply with the frequently ambiguous holdings of US case law. Together, their structure is equally apparent: a sticky web hanging between the press and French society. Free-flying journalists, beware.

Some of the pronounced differences between French and American press law involve punishment categories. For instance, criminal sanctions for offenses-by-writing, unknown in current American precedent, are readily available in France. Defamation, the most common category, in the US invokes only civil penalties designed to compensate to the extent of an actual loss, punitive damages being added in some areas where malice can be proved. (US journalists cannot be jailed for what they write. Increasingly, however, they are open to imprisonment for contempt of court in refusing to reveal sources.) In France, libel is merely one of several causes of action involving fines and imprisonment up to one year. While it might be argued that from a monetary standpoint, damages differ little from fines, one dimension looms so large in free speech issues that it blots out all seeming similarity.

Criminal actions bring in the intimidating factor of the full power of the state, with its investigative, policy, and punitive resources—an awesome opponent to even the most powerful publisher. Civil actions allow a more manageable equation, as well as freedom from the potential stigma of a criminal record. The state merely provides an unbiased tribunal to resolve disputes between journalists and those they describe.

Other procedural aspects of French law make its frequently criminal character all the more threatening. For instance, in defamation cases, the usual presumption of innocence is reversed, shifting the burden of proof from accuser to accused. The French journalistic exposure to imprisonment also mitigates against adventure. In the US, it is reporters who run the primary risk, usually for contempt of court in refusing to divulge unpublished evidence. French law assigns prime responsibility to publishers, who by inclination and responsibility are less willing to be locked up for what their employees have written.³ Writers stand third in a ranking of *responsables* that extends down to street vendors. It is well worth asking whether the *New York Times* would have held out so stoutly for press freedom had Arthur Ochs Sulzberger been behind bars—during an expensive strike—and not reporter Myron Farber, in a widely noted contempt jailing of the period.

In Western societies, most legal limitations on free speech stem from the core idea of defamation, the harming of some person, institution, or interest by things said publicly without consent. The French divide forbidden expression into several offenses. *Diffamation* itself refers to damage involving some established fact. *Injure*, however, covers epithets and insults with no particular factual content. The separate crimes of offense and outrage are still more broadly construed.⁴ Although both relate to expression that damages the well-being of society, the former mostly concerns journalistic comment on public officials and the latter some more general transgression, such as pornography or interference with the course of justice.⁵ All are highly refined doctrines, full of niceties and ambiguity. Present purposes require the more modest concentration on the gross categories of permitted and outlawed expression.

Some differences in French and American libel law are largely of degree, albeit of generous magnitude. Most startling is the French

designation of a significant field of “no-fault” libel, in which publications may be fined, or their personnel imprisoned, for expressing true facts. In three areas, the test of culpability has nothing to do with rectitude—merely whether the statements were made and, if so, damaging.

Personal privacy is so all-encompassing in France that virtually anything potentially diminishing a person’s honor, expressed without permission, provides a potential cause of action. Not satisfied with already stringent provisions of the Penal Code,⁶ the National Assembly by the Law of 17 July 1970 made it a crime to publish any “word or image” from a private place without consent.⁷ The same law amended the Penal Code to allow steps ranging up to seizure of any publication that, for instance, ran classified documents or pictures of a starlet behind a garden wall. While there is general agreement that some kind of privacy exists in US law, the idea of “no-fault” defamation remains unknown.

To Americans, some aspects of French “no-fault” privacy law are simply astounding:

- Facts more than years old may not be mentioned without risk of libel if they can be shown to damage an individual’s reputation.
- Crimes specifically pardoned, or which took place in a period officially amnestied, are off limits. This provision takes on particular importance with knowledge that incoming national leaders, borrowing from royal tradition, routinely amnesty ordinary crimes and, frequently, particularly troublesome historical episodes.

The use of amnesty is no less remarkable. French presidents (inheritors of the legacy of French kings) have used it to seal off such troublesome periods such as the eras of the Dreyfus case and World War II. The means chosen to “put the past behind” is typical of the French approach to freedom of expression. Articles on the divisive issues of amnestied times are seldom suppressed outright. Instead, the law converts the area into a legal minefield and lets journalists decide whether to attempt

a crossing. The danger is considerable. To recover damages, anyone mentioned need only establish damage to his livelihood, reputation, or peace of mind. Thus forewarned, journalists often censor themselves.

Legal procedure in “no-fault” libel actions is unimaginable in American practice. In suits dealing with amnesty, or with facts more than 10 years old, or with anything concerning personal privacy, the customary legal presumptions are reversed. Truth is no defense. Reporters, editors and publishers enter the courtroom guilty and remain so until proven innocent. In May 1978, a Colonel Erulin and his airborne regiment liberated a group of Europeans trapped in Zaire and raised interesting questions about the freedom of the French press to comment. The hero of 1978 was quickly identified as having been a torturer of 1957, during the amnestied Algerian crisis. First reports were vague and elusive, suggesting only that the colonel had a complicated record. Only after Erulin announced that he was proud of his record and would certainly not sue did the press carry full explanations. Some grasp of France’s dedication to protecting the past may come from realizing that in order for a successful suit to have been brought against publications accused of stirring painful memories, the colonel need not even have been alive. Every cadaver in France may be avenged by heirs simply by proving injury to their existence through descriptions of ancestral exploits.⁸ In the US, one of the first things cub reporters learn is “you can’t libel the dead.”

Beyond libel law lie other barriers to free speech that differ more in kind than quality from US precedent. Authorities Jean Marier Auby and Robert Ducos-Ader relate some of them to generalized “public interest” and the repression of reports deemed harmful to it. In *The Law of Information*, they identify four areas clearly stamped “no trespassing” to the press. Only the first bears more than remotest resemblance to anything in American press law:

1. *Provocation to commit crimes.* Like the US “clear-and-present-danger” doctrine, under which journalists may be held accountable if they knowingly assist criminal action, French legislation restrains overt aid in lawbreaking. Provocations can be direct or

fall into one of nine categories or “special provocations.” All carry criminal sanctions, journalists being treated as accomplices. In punishing direct incitements (for example, urging opponents of nuclear power to join an illegal demonstration), French law distinguishes “provocations followed by the effect” from those that are not. Direct provocation, of course, implies editorialization rather than straight reporting.

When the charge accuses an article of having indirectly encouraged theft, murder, pillage, arson, grievous bodily injury, harm to or destruction of property, or crimes and misdemeanors against state security, the press finds itself on more subjective, less defensible ground. The law punishes what a court finds to be “apology” for lawbreaking, “apology” defined as presenting illegal activity in a “praiseworthy, meritorious or legitimate light,” whether in civil, administrative or military contexts.⁹

2. *Offenses against public authorities, official bodies and protected persons.* American public officials complain that they work in a “goldfish bowl,” stripped of their privacy by legal precedent permitting the press to comment on almost any aspect of their lives. American theory holds that as the people’s employees, they must tolerate the people’s scrutiny; the more public they become, the less their ability to dodge the limelight of accountability. French press law reverses that progression. The more powerful the person, the more protection is granted. This begins with the president of the republic and the doctrine of “offense,” defined as being

much broader than the notion of injury or defamation it encompasses. Thus, it does not require [even] a precise imputation against honor, nor the presence of profanity, but simply an assault on the dignity of the authority of the president of the republic.¹⁰

As a legacy of monarchs similar to the power of amnesty, French presidents inherit powers that leave American journalists simply

stupefied. “Offending” or “outraging” the chief of state in print can mean fines or imprisonment even if every flaw alleged is proven correct, the test being simply that the report detracts from the respect due the office and its incumbent. Charles de Gaulle was sufficiently “outraged” to sue journalists 350 times, including a reporter who did no more than shout “Hou, hou!” as the general swept by on parade. French law extends the president’s red-carpet insulation to members of foreign governments and their diplomats. The aggrieved need not lower themselves to actually bringing suit. That detail may be left to the prosecutor’s office.

Lesser institutions must rely on ordinary libel law, but nonetheless can force publications to prove the truth of articles written about them. The rationale: “to grant special protection to institutions playing an important role in public life,” which the law defines as including chambers of commerce, Les Grandes Ecoles, or professional schools, academic councils, and the Legion of Honor—in addition to all the courts and branches of the armed services.

Although institutional safeguards also shield the personnel who actually run the offices, the doctrine of “protected persons” grants another layer of redundant armor to virtually anyone doing anything, permanently or temporarily, for the state. To be sure, members of the Council of State, the Senate, and the National Assembly get special consideration in disputes with the press, but no more so than regional, municipal and local authorities, whose status also rubs off on their part-time employees (including court juries and witnesses), all of whom receive partial immunity as a perquisite of the job.

3. *Outrage*. “Any scornful expression that diminishes respect for the moral authority of a public function, or the purpose for which it is exercised,” falls under the mantle of legal outrage. Even broader than *injure*, it may concern anything from facts to “ironic or insolent” statements down to mere gestures. In the eyes of French law, these are the most serious of press offenses. They draw the most stringent penalties from the workings of what Auby and Ducos-Ader call “the most supple” procedures.

As applied to pornography, “outrage to good morals” resembles US precedent. But that is not its most common application. The French judiciary has adopted *outrage* as its chief bulwark against press scrutiny. Article 226 of the Penal Code specifically bans anything that “throws discredit on a judicial act or decision” or that “aims to strip judicial acts or their authors of the consideration inherent in their function.” Nor does interpretation leave much room to maneuver. “It is not necessary in terms of recent jurisprudence,” write Auby and Ducos-Ader, “that the accused intend to attack the authority of justice; it suffices that the act could have had this result.” Its breadth made article 226 the basis for the extraordinary prosecution of *le Monde* in 1980 (see part 2).

Comment before decisions are handed down is covered by the “Forbidden Disclosures” doctrine contained in the press laws of 27 July 1849, 29 July 1881, and 30 October 1935, which collectively provide that

- before trial, nothing may be said or shown of “circumstances of a crime of blood” or of anything capable of pressuring witnesses or revealing court procedures before official announcement.
 - during litigation, in direct contrast to US practice, personal privacy for all participants remains intact. The mere fact of statements having been made in open court gives French reporters no privilege to make them public. This includes all reference to private life, facts more than 10 years old, previous crimes amnestied or pardoned.¹¹
4. *Exempted subjects.* In addition to defamation, privacy, and protected public authority provisions, French law bans certain subjects outright. The following list, while by no means complete, suffices to suggest the size and tone of the dossier. Without previous authorization, periodicals may not report
- a. anything concerning the military that might damage its “effectiveness or morale,”
 - b. anything that might “attack the credit of the nation, whether undermining confidence in its currency or the value of public funds,”

- c. anything related to parliamentary investigations or commissions, or
- d. anything that might “outrage public morals” or attract “undue attention to debauchery.”¹²

Failure to exclude these subjects invites criminal prosecution, fines, prison terms, or seizure of the publication.

5. *Punishment by print.* One of the most imaginative features of French press law operates on a plan quite independent of fines, imprisonment or the paying of civil damages. It requires forced insertions of editorial material—not simply when journalists make mistakes, nor only in their own papers. US periodicals decide themselves when “retractions” or “corrections” are called for, whether for the sake of fairness, or to mitigate damages in potential libel suits. French law awards the discretion to persons dissatisfied with coverage involving them. The press, in other words, can be forced to run specific editorial material against its will. While the “fairness and equal-time” doctrines are well known in US broadcasting, they have never been applied to print journalism.

A “right of rectification” grants government official or “embodiment of public authority” accused in the press of misperformance to demand a correction. The only restrictions on the insertion, which the periodical must run in a prominent position in its next issue, is that it be no longer than *twice* the length of the original one. The publication pays all production costs and bears the expense of lost advertising space.¹³

The “right of reply” is for ordinary citizens. It gives any person or organization, public or private, the ability to force a correction whether or not the piece written about them was correct. The only requirements are that the plaintiff be identified and discussed. A daily publication must print the insertion within three days of receiving the complaint—in precisely the same position as the original, and in the same type face. Frequently, judges extend the reply to other periodicals,

requiring editors to pay for insertions 50 to 250 lines long in competing papers as well as in their own. Compliance has nothing to do with mitigating damages. It simply allows the publication to escape the fine that would otherwise be levied.¹⁴

Some idea of how differently US news might be covered if laws similar to France's were in effect and enforced can be gained from applying them to *causes célèbres* of the 1960s and 1970s. Obviously, no direct comparison can be made with so many unknown—and unknowable—variables at play. The attempt is merely to show what would have been against the law, not what would have in fact happened.

- Watergate would certainly have constituted *outrage* to President Nixon, who would also have found machinery in place for prosecuting on grounds of threatened “national security.”
- The Pentagon Papers were unreleased products of a government commission.
- All unauthorized reporting from the Vietnam War (for which David Halberstam and Seymour Hersh won Pulitzer Prizes) would have damaged military morale, as would sympathetic stories about Vietnam *refuseniks* living in Sweden and Canada.
- The Zapruder film showing President Kennedy's brain being splattered out of his skull during the assassination depicted a “crime of blood,” as did the photo of Jack Ruby shooting Lee Harvey Oswald.
- Secondary investigations of spectacular crimes such as the Manson family murders or the Patty Hearst abduction would concern crimes of blood and/or “debauchery.” So would the mass “suicides” in Jonestown, Guyana.
- More frivolous photographs of the Onassis *ménage* on private property on Greek islands and pictures of the apartment occupied by New York's accused “Son of Sam” murderer were all taken and used without permission.
- Any information beyond the barest police-blotter facts concerning Senator Edward Kennedy's misfortunes at Chappaquiddick on July 18, 1969, would have affected the personal (therefore,

private) life of somebody who, as a US senator, was a “protected person.” The tenth anniversary of those events brought a spate of retrospective analyses in the US press. As of midnight, July 18, 1979, they would have been actionable under French law for being based on facts more than 10 years old.

- Sympathetic reporting of “peacenik” campaigns to withhold the proportion of federal income tax devoted to the Vietnam War, or of ecologists’ efforts to retain the amount used to develop nuclear power, would constitute apology for the crime of collective non-payment of taxes.
- Speculation about the US inflation rate, and the US Treasury’s sales of gold, could well have been judged “an attack on the national credit.”

By the standards of Watergate, or even the far more modest achievements of ordinary American practice in the 1970s, the French press behavior showed the “chilling effects” of a legal system creating “surplus freedom” with a negative value.

- No periodical managed more than sporadic coverage of France’s “silent Vietnam” war in Chad, although French troops had been fighting there, frequently in regimental-sized engagements, for a decade.
- Immediately after the satirical weekly *le Canard Enchaîné* revealed that Prime Minister Jacques Chaban-Delmas, a leading Gaullist liberal, had amassed a fortune but paid no income tax, the press let the matter drop. No other publication mounted its own investigation, despite the fact that Chaban, who represented the majority party’s best bridge to the moderate left, had pegged his career on the downplaying of privilege.
- President Georges Pompidou’s fatal illness was diagnosed in 1971. Rumors of varying reliability were in full circulation on the cocktail circuit within a year. However, only the fascist-royalist weekly *Minute* mentioned it before the foreign press intervened when, nine months before his death in April 1974, Pompidou

met President Nixon in Reykjavik and his ghastly appearance drew comment from American, British, and German correspondents. Only then did major French publications discuss it. Judged against the draconian provisions of French press law, the only surprising element of the anemic coverage was that it existed at all. All three topics were clearly actionable per se under one or more statutes—examples of reporting under conditions of negative-value surplus freedom.

When confronted by examples of delayed initiative, or simple inaction on major stories, the broad range of French journalists, scholars, lawyers, and union officials interviewed for this study quickly agreed that “it is different here.” Investigative reporting in France was rare, except in the highly stylized *le Canard* or in papers representing political extremes, such as *Libération** on the left or *Minute* on the right, with their lower credibility and modest circulations. Watergate, said journalists and those who study them and serve them, simply would not happen in France. Particularly not the typically American pattern it took of gathering momentum as increasing numbers of periodicals competed to out-investigate each other on the same story.

The judgment was particularly striking coming from two men with a firm grasp on the profession as practiced in a number of countries other than their own. “I personally feel under no pressure here,” said André Fontaine, editor of *le Monde*.¹⁵ Jean-Louis Servan-Schreiber testified as publisher of *l’Expansion* and member of France’s most distinguished contemporary journalist family (Servan-Schreiber’s father published *les Echos*, a business weekly; his brother, Jean-Jacques, founded *l’Express*; his wife, Claude, edited *F. magazine*, a women’s monthly): “I can speak here as a publisher without much regard for legal consequences. We are less concerned about that than journalists in the US.”¹⁶ Instead of the law, journalists blamed a variety of historical and economic factors for what they pronounced to be cultural differences in the French press’s approach to editorial revelations.

* By 1980, *Libération* had become a highly respected mainline journal.

Perceptions of Freedom

“Is the French press tame?” The question went to Robert Escarpit, senior statesman of letters, columnist for *le Monde*, ex-president of the University of Bordeaux and founder of its journalism school.

“Of course, it’s tame,” he said.

“Why doesn’t it try harder to bring out all the facts?”

Escarpit reflected for a moment, then replied with a question of his own:

Why should we bring out all the facts? This is an ancient country, with a past full of feuding. Some of us make mistakes. We all live in glass houses. For instance, I’m from the *Résistance*. I could walk down the street in Paris and point out those who collaborated . . . who was responsible for deaths. What if I did that? What if we all did it? How could we live together afterward as a nation? What would be the point?¹⁷

For journalists, the most important aspect of Escarpit’s “glass house” theory of reporting is its worldly denial of truth as an absolute value. “We all know” he said, “that truth, like any other value, is relative and subject to hierarchical judgment.” Olivier Chevrillon, publisher of the weekly *le Point*, argued that the evaluation is performed by a small group conscious of its influence and its vulnerability. He spoke of the “narrowness” of the French elite. Those deciding which news is fit to print often attend one of the three Grandes Ecoles through whose portals pass a remarkably disproportionate share of leaders in other fields. Editors and publishers are classmates of top politicians, businessmen, and civil servants—and are sensitive to the “old boy” network.

“They meet each other all the time at dinner,” noted Chevrillon, “where journalists are forced to explain over an aperitif, ‘Why did you do this horrible thing to your old school chum, who was only doing his job?’” Chevrillon, himself a graduate of the Ecole Nationale d’Administration, shook his head knowingly. “That is much harder than criticizing those you never see.”¹⁸

To Jean-Louis Servan-Schreiber, it was “a problem of scale.” Author of *The Power to Inform*, a highly regarded media study, he added, “Nobody in France outside the government is big enough or powerful enough to raise hell with others and get away with it. We don’t live in a fistfight society.”¹⁹

If hesitancy to run “hot” stories inhibits news flow, difficulties in digging out facts in the first place pose far worse problems. One seldom-remarked side effect of France’s notorious administrative centralization applies directly to journalistic research. Because decision-making is centered in Paris, so too is information, which flows through closely guarded channels from the provinces to Paris. Net effect: local sources have little data to impart, or little inclination to impart it to the local press. All must await a green light from the capital.²⁰

The effect of this bureaucratization of information shows up strongly at all levels, each of which has more to gain from protecting its facts than revealing them. The secretiveness often has nothing to do with the sensitivity of the subject matter. In fact, the conditioned reflex to conceal can embarrass public servants trying to explain their procedures. A program on nationalized radio France-Inter briefly supplied a textbook illustration of the phenomenon. The hostess would take calls from listeners asking information about various government activities, which she quickly relayed to spokesmen for relevant departments. Commonly, they would make much of welcoming questions and refer them to people best suited to answering, adding, “After all, it is public information.” But then she would actually call the lower-level functionaries—and air their Rococo obfuscations bucking responsibility up, down, and just plain off their bureaucratic ladder. “Naturally, the program was suppressed,” said Escarpit. “In France, everything is classified.”²¹

“The situation is totally different from the US,” said Chevrillon, “where reporters can easily find knowledgeable local officials or independent authorities like university professors to balance government’s version of any particular story. In France, in most cases, even members of the National Assembly have very little information.” Dissidents might alert journalists to disagreement within government, but they seldom had access to fresh data supporting their argument, which

damaged their credibility—and chances of their position having been judged newsworthy.²² “We are a country with strongly centralized authority,” mused Jacques Fauvet, publisher of *le Monde*, “and authority is secret.”²³ Many French journalists, including Oliver Todd, editor of *l’Express*, found the mind-boggling aspect of Watergate to be not the revelations themselves “but all those reporters calling up the White House, FBI, and CIA asking why there was a cover-up! And sometimes getting answers from ‘Deep Throats!’”²⁴

Few experts on keeping secrets from the press can match the record of Denis Baudoin, who presided day-to-day over the unmentionability of Pompidou’s deteriorating health. Baudoin performed prodigious feats of silence. But with admirable candor, he admitted that certain attitudes widespread in France, press included, made his job easier than might be supposed.

“In France,” he said, “there are barriers where everyone stops—barriers between private lives and public opinion. For instance, the press does not talk of a politician’s sex life. We also have the absurd Mediterranean notion that ‘on ne tutoie pas la mort’ [one doesn’t tempt death by talking about it].” Baudoin paused, then concluded with a statement heard again and again when the French compared their journalism to its American counterpart: “Yes, it’s true that the press is less robust in the investigative role than in the US. It is also true, however, that the French press is less cruel.”²⁵

Prying facts from the vaults of bureaucracy and exposing them in the face of intense peer pressure, of course, presupposes the existence of someone pushing for the truth to come out. According to French journalists, this “somebody” rarely occupies the publisher’s chair. “La politique du patron,” be it royalist, communist, or capitalist, tolerates little dissent. Editor Serge de Beketch of *Minute* resorted to syllogism:

A journalist isn’t free unless he agrees with his boss. Since he doesn’t always know what his boss thinks, he’s afraid of what he writes. Because he is afraid, he doesn’t look for controversial things to say. As a result of not having looked, he doesn’t find anything. Hence, there is little investigative reporting in France.

De Beketch spoke as a self-described Mussolini fascist.²⁶ His views, however, differed in no significant way from colleagues of the center and even far left.

Overbearing bosses produced dramatic innovations in structure as well as attitude. To free editorial policy from owners' demands (and de Gaulle's imperial imperatives), *le Monde* underwent total financial reorganization, ceding control to its journalists, who also gained veto power over the appointment of their editor-in-chief.²⁷ *Libération* and *le Canard* extended the principle. Not satisfied that staff ownership alone could protect them from outside influence, they opted for refusing all advertising, although *Libération* later relaxed the ban. Only the discipline of surviving on what readers actually pay for the paper, said these lively voices of the left, could save journalists from the tyranny of money. "Money" applies equally to private and public-sector advertising: Renault and other nationalized enterprises are among the biggest advertisers in France, and all national accounts are distributed by the state-controlled Havas agency. *Le Monde's* reforms did not go far enough, insisted Claude Angeli, news editor of *le Canard*: "If I could write what I want at *le Monde*, I would be there doing it. But I could not. So here I am."²⁸

Timidity particularly galled the generation who rebuilt French journalism after the Liberation. The *ancien régime de la presse*, whose tycoon-publishers had produced unprecedented venality, including widespread collaboration with the Nazis, had been swept away. Those of the new breed certainly did not agree with one another politically, but they shared one trait of fundamental importance: professionalism. The late 1940s and the early 1950s brought Hubert Beuve-Mery to *le Monde*, Pierre Bresson to *Figaro*, Pierre Lazareff to *France-Soir*, Robert Lazureck to *l'Aurore*. Jacques Prouvost's political reputation might have been tainted, but nobody doubted his journalistic credentials for running *Paris Match*.

"After the war, there was real hope," said Françoise Giroud, who with former *le Monde* staffer Jean-Jacques Servan-Schreiber founded the weekly *l'Express*. "We were free to do what we wanted, and what we wanted was freedom."

The glow of that golden era did not last long, however. Corrosion set in with government crackdowns on reports of French military reverses in Indochina, during which offending issues of *l'Express* were confiscated. Then came the Algerian crisis, de Gaulle, and more repression.

"Now we're getting back to the prewar situation," said Giroud in 1978. "The journalist-owners are gone, replaced by rich men more interested in money and power than reporting: Sir James Goldsmith at *l'Express*; industrialist Jean-Claude Aron, a real estate man, at *Parisien Libéré*. Then there is Hersant at *Figaro* and *France-Soir*."²⁹

Even the most crusading of publishers, however, would meet nearly irresistible invitations to conform in the provinces, home to some of France's biggest and wealthiest press organizations. Paradoxically, it was their success that prevented them from exercising independent power.

"First you must understand that regional publishers have complete monopolies of news and advertising," said Jean-Louis Servan-Schreiber, describing the situation in 1978.

In some ways, the publishers are very like the old provincial dukes, entitled to the revenues of their territory in return for staying in line with Paris. Servan-Schreiber offered a bleak analysis of the implications for news coverage:

If you are the sole means of communicating local news and advertising, you are too important to be able to function without total osmosis with the government.

If you must express everybody's viewpoint, you end up saying nothing.

If you depend for national and international news on a single wire service, as all of them do, and that wire service [Agence France Presse] is government-controlled, your news will reflect government wishes.³⁰

The regional press disputed being "dukedom," but not the philosophy underlying the system. Men like Jean-François Lemoine, the tough and thoroughly professional publisher of *Sud-Ouest*, did not think it their job to "rock the boat." His 16 local editions reaching 360,000

readers in eight departments of the Aquitaine, he said, sought “equilibrium in discussion.”³¹ Xavier Alix, deputy editor of *Ouest-France*, France’s biggest daily, used a phrase often heard when the provincial press described itself. “We’re a public service,” he said, “like a gas company.”³² The 335 journalists who reported for the home office in Rennes as well as 36 local editions did not “rock the boat” because their publisher was aboard. Public utilities infrequently make waves.

Corporate self-interest was not the only force allying major publications with government policy. Some of the conformity resulted from highly personal judgments. One was fear of unemployment: at 15 percent in cities, 20 percent in provinces,³³ it was more than double the rate for other industries. Another restraint came from an attitude almost unknown in the American press: French journalists consider themselves duty-bound to promote France and French civilization.

Michel Tatu, *le Monde*’s distinguished commentator on Soviet and US affairs, spoke of *les raisons d’état* that lead reporters to conclude that certain news best serves national interests by being left unexpressed.³⁴ Jean-Louis Servan-Schreiber remarked that when deciding whether to publish government information, “we consider what it will do for our image as a nation. There is much more respect here for the government than in the United States.”³⁵ That widely held opinion, said André Mouche of Lille’s *Ecole Supérieure de Journalisme*, inhibits critical approaches to public issues by encouraging reporters to miscast themselves as guardians of French destiny. “Historically,” he noted, “we have confused the state with the party in power.”³⁶

Olivier Chevrillon related that idea to other ingrained habits, beginning with the emphasis that led to the overwhelming superiority of conceptual analysis to factual reporting in the French press. He also stressed the deep divisions that marked postwar France into the early 1980s:

The reason everything can be freely discussed in the US press is that American society is not so deeply divided as ours. There is no danger of civil war. France thinks of itself as being fragile, rent by ancient splits. In such a situation, you can be violent with ideas, but not with

facts. That would be going too far. It would risk bringing everything down. We couldn't understand the kind of factual shocks that came out in Watergate.

Nor do laboriously researched facts line reporters' paths to recognition and advancement. In France, where the belles lettres tradition remained strong, the sort of instant stardom Bob Woodward and Carl Bernstein won through Watergate would more likely result from aesthetic or philosophical meditations. "Factual reporting, particularly the investigative kind, is the most tiring kind of journalistic work," observed Chevillon. "We don't have many people willing to make the 47 calls necessary to check, double-check, and cross-check each fact. It's so much easier, so much more graceful, you see, to make a distinguished commentary."³⁷

Journalism in an atmosphere of negative surplus freedom implies heroism or at least adventure, inspired probing of the limits of permissible investigation in the service of an informed readership. Yet in France, confronted by a legal system forbidding all but the most authorized, domesticated sort of news, this task fell to writers and editors whose daily output placed them in legal jeopardy.

The relationship between expressed facts and ideas in the French and American press systems are nearly opposite. Facts are what French laws control most tightly. The only US measures that approach their restrictiveness concern ideas—the McCarthy period's investigation of journalists whose leftist views were taken to advocate "violent overthrow" of the government.

This raises an interesting question concerning self-censorship. Pierre Albert stated the French and American approach to facts and ideas this way:

For French journalists, facts are useful to exemplify their opinions, which are the most important thing. American journalists are convinced they must give the facts before *having* an opinion.³⁸

French journalists of the 1970s and early 1980s may not have related their weak showing in factual revelations to legal strictures against

doing so because they have either internalized the restrictions or agreed with them on a conscious, analytical level. Either way, it amounts to *auto-censure*, or self-censorship, a widely remarked feature of French journalism summarized by *le Monde* press critic Claude Durieux as

a prudent conformity, a silence of complicity to which journalists occasionally adhere on certain subjects.³⁹

Chapter 2

STATE AID AND STATE INTERVENTION

In the 1960s, Western Europe awoke to the uncomfortable fact that half its newspapers had disappeared since the end of World War II and that the leading role of spokesman in the political drama seemed to be passing from them to other actors. Suddenly, in place of the accustomed cacophony of partisan voices, there grew an ominous calm of order. A few great newspaper chains spoke from the private sector, while the government monopolized the power of broadcast news and commentary. Without exception, Europe's pluralistic societies sensed danger. They reacted with the most massive programs to aid the press in the history of the industry. And in so doing, they raised important issues:

- Can states subsidize freedom of expression the way they support, say, a chemical industry?
- What are the costs and benefits, and who measures them?

In their turn, various national committees convened to study state aid to the press looked first to France. The French have tried more ways than anyone else of using public funds to buy free expression—or at least a wide variety of expression—from the private sector. Their

attempts also predate all others. In part, this is because the popular press peaked earlier in France than elsewhere,¹ but 20th-century history also contributed. Alternating challenge and rebirth obliged the state to intervene deeply in the affairs of the press. Yet somehow no apocalypse—not even occupation—*forced* restructuring of its morals and mission, as happened in post-World War II Germany and Japan, where the Allies imposed entirely new systems. The behavior of the French press cannot be interpreted without knowing something about the aid provisions themselves and their major results—intended and otherwise.

Of the three basic kinds of state aid extended to the French press, only one—encompassing the tax breaks, rebates, and subsidies given publishers—is officially acknowledged as such. The others are conspicuously absent from *all* discussions of state intervention. Yet the support rendered by a plethora of commissions created by government and staffed partly by its functionaries to distribute newsprint, apportion advertising, deliver newspapers, and regulate the costs of the national wire service is of fundamental importance in understanding the relationship of aid to freedom. So, too, are the very real benefits given journalists as individuals. These omissions are interesting of themselves as indicators of French acceptance of the idea of state intervention at levels that would seem extraordinary in the US. Most importantly, officially *unacknowledged* aid belongs in this discussion because of the nature of free expression. By definition, free expression requires the press to function as though it held no obligations to anything but truth; no debts to anyone but its practitioners. Absolutely free expression, obviously, exists only in theoretical terms. But it is just as clear that any device that *creates* obligations or debts—whether financial promises to perform or merely predilections to not investigate—deserves open-eyed scrutiny.

Surveillance is not easy. Quite apart from aid, acknowledged or not, government represents itself at every stage of the French newspaper and magazine production as part of a complex system linking state interest with press performance. State officials decide which publications receive a *numéro paritaire*, or registration number. They appear on the boards and commissions responsible for distributing millions of francs of advertising from giant nationalized companies such as Renault and

Air France. They are even indirectly represented in trade cooperatives like the Nouvelles Messageries de la Presse Parisienne (NMPP), which distributes all but a few of the 3.7 million newspapers read daily in the Paris metropolitan area in the late 1970s.²

Those who study the concentric webbing of France's political fabric named the system for its progenitor, Louis XIV's talented finance controller. *Colbertisme* is just as effective in the 20th century as it was in the 17th, when Jean-Baptiste Colbert fashioned it to meet the needs of an employer determined to build palaces, fight wars, and found academies with resources unequal to the royal reveries. As Sorbonne historian Pierre Deyon put it,

The idea was simple, Louis needed all sorts of equipment for his projects but lacked funds to buy it outright or the administrative structure which would be necessary for running industries directly. So Colbert created an indirect way of funneling private capital and entrepreneurial energy into investments and behavior favored by the crown.³

The key mechanism was state representation in everything important, state ownership of very little. The results were brilliant. Representation allowed the crown to influence or control the realm's key economic decisions, thus taking credit for success without shouldering responsibility entailed by ownership, with its attendant risks of being blamed for failure. The suppleness of this procedure proved particularly useful in state relations with the modern press because in all but a few instances, it resolves disputes and exerts controls exercised *before* a formal test.

Colbertisme operates by insinuation, not force, which becomes clear at the onset. To receive any aid at all—which even for *le Monde* in the 1970s signaled the difference between profitability and mere survival⁴—publications must have met certain criteria set by the state and interpreted by the heirs of Colbert's agents. The Commission Paritaire des Publications et Agences de Presse embodies the guiding ambiguities of the system by being composed half of state officials, half of publishers. Together, this group of 14 decides whether old registrations should be renewed, or new applications accepted, for membership in the club of

the subsidized.⁵ A great deal about the system may be understood from some reflection on this initial step, so easily dismissed as “just a formality.” *Colbertisme* does not *require* the acceptance of aid, with its attendant establishments; it simply makes doing business without it impracticable.

Equal representation by press and state on the Commission Paritaire implies a recognition that the interests of these groups may not be the same, yet voting strictly along those lines would stymie the whole process. Thus *Colbertisme* encourages the subtle process of individual lobbying, with its full acceptance of the play of personality, charm, and returnable favors. In the context of relationships characteristic of French industry, the setup is anything but unusual. It seems odd—only out of context and only if one refuses to agree that news is an industrial product like any other, or denies that free expression requires *any* government regulation, let alone 50 percent representation on a committee that grants the licenses to exist.

Publishers and the State

Every year, in the fall, the deputies of the French National Assembly gather to do something remarkable. In 1978, for example, they gave away \$500 million⁶ and, in 1985, \$1.7 billion in public funds or accounts receivable to a highly profitable sector of private enterprise. This in itself might be surprising enough in a country that throughout the 1970s regularly cast half its ballots for some form of socialism and, in the early 1980s, installed two socialist administrations. The full impact, however, cannot be appreciated without knowing further that individually, the deputies were aware that they would not like what some of the recipients of their largesse had to say about them. Nevertheless, they approved the budget to aid *la presse de l'information* with little debate. In fact, each year, it was one of the rare unanimous actions taken by one of the world's most fractious legislatures.⁷

There are two reasons for this seemingly uncharacteristic behavior. First comes political “logrolling,” with Communists, for example, voting to aid the fascist-royalist *Minute* and conservative *Figaro* because if they don't, right-wing deputies might not approve state generosity to

Humanité. Among Paris's highly partisan papers, every politician finds "his" press according to Robert-André Vivien, the Gaullist deputy who chaired the National Assembly's finance subcommittee on aid to the press in the period: "Aid is popular in parliament because everybody's press gets it." Politicians with constituencies outside the capital are no less motivated, added Vivien. "It would be very awkward for a deputy to argue against aid, because the provincial dailies hold monopolies on the news. Attacking them would be political suicide."⁸

The second explanation for the popularity of aid is less political and more interesting. Nobody seriously disputes the principle of helping newspapers because, officially at least, it is not regarded as aiding newspapers at all. Officially, newspaper aid is *reader* aid, the journals being mere accidental conduits for the flow of benefits from the public treasury to the citizenry. The only challenge to this dogma since World War II produced a scholarly squelch nearly as complex in logical elegance as the system itself. "If the objective of subsidization is the reader of the paper," reasoned Jean Serisé, who produced a detailed report on press aid for the prime minister's office in 1972, "the immediate assignee is necessarily the newspaper enterprise, which must reflect back to the reader, whether through expanded or improved content, the benefit provided."⁹ Serisé did not explain exactly what might force publishers to pass along the largesse, however. He seemed to assume that this was obvious, which is open to question. One incontestable aspect of the flow however is that the only parties directly enriched are the owners of newspapers.

None of the 13 preconditions general-interest periodicals must meet to receive state aid smacks of repression.¹⁰ All merely set limits upon what can be called a "periodical" on one hand and "general interest" on the other. Since even such broad categories open themselves to subjective judgment, however, the legislation spells out some parameters. To qualify, a publication must come out at least monthly and devote no more than one-third of its space to advertising. Since about 10,000 newspapers and magazines of luxuriant variety of subject matter and editorial quality held *numéros paritaires* in the 1970–85 period discussed herein, approval was often thought to be automatic, a sort of formality like applying for drinking water service for a new building. But

neither first issuance nor subsequent renewal was, nor is, automatic, and in anything relating to freedom, one must look to the *possibility* of control to evaluate the existence of intimidation. If certain actions are known to carry risks, organizations will to some extent shape their behavior to minimize them. Publications, for instance, routinely decide whether photographs may be “too” pornographic or stories “too” hot.

The *numéro paritaire* system’s potential for influencing the industry was placed on exhibit three times in the 1970s, most interestingly when a brash young American named Thomas Moore opened *Paris Métro*, a controversial bimonthly mixture of hard-nosed, US-style investigative reporting and “city living” material. To French eyes, *Métro* seemingly went out of its way to offend “the powers that be.” It published the first serious article to appear in France on Service d’Action Civique (SAC), the Gaullist Party’s (not the French state’s) political surveillance wing.¹¹ It looked much further than anyone else into the murder of Prince Jean de Broglie, a politician with important friends and questionable business deals.¹² Mysteriously, *Métro*’s *numéro paritaire* was not renewed. The official explanation was a Kafkaesque bureaucratic “misplacement” of certain forms. At the time, a variety of French lawyers and journalists were convinced that “the misplacement” was no accident but rather a characteristically Colbertian response designed to inhibit publication.¹³

Two cases involving distribution in France of foreign magazines for “gentlemen’s entertainment” were better known in the trade. According to one school of thought, the Commission Paritaire’s delay in granting registration for *Playboy* in the 1970s, and later refusal for *Penthouse*, had more to do with preserving the French market for the politically faithful than protecting French sensibilities from pornography.¹⁴ Indeed, when Daniel Filipacci, a Gaullist and publisher of *Lui*, contracted to distribute *Playboy* in France, registration quickly followed. *Penthouse*, with similar contents but no such arrangement, was locked out.¹⁵

Indirect Subsidies

In 1985, publications that met the Commission Paritaire’s test were rewarded with aid amounting to F 6,062,692,972.¹⁶ About 90 percent

of it was carried on the government books as “indirect” assistance. University of Paris professor Nadine Toussaint, an authority on state controls on press, has maintained that such help should be considered “not as aid which is given, but rather resources which are not taken away.”¹⁷ Half-price postal rates, for instance, saved the press F 4,010,000,000 that year, and while preferential mail rates are common for the press in many countries, in France, they are only one among many conduits for help. Exoneration from value-added tax (TVA) levied at each production state was worth F 998,000,000; being excused from the professional tax, another F 483,000,000.

More controversial, tax breaks for profits reinvested in productive capacity within five years of being earned came to F 400,000,000. Publishers affectionately took to calling this provision of the tax code “our 39-b,” so much was it to their advantage. As amended by the 1976 fiscal Reform Act, 39-b excused dailies from paying taxes on 80 percent of their profits; nondailies, up to 60 percent.¹⁸ In 1972, a working paper commissioned by the prime minister’s office excoriated 39-b as “an anomaly” in the French system without precedent elsewhere, “a shocking financial heresy.”¹⁹ It survived intact, however. The chart below details the continued growth of indirect aid:²⁰

	1977	1985
Telegraphic and postal services	F 1,404,870,000	F 4,010,000,000
TVA exoneration	F 230,000,000	F 998,000,000
Profit reinvestment (article 39-b)	F 46,000,000	F 400,000,000
Professional tax exoneration	F 180,000,000	F 483,000,000
Total	F 1,860,870,000	F 5,891,000,000

Direct Aid

Unlike indirect aid, which the government calculates in terms of the amount treasury receipts are diminished by exemptions granted to the press, direct underwriting is both easier to measure and harder to justify. Making outright payments to businessmen requires more

energetic explanation then merely refraining from taxing money away from them. It is no accident that in the 1970s, the money provided by direct aid amounted to less than one-sixth of indirect aid,²¹ nor that the tone of those who defend it was far more strident. Parliamentary press expert Vivien scolded fellow legislators in 1978, for example, for refusing to increase subsidies for overseas distribution of French publications. "One has every right to ask the powers that be," he wrote with evident pique in the National Assembly report that year, "to explain their reasons. If they accept the aid policy [by maintaining it], it is indispensable that they support it with funds sufficient for proper execution."²² No publisher could have said it with more feeling.

Other direct aid, from reimbursed telephone calls to payments equaling 14 percent of composing and printing equipment purchases, sailed smoothly through legislative gates, as did another benefit of manipulated TVA rates. The second method merits brief discussion, since although discontinued, it suggests some of the Alice-in-Wonderland aspects of press subsidies. Under the Fiscal Reform Act of 29 December 1976, publications other than dailies were given a choice. They could either pay less tax or be reimbursed for the tax they were then paying on newsprint, printing, and news service costs. All but 414 of 9,900 found it more profitable to pay *higher* taxes.²³ Subsidies coming back to corporate coffers more than made up the difference.

Aside from the TVA, the table below²⁴ illustrates another kind of double accounting for the press. In addition to the common forms of mail subsidies (most US magazines pay only about 25% of the general weight rate, for example),²⁵ France extended the principle of assisted distribution to railroad bulk freight. During the 1970s, when national papers printed in Paris had not switched to facsimile reproduction in the provinces, rail transit remained the most effective long-distance hauler. Because it owns the railroad, the state found itself in the position of operating a kickback, paying the press to pay for the government's own services. No such help was available for shipments on privately controlled transportation—trucks, for example.

	1977	1985
Telephone-facsimile	F 8,178,000	F 19,021,640
Subsidized printing costs	F 13,840,000	0
Railroad reimbursement	F 33,850,000	F 110,246,000
International distribution	F 10,670,000	F 27,660,043
TVA reimbursement for publications choosing to pay increased taxes	F 220,000,000	0
Publications with weak advertising revenues	0	F 14,765,280
Total	F 286,538,000	F 171,692,972

Origins

From its beginning in the 1800s, the stated goal of press aid has been a thing of noble intention—the enriching of public opinion through easy access to a rich variety of fact and opinion. Some measures, such as reduced telegraph rates, were put through as part of treaties, starting with the International Telecommunications Pact of 1886.²⁶ Others—newsprint subsidy, for example—rose from industrial protectionism, in this case to shield France’s retrograde paper manufacturers from efficient foreign competitors.²⁷ Tax exemption for capital investment (“our 39-b” to publishers), though considered an “anomaly” by opponents, actually represents a characteristic Colbertian response to a problem of state.

By the end of the German occupation of 1944, the newspapers of France were, of course, being put out by *collaborateurs*. Moreover, the situation followed a decade in which many—perhaps most—major publishers had openly sympathized with the rise of Nazism, attacking their own government for opposing a force they considered the only bulwark against Communism.²⁸ When Liberation came, the credibility of the French press was even more shattered than the rest of the country—at the very time the struggling Fourth Republic desperately needed it to rally public support. The experience of *Ouest-France*,

which became the nation's largest daily, illustrates some of the major explanations for the extraordinary increase in postwar aid.

Ouest-Eclair, as it was then called, saw its staff divided right down the middle in the spring of 1939. Half either sympathized with Nazism or thought they should continue to put out the paper no matter what. The others favored going underground if the Germans captured Rennes, which they did in 1940. A young man who had married into the paper's controlling family fled shortly before the Wehrmacht occupied the city.²⁹ Paul Hutin joined the Underground—and the generation of journalists who would rebuild the profession after the war. During the occupation and long after it, the shared drama of defeat, resistance, and genuine, intellectual rebirth continued to hold this group together so strongly that 30 years after Liberation, its members refer to the early postwar years as “the golden era.”³⁰

Hutin's abrupt disappearance was typical of these journalists' response to the occupation. Equally characteristic of the group was the way in which he resurfaced five years later. He swept in with the Allied armies, “liberating” *Ouest-Eclair* with something very close to Ernest Hemingway's method of “liberating” the wine cellar at Paris's Hotel Ritz: he got there first.³¹ Among the prizes left to the Free French by the retreating Germans were, quite literally, all the country's newspapers, and in the chaotic exhilaration following V-E Day, nobody would deny them to journalists who had served the Allied cause. But there was more than mere romanticism to the national acceptance of the rather anomalous spectacle of people marching into town and *keeping* newspapers. France was reeling toward Communism, which in the days before the Marshall Plan seemed to millions of Frenchmen the most likely route to reconstruction. In Paris, politicians searched for ways to rally public opinion.

People like Hutin held attractive assets. They had proved their political reliability and personal resourcefulness during the war and now, after it, they stood among the few Frenchmen able to deliver something essential. It was therefore normal—patriotic—for the early administrations of the Fourth Republic to help such publishers rebuild productive capacity. “Our 39-b,” which later struck critics as such an anomalous

helping hand to monopolists, made perfect sense in the reconstruction era that produced it.³² So did a new style of journalism.

Before the war, the French press had been so partisan that no paper carried much credibility beyond a narrow band of readers. Hutin's paper and other provincial dailies (Bordeaux's *Sud-Ouest*, Nancy's *Est-Républicain*, Lille's *Voix Du Nord*) began to change that, influenced by two powerful forces pointing them toward a blander, more balanced journalism. They fully shared the reconstruction mood of rebuilding a non-Communist society, and history was going their way. So, too, they shared with Europe as a whole an admiration for "American know-how." Not that they embraced Anglo-Saxon journalism uncritically; the ultimate French product, as will be seen later, resembled the American prototype only to the limited extent that *le Drugstore*, with its chic, Champs-Élysées boutiques, fancy wine list, and haute-cuisine hamburgers, follows Walgreen's Main Street USA model. What they borrowed was the depoliticization of the news, well suited to the pull-together mood of reconstruction, and the need to avoid alienating powerful politicians in Paris, a source of very lucrative aid.

National legislation forbade the use of pre-Liberation names by collaborationist papers. Hutin renamed *Ouest-Eclair* as *Ouest-France* and made sure it carried *everyone's* political announcements. At the same time, he took steps to prevent the paper from making enemies. It would take no controversial stands.³³ It would do no "investigative reporting" *à l'Américaine*, which might embarrass high officials or wealthy advertisers. He and counterparts in other provincial centers also benefited mightily from state policies, which, while not constituting intentional aid to the press, could hardly be more helpful, nor more Colbertian in their operations.

Like most Europeans national broadcasting systems, the Organisation Radio-Télévision de France (ORTF) was organized as a state-owned monopoly. But unlike some, notably the BBC, it never found the strength to remain independent of partisan politics nor to totally eschew the revenues of advertising. It also brooked far less competition than the BBC until the late 1980s. In the 1970s, France permitted no equivalent of Britain's privately owned Independent Television

Authority. All television and most radio advertising had to be funneled into ORTF. This twofold monopoly of news and advertising was so highly centralized that all news from the provinces was transmitted in raw form to Paris for “cleaning up” (and occasional censorship)³⁴ before being aired in the district where the events happened. What this meant for regional publishers was simple: state broadcasting ceded them virtual monopolies over local news and local advertising revenues.³⁵

While the vagueness of US antitrust law has bedeviled business and courts alike, French statutes are faultlessly clear and spring from the very heart of postwar reconstruction. In 1944, as the fighting swung against Germany, Free French leaders met in Algiers to restructure the press of their still-occupied country. Articles 7 and 9 of the resulting Ordinance sur l’Organisation de la Presse Français were designed to prevent the prewar situation of French newspapers’ being controlled by a few rich ultraconservatives. No *collaborateur* could repossess his newspaper, and nobody henceforth could control more than one.

Since both provisions passed subsequently into the law of the Fourth and Fifth Republics, how have a dozen *groupements* managed to seize an overwhelming share of the national market? In much the same ways that allowed IBM and General Motors to dominate their sectors of American industry—through selective nonenforcement of the law.³⁶ As a leading study by University of Paris professor Nadine Toussaint points out, the French publishers have developed other means for acquiring papers than the outright purchase favored by US chains. By *couplage* (sharing advertising lineage) or *absorption* (centralization of production), *Ouest-France* and other large operations have mopped up smaller independents in outlying areas.³⁷ They use a legal fiction permitting them to argue that such acquisitions remain within the law. They leave in place vestiges of the old paper, four-page “local editions,” complete with the traditional banner folded into the main paper. In 1978, for example, *Ouest-France* put out 36 of them in 12 departments.³⁸ This is the rough equivalent of the *Des Moines Register* publishing zone editions in every county seat in Iowa.

If couplage and absorption permit a certain political *politesse* in staying within the facade of legality while ignoring its content, a new phenomenon observed no such niceties. It was the simple gobbling up of independent papers by chains. The chief exponent was Robert Hersant, known as “the French Hearst” for his strident conservatism, his financial success, and his willingness to run his friends and himself for public office in the pages of his newspapers.³⁹ Starting off with *l'Auto-Journal*, he moved first into specialty magazines, which he used to generate enough cash to move into newspapers. The moves were hardly quiet. When Hersant bought *Paris-Normandie* in 1972, half the staff resigned in protest of his politics—and use of them in the paper.⁴⁰ Hersant did not mind. He gladly paid the large indemnities required by France’s “conscience clause,” hired journalists more to his liking, and looked for other properties.

Enter *Colbertisme*. In 1976 and again in 1978, President Valéry Giscard d’Estaing and the ruling Gaullist coalition faced critical campaigns, each of which they entered while trailing a Socialist-Communist alliance. A combination of past policy and historical accident compounded their difficulties. The provincial press was firmly set in its political blandness, not to be counted upon for clarion partisanship. Yet the most influential Paris papers, notably *le Monde*, supported the left. The political mood approached panic. French capital was fleeing the country to escape a possible Socialist takeover. At the critical moment, Hersant in quick succession bought both Paris’s largest daily (*France-Soir*, circulation 504,000) and its most venerable journalist ornament (*le Figaro*, circulation 324,000). While *France-Soir* had always been conservative in the manner of the *New York Daily News*, *Figaro* had stood squarely in the middle of the road, with the solidity, the gray uprightness, of an obelisk. Suddenly there was a cascade of firings and a wrenching lurch to the right in support of Giscard. Hersant had seized control.

Acquisition of *le Figaro* brought Hersant’s daily newspaper holdings to an even dozen. Together, they reached a commanding audience—one French newspaper reader in five.⁴¹ Strategically placed in both the capital and provincial centers across the country, they presented

particularly high profiles in public awareness, not only because of the “American” way they were boldly taken over, nor even the unabashed self-promotion they promote “Le Patron” and his ideas. What made Hersant’s rise notorious, and particularly illuminating in terms of *Colbertisme*, is how clearly it exposed two central ironies of the system. Under political stress, state policy, ennobled as a thing standing above and apart from partisan strife, can quickly become no more than an instrument for serving the party in power.

It would be difficult to imagine a more apt target of both the monopoly and collaboration provisions of French antitrust law than Robert Hersant, convicted of wartime fascist activities and currency violation by the court of Seine et Marne in June 1947 and imprisoned for 30 days.⁴² His unhappy experience is well known but prompts little more than helpless sarcasm when antitrust prosecution is discussed. Georges Kiejman, a Paris attorney who represented prominent journalists and specialized in cases involving the press, merely shrugged. “It seems,” he noted, “that the majesty of justice moves more slowly for M. Hersant than for others.”⁴³ Daniel Gentot, secretary of France’s largest journalists’ union, asked with heavy irony, “Curious, isn’t it?” that no action was brought against Hersant during the 1970s.⁴⁴ Those familiar with the system however, find it not curious at all. The state prosecutor’s office, which would initiate any proceeding, is controlled by the same powers that need the publisher’s help.⁴⁵

Certain aspects of the aid system set up to ensure readers maximum variety of opinion actually facilitate monopoly. Because the amount of the state’s contribution to publisher’s coffers depends on the extent of their operations and the size of their profits, big, highly profitable outfits get the most help. Small, struggling enterprises ordinarily cannot avail themselves of benefits like reduced railroad distribution or long-distance telex or telephone rates, for instance, simply because they are too local to require it. Nor can they expect help in upgrading their capital facilities, since the exemption under 39-b is based on *profits*, not gross revenue. “The whole system,” notes Jean-Louis Servan-Schreiber, “helps the big, and helps the big get bigger.”⁴⁶

Agence France Presse

The same impulse toward liberty that produced postwar aid and anti-trust legislation brought a total overhaul of the national news wire service. Charles Havas, a Frenchman, had invented the new dissemination system for news in 1833, and his Agence Havas dominated continental news and monopolized the French market until the Second World War.⁴⁷ Collaboration discredited and ruined it.

Nothing before or since the creation of Agence France Presse (AFP) brought forth more enthusiasm or idealism from French journalists. Many, like Claude Bellanger, had spent the war in service of *la Presse Clandestine*, the information wing of the Resistance, and emerged from the experience with fully developed ideas about how news should be disseminated. They wanted to keep it free by keeping it out of the hands of government, but economic necessity and a rich tradition of state intervention decreed otherwise. An ordinance of September 30, 1944, set up an agency budgeted directly by the Ministry of Finance.⁴⁸ Its stellar initial performance, however, surprised nearly everyone, particularly Americans who had first dismissed it as just another state propaganda service.

The quality of its staff preserved a measure of independence many thought impossible. A whole generation of professionals glimpsed a heady dream. With the old order of venal press lords overturned along with the rest of Collaborationist France, they were free to start from scratch in a sort of *Thermidor* for journalism. "We were free to do what we wanted," recalls Françoise Giroud, "and what we wanted was freedom."⁴⁹ From 1945 through the early 1950s, AFP established itself as one of the most highly regarded news organization in the world. In the process, it fulfilled a function performed elsewhere by colleges and universities. France had no professional schools for journalists. As Claude Imbert, AFP alumnus who became editor of the weekly *le Point*, put it, "AFP was our journalism school, and an excellent one at that."⁵⁰ A disproportionate number of the leaders of the profession in the 1960s and the 1970s carried the same "degree."

But political strains took their toll. Even before de Gaulle began his imperious interventions against the press, traumatic military losses in

Vietnam and Algeria threatened AFP's carefully nurtured independence. It was an era in which issues of publications carrying unauthorized accounts of battle and behind-the-lines brutality were routinely seized, and journalists harassed.⁵¹ The country, losing in quick succession an empire and a province thoroughly integrated into the national structure and psyche, felt itself unable to withstand further disappointing news. Journalists reacted by securing for the AFP the fundamental statute of 1957. There could be no doubt about its intent. Article 2 stated,

The Agence France Presse will in no circumstance take account of influences capable of compromising the exactness or the objectivity of its information, nor must it, in any circumstance, pass under the control in law or in fact of any ideological, political, or economic group.⁵²

Government influence was strictly limited. Journalists and publishers were to be elected to the AFP's superior council. Of its eight members, only three (a state counselor, a judge, and a broadcaster) represented government. Even on the administrative council, the AFP's supreme body, the state accounted for only five of 15 members.⁵³ Yet a single representative from the prime minister's office, one from the minister of finance, and another nominated by the foreign minister sufficed to stack the deck when the game was *Colbertisme*.⁵⁴

The state held all the trump cards. It set the budget, which of course determined how many journalists would be at work in the nation's largest news organization (958 staffers in 1978),⁵⁵ how much they would be paid, and under what conditions. The two AFP journalists on the administrative council had to take account of this while keeping in mind the chronic unemployment of the profession. To the eight publishers, the message of implied power was no less clear. Each of them depended heavily on AFP for national and international news, available to them at bargain rates (half the cost of AP's international wire, for example) through a state subsidy that reimbursed 50 percent of subscription costs.⁵⁶

On May 29, 1978, the government of President Valéry Giscard d'Estaing moved on AFP with the suppleness characteristic of *Colbertisme*. The highly effective Claude Roussel, about to begin a second

three-year term as chief operating officer, was forced out by minister of culture Jean-Phillippe Lecat. In came Roger Bouzinac, whose journalistic credentials as Paris bureau chief for *Nice-Matin*, a resort-town daily, were less than superlative.⁵⁷ But Bouzinac carried clout of another order, and the kind far more useful to an administration that shortly before had managed reelection by a split hair. The new *designé* happened to be the director general of France's most powerful publisher's group, the Syndicat National de la Presse Quotidienne,⁵⁸ whose members determined which candidates got what sort of coverage.

The coup was as unambiguous as AFP's statutorily declared independence, and Hubert Beuve-Mery would have none of it. A towering figure, president-director of AFP, founder and retired director of *le Monde*, he thundered "Whether in terms of principle or any other consideration, I cannot associate myself with a procedure that amounts to a grave attack on the spirit, if not the letter, of the agency's statute."⁵⁹ With that, he resigned. Those few words and eloquent action, however, ended the affair. There were no screaming headlines. No publications sent reporters to question the minister—and certainly not the president. There was no running story to arouse public outrage. Even *le Monde* buried its founder's remarks in the *presse* section deep inside the paper. *Colbertisme* just wasn't page-one news.

Part II

THE WORLD ON TRIAL

Chapter 3

LE MONDE AND FRENCH SOCIETY

A Suit without Precedent

Elegant, acerbic Philippe Boucher was soaking in a customary predinner bath November 7, 1980, when the government of France reached into his Paris apartment to make him an object lesson in the limits of free expression. More than merely the nation's leading legal commentator, Boucher was also the acknowledged protégé of Jacques Fauvet, director of France's most prestigious newspaper, *le Monde*. There had been no reason for him to be nervous about recent commentaries. True, they broke some press laws, but there are so many such statutes, and they are enforced with such caprice, that a trade truism has it that "every time a French paper appears on the stand, several laws are broken."¹ Long professional experience told Boucher he had been within the limits of the permissible.

He was wrong. Or else the limits of the permissible had shifted. In a remarkable series of encounters involving Boucher, Fauvet, and the administration of President Valéry Giscard d'Estaing, both issues were raised. Their most important aspect was not who was right but rather *who could have been right* given the nature of the French system of press-state relations. It is so closely tied to the administration in power

that, overnight, the unwritten rules defining may change radically. It is absolutely essential to distinguish these informal professional guidelines from the huge body of press law, which makes many kinds of significant political reporting technically illegal. The statutes themselves, however, do not often change. They remain available, and the ease of using them gives enormous power to officials in deciding what measures will be enforced, against whom, and when. Cautious journalists react by censoring themselves. For the bold, there is always the possibility that the system will use a characteristic surprise attack to catch them legally—or literally, in Boucher's case—with their pants down.

This government attack on *le Monde* involved double irony. The first level concerns magnitude and perception. Nowhere in the modern history of France was there anything approaching the assaults of 1980, which rank with Watergate as tests of Western journalism. Yet nobody in France, neither in the press nor in politics, considers them to have made a lasting impression on public consciousness. There was no “post-Watergate mentality” of journalistic vigilance and government caution. Second, and perhaps less expectable, the very fact that the attacks were *not* considered significant beyond their immediate context makes them interesting to students of free expression. It must be remembered that free societies regularly discuss censorship, but censored societies do not, sometimes because they are not allowed to. Since challenges to freedom strongly indicate its value, one looks to the grounds upon which they are brought, their intensity, their effects. In terms of the press, the first indication of how freedom ranks is usually whether its contested exercise is seen as a matter of principle or of politics.

Some context for cultural reference is needed at the onset, and Watergate provides a useful set of analogies. Let the *New York Times* stand for *le Monde*. With due apologies to the *Washington Post* (far more comprehensive than a French “Journal of Humor” but no more politically authoritative), cast it as the weekly *le Canard Enchaîné*, France's unique combination court jester–champion muckraker. The most explosive of seven suits brought by minister of justice Alain Peyrefitte involved revelations by *le Canard* that President Giscard d'Estaing had accepted gift diamonds from Jean-Bedel Bokassa, the murderously

corrupt chief of the Central African Empire. The trials were the rough equivalent of Attorney General John Mitchell's having been able to haul into court publisher Arthur Ochs Sulzberger along with his reporters for the *Times*' coverage and commentary of the Watergate burglary story broken by the *Post*. The legal grounds were comparable to Mitchell's claiming to have taken action purely because of matters internal to the Justice Department, having no connection either with Richard Nixon nor his Committee for Re-election of the President.

To outsiders, it might seem anything but obvious why the government took *le Monde* to court in large measure for merely repeating parts of a much larger subject raised by an entirely different newspaper—against which, moreover, no action was taken. Explanation lies in aspects both large and petty of the relationship of the French press to politics: the value of freedom of speech and personal quarrels, the hierarchy of periodicals, the exigencies of electoral politics.

In 1980, there was a French presidential election campaign underway, with the camp of Giscard showing much of the nervousness of Richard Nixon's Committee for the Re-election of the President in 1972. Both elections were seen by the incumbents and their followers as ideological Armageddons—last defenses of conservative orthodoxy against populist and somehow unpatriotic forces seeking, in the American case, to “sell out” in Vietnam under George McGovern or, in the French, to nationalize all banking and a great deal of industry under a Socialist/Communist coalition.

The government's assaults on *le Monde* were perceived domestically as episodes of electoral politics rather than universal principle—of transient expediencies, not eternal verities—despite massive efforts to counter that impression. This is of fundamental importance in understanding the differences between the French and American systems and, beyond them, the range of approaches to practices grouped under the common banner of “free speech” in the West. The suits cast *free* in a new light, without which a major event in the recent history of journalism would have been incomprehensible. To wit: a mere three weeks before Peyrefitte sued to muzzle *le Monde*, French delegates in Belgrade had joined those from the US and other Western democracies

against the attempt by the Soviet-led Third World to impose a “New World Information Order” of censorship under United Nations Educational, Scientific and Cultural Organization (UNESCO) auspices. The *le Monde* suits underlined the phoniness of closing ranks in support of free speech. The show of unity was largely a sham. A far more honest reflection of sentiment on the issue came three years later, when the US, largely in disgust over the “New World Information Order” announced it was withdrawing from UNESCO. France took no such action.

Watergate left long-term, perhaps permanent changes both in the press and in government because, despite massive efforts from the Nixon administration, the scandal was fought on grounds of fundamental principles—right versus wrong, freedom of speech versus “cover-up” censorship. The French could not fathom this. To them, it looked hopelessly naïve, so infantile as to be suspicious. For explanation, they took to murky theories of conspiracy. In their system, such peccadillos are generally settled by threatening telephone calls, with appropriate references to some of the 661 laws limiting press, reportage and commentary.² Indeed, this approach was attempted in 1980. But when the full ramifications of *le Monde*’s charges became known, France could not accept them. Instead of leading to a national debate on the nature and limits of liberty, they were swept into a mental category known as an *affaire*, which includes anything too big to be called scandal, too small to produce major change. One comes along every few years and most are quickly forgotten. Such was *l’affaire du Monde* in which “the world,” literally in translation and figuratively in terms of free expression, was put on trial. For a few weeks there was intense activity, after which few in France cared.

Le Monde and Universal Influence

Appreciating the significance of what happened—and what did not happen—requires an understanding of *le Monde*’s position in French society and something about that milieu itself. Francophiles seldom cite the same root for their fascination. They generally agree, however, that it has something to do with the palpable, often visible, tension caused

by the Gallic penchant for trying to impose eternal order upon forces prone to any number of giddy anarchies. It is the charm added to a beautiful body by formal, starchy clothes.

Garden plants are as unruly in France as anywhere else, for example, but the French insist on treating them as though they obeyed the laws of Euclidean geometry instead of botany. Shrubbery sculpted into spheres or cubes, trees espaliered into candelabras, flower beds raised from the ground (and ground water) for optimal viewing and replanted several times a year before *any* variety completes a seeding cycle, all proclaim victory of mind (and principle) over nature (and fact). It is anything but accidental that, when you ask a specific question of a Frenchman, such as whether the plane is on time, the answer will invariably begin, "In principle . . ." followed by the *scheduled* arrival time for the flight, even if that hour passed long ago.

Elaborate rituals govern human interaction. One of the world's most elaborate forms of *politesse* is variously observed or ignored by a people famous for celebrating infidelity and whose spectacular revolutions serve the historiographic function of separating the intervening periods of collective subservience. The term *dictates of fashion* cannot be understood without a stroll down the Faubourg St. Honoré at fashion-show time. Hem elevations change *overnight*, as do jewelry, colors and curls—and for everybody, remote provincial very much included. The thoroughness is somehow terrifying. Reporting a fire by the rules in a French office building is a 10-step procedure requiring a 2,000-word explanation—across which, in one occupied by an American company whose offices *had* burned, a few years previously, someone scrawled "IN CASE OF FIRE YELL FIRE!" Merely sitting down in a Paris Métro may require settling priorities, reserving the same seat variously for the war-wounded, the blind, women pregnant or accompanied by children under four—in that order, if some of each happen to be in the carriage.

Within this ambience, immovable monuments exercise a calming effect. In politics, the West's strongest executive branch and most centralized bureaucracy in the 1970s and early 1980s imposed continuity over a parliament and population split approximately in half between socialists and liberal democrats and fragmented into regions that retain

their ancient outlines (and animosities) as fiercely independent states relatively recently absorbed into the French nation. In architecture, the symbol of eternal order is Notre Dame. In journalism, it was *le Monde*.

Breaking news can be as difficult to control as ornamental plants or electoral politics. To provide an appearance of calm, *le Monde*'s designers came up with solutions reminiscent of their colleagues in landscape architecture and legal draftsmanship. The layout can only be called "chaste." *Pravda*, even the *Wall Street Journal*, by comparison seem positively gaudy. There are no photographs nor even engravings on page one. The format is strictly vertical, one-column paragraphs marching in unbroken file through editions that, in the 1970s, often ran to 80 pages. News judgment based on public interest or immediacy, which determine headline composition elsewhere in France and abroad, receives only filtered recognition at *le Monde*, where, generally speaking, the august front page reserves itself for questions of statecraft.

A spectacular crime splashed across several columns in other papers may not even appear in that day's *le Monde* because of insufficient time to ponder its ramifications. When the "definitive" story does run, it will be "where it belongs," on an inside page in a section reserved for miscellaneous items that somehow do not fit into the paper's specialized rubrics, which range from sports to national equipment, and are not to be transgressed. Just because something is hot does not mean it should be confused with more elevated discourse. Two typical examples:

- When a terrorist bomb destroyed the incredible soufflé, pâté, and jelly confections of Fauchon, Paris's most celebrated purveyor of gourmet delicacies, a banner headline story in France and front page in much of the rest of the world, *le Monde* waited for a few days, then buried it inside.
- In June 1978, Hubert Beuve-Mery angrily resigned the director generalship of Agence France Presse. That Beuve-Mery was a founder not only of AFP, but of *le Monde*, might lead to an assumption that the account would be page-one news. So might Beuve-Mery's explanation, which was that the government was subverting the nation's preeminent source of information. But

no. The story appeared on page 28, where the press section ran that day.

Not only did the paper throughout the 1970s enjoy the *New York Times*' reputation for comprehensive quality and the London *Times*' aura of subdued authority. *Le Monde*'s position was so central that in key situations, it often appeared to be at once the *only* newspaper in France, and at that not so much a newspaper as a moral presence around which a politically divided nation may rally. The stormy "Events of May," 1968 had underscored this quality. While strikes shut down all other Paris dailies, and the governmental broadcasting monopoly censored itself into blather, *le Monde* alone voiced the demands of the rioters and reported the fundamental challenge to de Gaulle's order. In the chaos, its august publisher took to the streets with his wife to hawk copies of the paper, which scored an instantaneous, huge increase in circulation—much of which it kept.

Why this commanding position? Founded in 1944, *le Monde* cannot claim the venerable history of the *Times* of New York (founded 1851), let alone "The Thunder" of London (founded 1785). Nor is its circulation dominant. At 626,183 in 1980,³ it had remained virtually static since 1975 and was only slightly more than half the size of the provincial giant *Ouest-France*, published in Rennes. The reasons why *le Monde* leads national discourse begin with the sort of factor that often confuses Britons and Americans about France, where things are often *more different* than they at first seem. Just as Notre Dame was built as not only a spiritual symbol but also part of an island fortress and a mighty propaganda machine, and Versailles not merely a castle but also a velvet trap in which to seduce and destroy potential rivals of the Bourbon monarchy, so *le Monde* was never intended to be "just a newspaper." While the *Times* of both New York and London rose from obscurity to influence, the position of their French equivalent was created in a quintessentially French way. Authority imposed it from the top, in the manner of popes and kings.

General Charles de Gaulle, himself the personification of France in the early days of Liberation, willed that it be so. The free French

government in exile had set deadlines by which newspapers in Nazi-occupied territory must be shut down during the war or risk being prevented from reopening after its return on grounds of de facto collaboration with the enemy. *Le Temps*, France's prewar *journal officieux*, or quasi-official paper, missed its deadline by 48 hours. In its place, de Gaulle required a journalistic "foundation piling" upon which to build a new public opinion. The goal, according to the general's minister of information, was a paper that would state the official line in foreign policy while, he emphasized, "maintaining its total freedom—I repeat, its total freedom—regarding domestic politics."⁴

Le Temps' building and presses had been confiscated under the collaboration laws. De Gaulle's officials also stripped of financial interest stockholders who had sympathized with the Germans, then installed a handpicked editorial team led by Hubert Beuve-Mery, whose *le Temps* dispatches from Prague beginning with the Munich Crisis of 1938 had caught the attention of the men around de Gaulle. The government's ownership formula, calculated to exclude rich *collaborateurs* while guaranteeing the dominance of editors in matters of publishing policy, ceded 40 of 200 shares of stock to Beuve-Mery and two other top editors, equipping them with an easy voting majority. The arrangement meant, of course, that if they succeeded—and everything possible had been done to help them do so—the government would have made them rich men. Beuve-Mery, however, warned from the start that de Gaulle, commander of an armored division, once having installed a "free" editorial team at the new paper "would find it tempting [later] to bring back the tanks."⁵

Eventually, de Gaulle would indeed try to intimidate Beuve-Mery. But by then, ironically, the most powerful politician in modern French history would have intervened a second time to bolster the position of the man generally recognized as the father of post-Second World War journalism. To extend Beuve-Mery's analogy, in the first assault on *le Monde*, metaphorical tanks were invited to fire point-blank at its editorial independence by members of the paper's own board.

By September 1951, Beuve-Mery had led *le Monde* for six years, long enough for every band of the Fourth Republic's fragmented political

spectrum to realize at least two things about him. First, there was an implacable professional purity that offended even admirers like Françoise Giroud, herself a founder of *l'Express*. Writing of him in 1956, she said,

Fifty-four years old, gray hair, with eyes never agreeing with his mouth—the former suggesting amity, smiles; the other refusing it—a man of rude and haughty allure, loving mankind but distant from men, this immovable Breton is as gracious as a cactus. . . .

[He] pursues a single joy: the bitter joy of being alone, alone to be lucid, alone to remain pure. . . . And this is almost a weakness, a fear.⁶

Second, Beuve-Mery, while faithful to the mainstream of postwar reconstruction dialogue, had shown himself fearless in critiquing his supporters as well as their enemies. In creating *le Monde*, unanimity regarding freedom of the press had been easily achieved. In those heady days following Liberation, everyone wanted the opposite of the venomously politicized press that had largely welcomed a fascist takeover. They wanted freedom and wanted it desperately. Yet nobody in France had seen a responsible, independent press since before World War I. There was no domestic model to re-create.

Beuve-Mery demonstrated that freedom can hurt. Many of France's most bitter political battles in the late 1940s concerned the US. How threatening was its culture? How reliable was its pledge to defend Europe, and if fighting resulted, where would the fighting take place? Many of *le Monde's* early supporters, including several stockholders and one of its editorial triumvirate, marched firmly into the camp of the Atlanticists, who, under the leadership of Jean Monnet and the influence of the Marshall Plan, envisaged a United States of Europe firmly tied to the US. Beuve-Mery, writing under the increasingly transparent pseudonym Sirius, disagreed. France should rearm but as part of a European "Third Force" between the superpowers. That sat well with many Gaullists. *Le Monde's* questioning the wisdom of France's colonial war in Indochina, however, did not.

On July 27, 1951, a coalition from within the publication and beyond forced Beuve-Mery to resign. His letter claimed that he could not

“display these internal quarrels in the columns of *le Monde* without prejudicing [the paper] and playing into the hands of our common enemies.”⁷ Within a few weeks, however, he had changed his mind, and mounted a counterattack for control of the paper unique in the history of journalism and sufficient to contribute significantly to *le Monde*’s “institutional” position in French society.

With much fanfare, journalists had been given a large say in the paper’s policy, a world-scale revolution in newspaper practice. They exercised the new power August 6, demanding Beuve-Mery’s return under their “rights to the moral property of the paper.” The ex-editor further strengthened his position by politicking among the influential, enlisting the support of Jean Monnet, among others, and by asking an old colleague from law school to find and shore up the weak points in *le Monde*’s corporate structure. Shortly thereafter, Beuve-Mery supporters were claiming that those who had forced him out could be fined and even imprisoned under a 1944 Liberation statute. There was another extraordinary meeting of the staff, resoundingly backing Beuve-Mery’s charges of Nazi collaboration on the part of a principal opponent.

Finally, *le Monde* mobilized its own readers in a call to arms published September 17. The Federation of Readers’ Committee of *le Monde* collected signatures of people who mattered throughout the country, reaching from the universities into broad circles of influence. In a special Paris meeting December 11, the new federation adopted a strong motion to support Beuve-Mery.⁸

Charles de Gaulle, out of office but among the most listened-to men in France, took note of all this. Special emissaries visited him to make the case. True, Beuve-Mery could not be counted upon to kowtow to Gaullist dogma. He could, however, be trusted to be absolutely honest, a quality not under guarantee in any successor, and his fall might jeopardize *le Monde*’s position as national forum, so central to the general’s early vision of postwar France. And while unpredictable, Beuve-Mery had consistently backed the foreign policy concept of French independence from both the USSR and the US. De Gaulle signaled his support in early December, adding irresistible weight to the effort within the paper to force a technical resolution of legal complications preventing

his return. Soon it was done, through a favorable reading of corporate bylaws enabling a managing director to be recalled to duty by a simple majority vote of company shares.^{*} The general's intervention made all the difference. In *le Monde de Beuve-Mery*, the definitive history of the paper, the authors state flatly, "The choice [was] decisive: de Gaulle had saved Beuve-Mery."

For the next 20 years, during which political analysts observed that the two "often had the same ideas, but never at the same time," France's man of destiny and its paper of record counterweighted each other. Oddly, de Gaulle and Beuve-Mery met face-to-face only rarely:

Beuve-Mery: The paper began with an expropriation by the state, and I have never considered myself anything but a free manager of a sort of public interest service.

de Gaulle: That does you honor. Don't forget that without me, Mr. Beuve-Mery, today you would be lost.⁹

Beuve-Mery's support, however, was hardly unconditional. *Le Monde* backed Gaullist Algerian policy in principle while standing out as one of four of France's more than 100 newspapers to attack ongoing practices of torture by the French Army. Government officials retaliated by seizing offending editions. These reports, comparable in content and impact to stories by US journalists about the Mỹ Lai massacre in Vietnam, had a similar effect.

As with so much else in postwar French history, the events of May 1968 proved to be a watershed for *le Monde* both in terms of its relationship with the period's "man of destiny" and its role in national politics. The revolt of students and blue-collar workers against oppressive and centralized paternalism caught both de Gaulle and *le Monde* off guard. In fact, both the general and the editor were out of the country when the lights went off in Paris. But while the thrust for educational and social

* Helped by a new stock issue to staff journalists, the number of shares voted in favor of Beuve-Mery came within a single unit of meeting the three-quarters margin demanded by those seeking to block Beuve-Mery's return.

reforms ultimately toppled the government, the newspaper emerged stronger than ever before and more central to public debate. In the critical days following May 15, with telephones dead, broadcasting crippled, and other national dailies undistributed, *le Monde* was the *only* national forum; it alone was able to deliver relatively complete reports, which were initially quite sympathetic to strikers' demands. This achievement paid off handsomely, and not in prestige alone. Circulation shot from 410,000 to 637,621 on May 15, then doubled "pre-events" levels at 800,000. When calm returned, the paper had added a permanent 20 percent to its readership and had strengthened its internal structure by applying the lessons of revolt to its own holding company. A new stock distribution cut the ownership of *le Monde*'s founders from 72 percent to 40 percent while increasing control of staff-held shares from 28 percent to 49 percent.¹⁰ It was a move directly in accord with the liberalization that was to shape French reforms for the next decade.

Chapter 4

THE GOVERNMENT GOES TO COURT

As a monument, *le Monde* seemed admirably fashioned to withstand storms. Hubert Beuve-Mery had focused political conflicts on abstract principles, whether of domestic or foreign policy. Heavy weather merely made granite convictions glisten in resistance. But by the fall of 1980, when the full power of the French state was directed to muzzle the newspaper created to lead national debate, important things had changed. Beuve-Mery had retired from editorial policy making, creating a new element of uncertainty. That helped explain why the government's attack, too, was different from other threats. *Le Monde* found itself in a battle somehow more *personal* than any it had fought before. Freedom of the press was at issue, of course. The cause, however, centered around a remarkable reporter named Philippe Boucher and the minister of justice, Alain Peyrefitte.

The government's 1980 war on *le Monde* involved two distinct battles. In May, Peyrefitte cited three articles under two of the laws most commonly invoked against the press. Hardly anyone noticed. The second encounter, which became a *cause célèbre*, was fought over five additional stories attacked under a criminal statute so rarely used that commentators referred to it as having been "exhumed" for the

occasion.¹ If neither subject matter nor legal grounds were the same, so too did results differ. The paper technically lost the first round but won the second, albeit in default: elections swept Peyrefitte from office before judgment. What the encounters shared were a remarkable set of protagonists and the distinction of being utterly bizarre even within the context of French press history, the world's most complex.

Peyrefitte's Spring Offensive

The minister of justice launched his spring offensive after *le Monde* had run articles that had hit him in tender places.

All of page 10 on April 17, 1980, had been reserved for a "memorandum" published in part that day by the satirical weekly *le Canard Enchaîné*, headlined "How to Buy the RPR and Destroy Chirac" and signed with the initials A. P. The RPR (Rassemblement pour la République) was the right-center coalition assembled to unite Gaullists and members of Giscard's Independent Republicans behind the president's campaign. Jacques Chirac, right-wing Gaullist mayor of Paris, was Giscard's chief rival. "A. P.," according to both *le Canard* and *le Monde*, was Alain Peyrefitte, for whom page 10 was pure dynamite. The 3,800-word memo to Giscard reeked of the meanest smoke-filled room connivance and notably lacked any pretense at statesmanship. It advocated "the best way to weaken Jacques Chirac" as being "to seduce the Gaullists."² Peyrefitte being a Gaullist himself, the memo smacked of the most unpopular kind of opportunism: a politician willing to sell out his party for personal gain.

Small wonder that *le Monde* staffer André Passeron, in a 100-word explanatory "cap" above the memo, reported RPR sources saying privately that this "confirmed Peyrefitte's move toward Giscardism . . . and of his desire to offer his services to the chief of state." If authenticated, the memo would "totally discredit" the minister of justice in the eyes of the Gaullists as well as the broader ranks of the RPR. This was obviously a document with which *le Monde* had taken some care. On Tuesday, before the story had broken, Passeron had coaxed Peyrefitte's unsuspecting office into confirming that the minister wrote his

confidential notes to the president on plain white paper without letter-head, as was the case with one reproduced. After seeing it in print, a hapless spokesman had refused “to confirm or deny”³ its authenticity. The damage, however, was manifest.

The April 17 edition also included a front-page editorial by Director Jacques Fauvet headlined “The Reign of Silence,” which heaped scorn on Giscard’s administration, making clear that Peyrefitte had opened the way. “What an outfit!” exclaimed Fauvet. “Each week or so brings its portion, its wave of confidential documents, its guilty silences, its lies . . . that throw a hard light into inner chambers of power. The revelations don’t illuminate political analysis, but rather the human comedy and sometimes, alas, tragedy.”

The most recent lead, of course, was the document from “a Gaullist minister” whom the editorial never named (perhaps because it didn’t have to) but managed to ridicule. The memo illustrated “the degradation of the state” by showing Giscard’s cabinet to include people who literally didn’t know where they were. The minister “had a perfect right to think what he wants, but he can’t be at the same time inside and outside the government; inside and outside the RPR.” The whole spectacle, Fauvet concluded, indicated that “there is less and less democracy; there will soon be no state.”⁴ Strong medicine from the director of France’s journal of authority in an election year.

The articles of April 17 were subjects of Peyrefitte’s first suit, but not the proximate cause, which appeared in the May 2 edition: Philippe Boucher’s front-page critique of Peyrefitte’s Security and Liberty program, a tough law-and-order package adopted that week by the Council of Ministers. Boucher began by charging the government with duplicity. “Deceivers!” he shouted in the lead sentence. While representing “to anyone who would listen” that no penal code reform was envisaged, continued Boucher, the government had prepared amendments that substituted for a policy of carrot and stick, one in which “the stick plays the only role.” The commentary enumerated several areas in which the reforms either required stiffer sentences or greatly increased judges’ power to impose them. It then concluded that the Security and Liberty program was not merely a statutory “catchall”; it was instead “a furious

assault” from a conviction that “the only means to protect society are whips and truncheons; deafness and blindness.” Two precedents marked the way to sweeping judicial authority coupled with such crippling of the rights of the accused to defense, concluded Boucher pointedly:

One during the French Revolution, more precisely, under the terror; the other, more recent and perhaps less forgotten, during the [Nazi-imposed] Vichy regime.⁵

To avenge himself for *le Monde*’s April 17 revelations about his political maneuvering and for its May 2 critique of his legislative package, Peyrefitte in effect divided himself into two separate plaintiffs. On one hand, he sued as government official; on the other, as ordinary citizen. Ironically, the statute permitting him to do so had been designed as a liberating document, a model legislative embodiment of free speech if not for the world, then certainly for Europe. But by its centennial, the Law of 29 July 1881, while still in effect as France’s fundamental press statute, had become an instrument of repression.

Article 13 embodies a *right of reply*. Anyone mentioned—not libeled, not injured—just *mentioned* in the press can force publications to print additional material on the same subject. Response must be immediate and appear in the same place as the original. Failure to comply means stiff fines or prison terms for journalists. Dominique Borde, a lawyer whose clients included the *International Herald Tribune*, put it this way: “If you printed that John Doe is a smart fellow, he can sue to have you add that he is also amusing and handsome, and he will win.”⁶ To Americans, the right of reply looks like broadcasting’s “equal time” doctrine gone wild, and that reaction underlines a key distinction.

In the US, the notion of any agency of the state—even the Supreme Court—forcing insertion of *anything* in a newspaper is as foreign as, well, *le bidet*, the mysterious fixture found in Paris bathrooms. Only broadcast media, the modern invention licensed under various Federal Communications Acts, are subject to government editorial intervention. And these have been limited to the Federal Communication Commission’s “fairness doctrine,” which did not become law until

1959. French print journalists, on the contrary, have been dealing with it since Revolutionary year VII, when a M. Dulaure from the village of Puy-de-Dôme proposed it to fellow legislators of the Council of 500, which bequeathed it to a succession of press statutes culminating in the Law of 1881.⁷

The separate *right of rectification* gives public officials a power analogous to what the right of reply affords ordinary citizens and has been part of French law for nearly as long. Under penalty of prison terms for journalists, it requires periodicals to print “rectified” versions of government news. Like the right of reply, it has long been a favorite resort for those who have felt wronged by the press. The Law of 1881 amended previous texts in a way that provides insight into the despotic legacies of France’s legal structure, as well as some uses of “rectification” that might not be immediately apparent. Offended by a famous case in which an editor had received a 24-page forced insertion for his 22-page publication, lawmakers in 1881 worded article 12 to restrict rectifications to “not more than double the length of the article to which they correspond.”⁸

Despite more than 150 years of experience, nobody in a congeries of outraged citizens and public officials ranging from anarchist to emperor had thought of combining the rights of reply and rectification in a one-two punch on the press. That innovation fell to Alain Peyrefitte. In permitting him to sue in the guise of both man-in-the-street and minister of justice, the administration of Giscard d’Estaing found means that could only have been the envy of that of Richard Nixon during Watergate. It was as if John Mitchell had found means to compel the *Washington Post* to run his personal version of events and to have forced the *New York Times* to print “rectifications” of the Pentagon Papers prepared by the Pentagon itself.

On May 9, Peyrefitte sent *le Monde* a letter combining *both* the right of reply and rectification. The paper’s responses provide a rare glimpse of what is possible—and out of the question—in newspaper self-defense. Their length and intensity show the ability of government to tie-up the energies of a publication while providing every incentive toward self-censorship to avoid future entanglements.

There was little *le Monde* could do about the rectification, which, except for minor technicalities regarding length and form, the Law of 1881 grants government an absolute, unappealable right. Accordingly, its May 22 edition carried a 1,500-word rebuttal of Boucher's critique of the Security and Liberty program written by Peyrefitte's director of criminal affairs. He cited 13 errors: Peyrefitte had *not* had outside people draft the legislation because he distrusted his own bureaucracy, for example; the law's main thrust did *not* resort to "the stick." The fact that the paper ran the rectification as required, however, should not imply a willingness to let the matter rest. In the entire page reserved for the controversy, journalists took both the last word and the first.⁹

Boucher's "Contingencies of the Rectification" was twice as long as the government's insertion and hardly conciliatory in tone. Proclaiming rectification to be "a perilous art . . . because it demands that the censor avoid making errors . . . bigger than those he believes himself to be correcting," the accused journalist divided the director of criminal affairs' 13 points into seven groups, subheadlines of which indicate his approach. He cited three "Misleading Quotations," with equal numbers of "Specious Affirmations" and "Questionable Interpretations" before getting on the more serious matters of "Erroneous Rectification," "Abusive Rectification," and "Absurd Clarification," which led to comment that a law applied as suggested would lead to derision not limited to officials with "a taste for black humor." *Le Monde's* judicial commentator conceded only point 9, involving fine points of criminal law concerning first offenders and recidivists.¹⁰

But before getting to either the government's blast, or Boucher's counter, readers were drawn to a short, boldface "cap" at the top of the page in which *le Monde* director Fauvet laid out with undisguised scorn the broader dimensions of Peyrefitte's suits. The final three paragraphs concerned the minister's personal campaign against the paper using the right of reply. Fauvet accused Peyrefitte of attacking Boucher without naming him in articles published in *le Nouvel Observateur* and *le Matin*, in which the minister disowned the Chirac note as "waste-basket scribbling" and "apocryphal." After receiving Peyrefitte's letter, wrote Fauvet,

le Monde had offered to run the minister's reply to Boucher's article on Security and Liberty "as long as he wanted, with the assurance that it would be published on the front page; he ha[d] refused."¹¹

The minister's refusal of the *le Monde*'s offer was anything but surprising. His resort to the right of reply did not concern the legislation but rather the annotated political memorandum that threatened to destroy his base within the Gaullist Party and the accompanying editorial seemingly designed to ensure that result. Neither the right of rectification nor the right of reply permits newspapers to alter submitted texts. The latter, however, does allow editors to reject insertions containing material "against the interests of the general public, third parties, or honor of the journalist" responsible for the story.

Peyrefitte's letter fell squarely within the area permitting negotiation. *Le Monde*'s house counsel Yves Baudelot and Georges Kiejman, one of Paris's ablest press lawyers, quickly moved to block publication. The latter was too long, more than the 200-line legal maximum. It was libelous; Boucher was charged with "five instances" of casting discredit on the decisions and independence of the judiciary, actionable under provisions of the Penal Code's article 226. As will shortly be seen, the reference turned out to be an ominous harbinger of the more serious suit Peyrefitte brought the following fall under precisely that provision. Third, the letter faulted *le Monde* for following "the fantasies" of *le Canard Enchaîné*, which it stated, "takes liberties with journalist obligations." Moreover, Peyrefitte charged the existence of "an editorial conspiracy"¹² between *le Monde* and *le Canard* based on the appearance of the memorandum in both on the same day.*

No stranger to journalism, being a frequent contributor to various publications including *le Monde*, Peyrefitte had a point. Although American dailies routinely carry on Tuesday news broken by *Time* and *Newsweek* on Monday, when they come out, *le Monde*'s response time is famously slow. It would have required highly unusual hustle to prepare

* Although *le Monde*'s issue was dated April 17 and *le Canard*'s April 16, there is no discrepancy. *Le Monde*, in an effort to make its afternoon readership feel more current, dates its issues a day in advance.

three articles (the memo itself, “cap” of commentary, and Fauvet’s editorial) within a few hours between *le Canard*’s normal appearance and *le Monde*’s inside-page printing deadline. But that is misleading. Although *le Canard*’s readership gets it on Wednesday, publications receive their copies late Tuesday. At any rate, the issue was not whether editorial conspiracy existed between France’s most influential daily and its most potent muckraking weekly—both of them politically far to the left of the government and firmly against it. Instead, the question was whether Peyrefitte’s accusations violated provisions of the right of reply by drawing in a third party. Clearly, they did.

Le Monde rejected the letter. Peyrefitte drafted another. The paper turned down that one too. The minister refused to alter his text; the law forbids newspapers to do so in such circumstances. In exchanges Boucher recalled as “quite comic,” the process of absolute demand followed by categorical denial went through five cycles, at which point legal procedure authorizes the *minister of justice* to appoint a judge to sort out competing claims.¹³ Normally, of course, there would be no prejudice. But what if the minister who assigns the judge happens to also be the “ordinary citizen” bringing suit?

Judge Simone Rozes, chief of the Paris equivalent of a US Federal District Court; a veteran jurist with a lifetime tenure on the bench, had never seen anything like it. The case was unique in two ways: a politician was not only suing as private citizen in a fracas involving his political career; he had instructed his own ministry to try his case. Rozes explained,

This had never happened before. Ministers have often sued newspapers. For instance, the minister of defense sues papers when they talk about the army. But these are official cases, which they bring as public officials, done as part of state duty, claiming, “You have defamed the army,” and it is clearly a criminal offense.

But Peyrefitte was acting as just another plaintiff demanding a right of reply, a civil case.

It was the first time a minister had sued a paper and then a judge from the same ministry had to try the minister.¹⁴

Did Peyrefitte assign Rozes to referee the case because he thought a careerist within his own bureaucracy would not dare go against him? If so, he judged badly. Her decision, published in full in *le Monde's* weekend edition, destroyed his arguments. The paper could not be forced to run Peyrefitte's insertion. It was too long, too broad, too libelous.

Chastised, Peyrefitte submitted a sixth version June 2. At 166 lines, it met length requirements. Remarks about *le Monde's* legal commentator had softened from invective to a sort of condescending indulgence that left room for puns. Philippe Boucher's "Philippique" (diatribe) was misguided, wrote the minister. It had been based on an early draft of Security and Liberty that was already void by the time of publication. When he got to the political memo, Peyrefitte mixed praise for *le Monde* with hurt surprise that such a journal could allow its readers to be misled. If photomontage portraiture is an art form, he said, then "photomontage of documents (such as altering text and/or initials of memorandums), is child's play. . . . A journal like yours must surely disdain such new techniques." *Le Canard Enchaîné* was not mentioned by name. Peyrefitte merely observed, "Like most of my peers, I don't respond to satirical journals," and decried *le Monde's* dignifying "humorous insinuations" by printing them, thus endowing them with the force of "Evangelical truth."¹⁵

Given what happened shortly after the insertion appeared, Peyrefitte's references to Judge Rozes were the most surprising of all:

Madame Chief Judge of the Paris Court has not wished to order you to publish my previous letter. She has thus dramatically demonstrated the independence of the courts in this country—upon which you have not hesitated to cast doubt.¹⁶

Despite the seeming approval given Rozes, she did not come through encounters with Peyrefitte untouched. The year before, she had drawn the politically charged case brought by two of Giscard's cousins against *le Canard* for suggesting that they, like the president, had accepted gift diamonds from Jean-Bedel Bokassa of the Central African Empire. At her hands, one lost outright, the other won a pyrrhic victory—a

humiliating one franc in damages. Both cases received a great deal of unwanted publicity.¹⁷ Peyrefitte's direct experience with her defiant independence was apparently too much. Senior jurists cannot be fired, but they can be transferred. Shortly after the decision, Rozes lost her prestigious post in Paris. She was assigned to the European Court at Luxembourg, a drab position well out of the mainstream.¹⁸ Two side points are worth mentioning. First, Rozes's transfer had nothing to do with competence. When a new administration took office, Rozes quickly returned to Paris to take one of France's top judicial positions. Second, while this study concentrates on the influence of government on the French press, and contrasts it sharply with American experience, purely bureaucratic responses in press cases seem quite similar. Rozes's banishment closely resembles the fate of Archibald Cox, fired as special prosecutor of the Watergate investigation when he—and massive publicity—got too close to Richard Nixon.

Unlike right of rectification articles, those filed under the right of reply are usually not accompanied by the newspaper's refutations because the law treats them as new editorial material, thus giving rise to new rights of reply. *Le Monde*, however, could not let Peyrefitte's letter, which it was obliged to run on the front page, go unanswered. It printed a short boldface summary of the negotiations with an editorial signed by Director Fauvet. Complaining bitterly about Peyrefitte's tactic of intermingling his political dispute with the "totally different" judicial question, Fauvet concluded that in refusing to publish five preceding ministerial letters, "the only mistake this newspaper has made is to have been right too soon. The minister will surely excuse that."¹⁹

The Autumn Assault

The government's spring offensive had begun with warnings, continued through lengthy negotiations, and ended with use of some of France's most-resorted-to press statutes. By the following fall, everything—facts, weaponry, and target—had changed. This time, the administration did not argue for insertions in the newspaper. It demanded that journalists go to jail. By 1980, French society had absorbed more than a century

of experience with both the rights of rectification and reply. However, Penal Code article 226, invoked November 7, was altogether different. No more than a handful of cases had been brought under its provisions, which punish

acts, words, or writing seeking to cast discredit on a judicial act or decision of such nature to constitute an attack on the authority of the courts or of their independence.²⁰

Added to press law in 1958 in response to a political *affaire* three years earlier, the ordinance provides for six months prison terms, fines of up to F 30,000, or both.

There was no warning. Boucher was summoned from his bathtub to learn that his government planned to fine and/or jail him when Jacques Baudelot, *le Monde*'s lawyer, telephoned with the news at 7:45 p.m.²¹ He, in turn, had been informed by Director Fauvet, who reported a phenomenon never seen in his 15 years running the paper, which included the defense of some 70 lawsuits.²² There had been no previous *lettre recommandée*, the official notice of action by the French judicial system. *Le Monde* had been put on notice by news ticker. Clerks in the wire room had logged in a brief piece by Agence France Presse—and had scarcely believed what they read.²³ Boucher was to be held personally responsible for three bylined articles. Fauvet would answer for another two, which were unsigned. Although they all concerned judicial commentary, the sweep of the five stories cited—from 1977 to 1980—made clear that the government was not simply attempting to set the record straight on a particular set of facts. It was out to censure an institution by jailing one of its leaders, if necessary. The communiqué read:

The repetition and gravity of attacks that seek to discredit the judiciary have drawn strong feeling from the judges and a desire to see punished such infractions of the law. That is why the chief judges and their assembly have asked the minister of justice to bring suit against the offending newspapers.²⁴

The five articles cited for litigation covered a broad range of topics as well as a span of years, holding in common only that they reflected badly on the administration of French justice. The last two, however, were patently political.

1. "Blind Men of the Law," published December 22, 1977, was hardly subtle. Boucher used a miscarried legal technicality to question the nature of press law. A young woman convicted of abetting her husband's robberies was sentenced to two five-year terms to run consecutively instead of concurrently, which Boucher favored because it would have allowed her to bring up a young son. The law offered her no recourse and forbade him to bring her appeal to the public through comment. In a passage heavy with irony three years later, he wrote, "Article 226 of the Penal Code forbids criticism of court decisions. Article 39 . . . forbids reporting 'internal deliberations of a jury.' Should that take place, article 222 of the Penal Code forbids insulting judges."²⁵

Boucher asked rhetorically whether "to defend justice today . . . one must break the law." Answering affirmatively, he then proceeded to accuse judges concerned with enforcing the government's law-and-order policies of pressuring juries, hiding afterward behind legal formalism when their wisdom was questioned.²⁶

2. "Klaus, George, and Eldridge," July 11, 1978. Boucher mocked government claims that the extradition of Klaus Croissant, a West German lawyer accused of aiding terrorists, was a routine affair, citing personal intervention by the attorney general, special pleading by the Paris bar, and a "profusion of foreign journalists" mustered to carry the story. Instead, said Boucher, the decision had been political, to appease the demands of a "powerful neighbor."²⁷

The image of a French president caving in to German intransigence spelled political trouble, at best. It was far worse during an election

campaign, to be rivaled only by indication that Paris might be knuckling under to Washington—which was the implication of two other cases Boucher discussed: those of George Brown, a Black American airplane hijacker, and Eldridge Cleaver, the Black Panther leader. Under heavy American pressure, Giscard had extradited both.

3. “Scandal, Scandals,” May 24, 1979. Three 16-year-olds had been arrested during Paris street demonstrations. Two received heavy sentences. When the third was released, the prosecutor’s office appealed.

“It isn’t only that young people today are thrown in prison for trifles (or because of judges’ vacation schedules), where they are forgotten until perhaps . . . a deafening public outcry from the printed press gets them out,” wrote Boucher. He charged other abuses, such as

the vast and slow nibbling away of fundamental liberties. . . . Justice isn’t only sorrowful, it is sick, as are personal freedoms, the rights of man, everything that, in proper circumstances, would make of France an eternal paragon.²⁸

The final two articles were unsigned, although in an interview, Boucher later admitted being “linked to them.”²⁹ Legal responsibility rested with Fauvet, as director of *le Monde*. Published while the frustrations of Peyrefitte’s suits of April–June remained sharp, and as the election campaign gathered momentum, they provided the pretext for the government’s effort to silence press comment on two sensitive political issues: its controversial antiterrorist drive and the nasty diamond scandal that seemed capable of destroying the president’s claim to being above corruption.

4. “The ‘Delpey Affair,’ or the Mop and Bucket,” September 18, 1980. Roger Delpey, a sometime journalist, had visited Jean-Bedel Bokassa during the latter’s bloody rule of the Central African Empire, collecting material for a book. Documents drafted on

Bokassa's imperial stationery directly linking Giscard with gift diamonds began appearing in *le Canard Enchaîné* October 10, 1979.³⁰

In May 1980, Delpey was arrested by counterespionage agents as he was leaving the Libyan embassy in Paris, on charges of exchanging intelligence with foreign operatives. A search of his apartment turned up documents similar to those run by *le Canard*. Delpey was still imprisoned when *le Monde's* article cried "cover-up" in no uncertain terms:

There can be little doubt that legal explanations for [Delpey's] detention are merely routine window-dressing for concealing something that smells bad.³¹

Delpey was characterized as "a man who knows too much," whose chief fault had been keeping bad company, meaning Bokassa. "But the same reproach," the article concluded, "could be made to others."³² The snide reference to Giscard was unmistakable.

5. "The Qualities of the Court [of State] Security," October 7, 1980, noted that full responsibility for investigating the murder of Parisians during the bombing of a synagogue on the rue Copernic the previous March rested with a special court created to cope with terrorism in the 1960s. With heavy sarcasm, it described the court's "efficiency" in quickly melting out long prison terms—not only "to some spies, certainly," but also to enemies of the party in power: "Breton and Corsican [separatists], leftists, and those 'baptized' leftists for the occasion."³³

The case put Giscard in a difficult position. On one hand, it would test whether the special terrorism court would be used to defend not the state but the special interests of his own administration, a quasi-dictatorial procedure. On the other lay matters of electoral constituencies. Failing to be tough enough on the right-wing perpetrators of the bombing would alienate France's Jewish community of 500,000,

Western Europe's largest. But being too strict would cost Giscard support too. His coalition extended from the center into the ranks of the extremely conservative, where anti-Israeli sentiment merged imperceptibly with antisemitism.

One specific "quality" of the court was unmistakable. If Roger Delpey had in fact been leaking Bokassa diamond documents to *le Canard Enchaîné*, Giscard's administration used its summary procedures to sweep him into detention at a crucial moment in the presidential reelection campaign.

Chapter 5

THE PUBLIC RECORD

The same weekend *le Monde* learned by news ticker it would be sued, the government took its appeal public by commandeering time on the state-owned television monopoly.

Robert Schmelk, chief of France's highest court of appeals, delivered homilies on the virtues of a citizenry "alert" to the quality of justice and the "desirability" of a lively press before shifting to the attack:

But beyond this legitimate vigilance, criticism, when it is sterile, systematic, polemic and occasionally malevolent, can only discredit the target institution, even when it conceals itself behind the veil of objectivity.¹

Schmelk was following the traditional approach of French press law, which, unlike its American counterpart, shields institutions from damaging coverage as a means of protecting important social organizations from the misdeeds of incumbents. In practice, however, public office holders are protected along with their offices, particularly because press law also affords them an *absolute* right to keep personal lives private. The effect is precisely the opposite of the American system's, which

strips public figures of defense against criticism as an enforcement of accountability. The judge's reasons for intervening seemed curiously misplaced—better suited to the situation in the US than in France:

Judges and public officials are in reality very ill-placed to defend themselves and prevail against their critics. They are restrained by an obligation of reserve that neutralizes them in this regard.²

With triumphant disregard for the several provisions protecting officials from press comment, Justice Schmelk explained that the defenselessness of magistrates made it an "obligation of the state . . . to take up their cause for them and to protect them from threats [and] attacks" arising from their duties.³

Later in the day, Peyrefitte secured prime time on evening television news to announce that for a considerable period, officials in his ministry had urged him "to call for the full rigor of the law to guarantee the independence of judges."

French television interviewers are not known for toughness, and when they, as state employees, question high state officials on the state-run broadcasting system, the results are full of predictable puffery. Asked by a deferential reporter whether judges had been "a little perturbed" by freedom of the press, Peyrefitte replied "not by liberty, but by the excess of certain attacks." He went on to deny that his response had been sudden ("We have multiplied our private and public warnings for several years . . . without anyone paying attention."), nor meant that the judiciary would be both judge and plaintiff in the case because "it won't be the same judges." Then, perhaps envisaging the task of somehow characterizing a magistrate as being neutral in a case involving his own protection, Peyrefitte argued that "in any case it's not a question of pretending that judges are infallible. There are many avenues open to recourse."⁴ Under suit, of course, the only "avenue" leads to a courtroom.

The final note of the government's appeal to public opinion came from Jean Michaud, Peyrefitte's director of judicial services. He took to television news to reiterate that, while judges "accept criticism . . . and

even need it,” there is a limit to what they can tolerate. He defined it as “insult,” a legal term meaning defamation.⁵

By the end of television blitz against *le Monde*, however, reaction was well underway, beginning with the paper itself. Director Jacques Fauvet’s front-page weekend editorial November 9–10 made no attempt to remain above the fray. With heavy sarcasm common in the French press but rare in *le Monde*, Fauvet accused Peyrefitte of “waiting three years for the exquisite moment to sue *le Monde*,” then doing so for his own purposes while “using judges for cover.” The reference was to the minister’s miscarried attempt to disassociate himself from the damaging political memorandum in his right-of-reply action the previous spring. Then Fauvet shifted from snide tones to direct confrontation:

The intention is clear. It is political and comes from the highest level. . . . Shut up or I’ll sue you. The minister is suing us, but he’s making a mistake. *Le Monde* will not shut up about [a variety of causes embarrassing to the government, including the Bokassa diamonds], nor the inconsequences of Mr. Peyrefitte.⁶

Thereafter, Fauvet resumed a more characteristically disciplined tone. After watching the government make its case on television, he wrote a short, boxed piece entitled, simply, “Questions,” explaining that the paper had and would continue to decline broadcast interviews “out of respect for justice,” even though the minister of justice and his counselors “have no such scruples.” Fauvet asked,

- Was Peyrefitte suing as minister or ordinary plaintiff?
- Was Peyrefitte sure that in taking up the judges’ causes against *le Monde*’s punctual critiques of their work, he wasn’t also responding to accusations of judicial laxity that he had allowed to multiply for political purposes?
- Was the issue really the five cases cited, or just the recent one involving the repressive role of the state security court (“a court unique in the West . . . and with no place in the judicial system of a democracy”) in the diamond scandal?⁷

The weekend's televised charges and printed replies comprised round one of exchanges on the public record. *Le Monde's* editors completed their counterpunching with summaries of the indicted articles and a boldface box pointedly reminding readers of Peyrefitte's suits of the previous spring. The next three weeks became a furious bout synchronized by the deadline demands of the daily news cycle. French politics had turned into uproar, all of it quotable, and nearly all of it in favor of *le Monde*. Reading the press from the political left to right:

- *Humanité*, the Communist Party organ, decried the suit as "Mr. Peyrefitte's case for freedom of expression."⁸
- *Le Matin*, a leading socialist daily, ran commentary by publisher Claude Perdriel that, far from defending justice, Peyrefitte was "wounding a newspaper that permitted itself to express some unfavorable opinions about the government."⁹
- *Libération*, a hard-hitting "American-style" daily more interested in factual political reporting than most French papers, ran a long piece noting dryly that when the government had sued *it* two months previously under article 226, nobody had taken notice—very much including *le Monde*, which had erroneously claimed the most recent use of the statute to have been in 1971. Then, however, Director Serge July took on Peyrefitte as a fanatic defender of Giscard, a man "who takes himself for a philosopher and has become an inquisitor."¹⁰
- *Le Quotidien de Paris*, a centrist daily generally supportive of Giscard, made explicit two themes underlying a great deal of comment in the press and beyond. One concerned the muted reaction to the suit by many judges, for whom Peyrefitte claimed it had been brought. "It would be wrong to say," said *Quotidien*, "they form a solid bloc in support of their minister. There are very well-defined differences of opinion within the ranks." The other dealt with "another aspect of the questions that should not be allowed to pass in silence: the long-standing enmity between the minister of justice and *le Monde's* legal-affairs specialist,

Philippe Boucher,” which gave the suit “a personal coloration, something like a settling of scores.”¹¹

From left to center, support for *le Monde* had been axiomatic, bolstered by a common opposition to Giscard and/or his dramatic drift to the right. A more accurate test of the value of press freedom vis-à-vis political expediency came from conservative papers. The results were mixed. The large, regional-monopoly dailies of the provinces, which pride themselves on editorial neutrality, came down hard on Peyrefitte, *Sud-Ouest* of Bordeaux calling for his “fumigation,”¹² for example. Conservative Paris journals, however, split. *Minute*, a sensationalist weekly put out by a reactionary coalition including both fascists and royalists, decided in favor of *le Monde* and against, as its writers put it, “the minister whom we have supported”¹³ even though they disliked what Boucher had written. *France-Soir*, one of three Paris dailies owned by Robert Hersant, whose right-wing views made him Giscard’s most powerful media backer, stood with *le Monde*, although with heavy reservations:

Even if one cannot necessarily share all the criticism made here or there about judicial decisions or functions, one must regard as necessary that press institutions, while to be sure respecting the objectivity of their information, must have the possibility of exercising a right to criticize, which is an integral part of freedom of the press.¹⁴

Hersant’s other papers, however, including the more prestigious *Figaro*, reprinted the Ministry of Justice’s accusatory communiqué without comment, waiting a week before noting their “disquiet.”¹⁵

Press reaction comforted *le Monde*, which reprinted much of it. The selection indicated where the paper looked for support. Although major papers throughout Europe commented on the suit, *le Monde* concentrated on British and American reports, underlining their special status as the most reliable defenders of press freedoms.

Newspapers, however, can only influence legislatures; they can’t vote in them. So *le Monde* gave those who cast ballots more space in a week than they would ordinarily command in an entire electoral term

in office—even when their overzealous defenses backfired against the paper. It was the intention that mattered.

Two Socialist deputies, for example, were quoted at length from a 1,200-word account of a National Assembly session, the only substance of which was mudslinging. Georges Fillioud, infuriated by Peyrefitte's tactic of remaining silent in debate, demanded to know whether the minister of justice, after having "talked a great deal" on radio and television, would continue to "shut himself up in front of the [National Assembly] representatives of the nation." But Fillioud delivered so much ancillary invective in the process that Prime Minister Raymond Barre refused to let Peyrefitte respond to the potentially embarrassing question. Assembly Deputy Philippe Marchand sneered, too, with results even more tactically counterproductive. If the judges so sorely needed protection, he asked, where was the judicial applause? The question enabled the minister of justice to make a telling point.

Peyrefitte delivered a whole disquisition on the origin and uses of article 226. When adopted in 1958, he argued, "some said it meant the end of freedom of the press." Since then, "through infrequent but regular" applications, it had become sufficiently accepted so that no outcry whatever had greeted its use the previous summer against *Libération*, as the paper's publisher had himself noted. Now it was time for Peyrefitte to curl a lip. "To apply the law to *Libération* should be normal, and to apply it to *le Monde* a crime of *lèse-majesté*?"¹⁶ The point was well-taken.

Talking to reporters after a cabinet meeting the next day, however, the minister ventured onto political ice so thin that he must have sensed it cracking beneath him as he spoke. During his three and a half years in office, he said every hue and cry by *le Monde* against him had ended "in the confusion of those who raise it." Thereafter, he felt "completely calm" regarding "this banal affair . . . of no importance."¹⁷

That was a serious error. Not since the 1950s, when the hastily constituted Federation of Readers Committees of *le Monde* pulled the paper through perilous times, had a journalistic issue so excited public opinion. The paper's defensive strategy had not changed. Unable to deny the government's legal ability to bring the suit (indeed, article 226 was merely one of several provisions at Peyrefitte's disposition, any one

of which could have accomplished the desired result), *le Monde* took its case to the more volatile forum of national politics. Reports of press and National Assembly comment had been merely a start. Letters, corrections, and countercharges cascaded into the normally staid pages, with an immediacy of tone usually considered incompatible with the paper's dignified reserve.

The minister found himself pelted with comment—much of it ripe language—with each splat duly recorded. Some were expectable, reflexes from political enemies. Pierre Mauroy, to become prime minister with François Mitterrand's defeat of Giscard, vowed to “defend [liberty of the press], without which there very soon would be no liberty at all.”¹⁸ The secretary general of the Social Democratic Party (CDS) found it an “attack against a fundamental freedom,”¹⁹ to which a Maoist spokesman added, “No to Diktat.”²⁰ Michel Crepeau, president of the Mouvement des Radicaux de Gauche (MRG) of the center left, demanded in an open letter to Peyrefitte that, since the minister had chosen to make a “grave attack” on freedom in “exhuming” a legal relic, then he, Crepeau, should be sued too for criticisms he had made in *le Monde* of various public officials, including judges.²¹

Far more politically damaging were reactions from the Gaullist-Giscardist coalition, upon which the administration—Peyrefitte included—depended for political survival in the upcoming elections. In retrospect, the range and intensity of opposition within the president's own ranks to an action perceived as being taken on his behalf was a clear harbinger of defeat. What became increasingly unclear in following months was why Giscard doggedly defended ground so patently untenable—as well as the minister who had staked it out.

A national council member of Giscard's Union Démocratique Française (UDF) Party mused on national television that Peyrefitte had “lost his balance.”²² Old guard regulars of the centrist UDF such as Paul Granet accused their own leadership of trying to “substitute a republic of order for a republic of conscience.”²³ Didier Bariani, UDF president, sensed “a whiff of reactionary politics that does no honor to France.”²⁴ Most dismaying, the secretary-general of the Giscardist-Gaullist alliance, le Rassemblement pour la République (RPR), saw the suit as “a

loss of *sang froid* on the part of the government, just as the retrieval of the [diamond] documents was an aggression against *le Monde*.”²⁵

Ripples, then waves, radiated in every direction from Peyrefitte’s disturbance of the waters. The International Federation of the Rights of Man weighed in, as did the French League of the Rights of Man, a variety of influential lawyers and judges. The unions, most of which lean from the center steeply leftward, came to full cry, led by the National Journalists’ Union. But as with politicians, the anger spread well beyond the expected circles of opinion. The Syndicat National de la Magistrature, a left-leaning judges’ union, called Peyrefitte’s suit “a manipulation and an imposture”²⁶ while the Syndicat des Avocats de France, an attorneys’ union, noted pointedly, “We will continue to critique justice.”²⁷

Battles between governments and newspapers have a form as characteristic as face-offs involving mongooses and cobras. The government strikes a forbidding pose, while the paper, through ongoing reporting, dashes in and out, slashing. In rare, spectacular contests such as Watergate, journalists bleed officials into submission. One reason it rarely happens is that the newspapers usually aren’t seeking victory over the government but rather the right to critique political conduct. In this, the object is to create a scramble sufficiently noisy and unseemly as to make officials fear for their dignity and lose interest. *Le Monde*’s reporters and editors lost no opportunity to open flesh wounds.

A box headlined “Responses” sought to demonstrate ministerial fallibility on a variety of minor counts to establish a pattern of error. There was a deliciously sly contribution in a “Free Opinion” box reserved for outside contributors. Signed by Pierre Sargos, a senior justice of the high civil court and director of the Union Syndicate des Magistrats, a conservative judges union, it read,

Respectful Request to Mr. Guardian of the Seal Minister of Justice of the French Republic That He Rectify a Judicial Error

You have decided, Mr. Guardian of the Seal, minister of justice, to bring before the correctional court Mr. Jacques Fauvet, director of *le Monde*, and Mr. Philippe Boucher, editorialist. Your interview in the *Quotidien de Paris* indicated your intention: “It is a question of terrorism, if one

can use the term intellectual.” But come now, “terrorism”? Terrorism? And, even if it isn’t intellectual, terrorism comes under the jurisdiction of the Court of State Security. There is just enough time to rectify an erroneous jurisdictional action and bring Mr. Boucher and Mr. Fauvet before the Court of State Security.²⁸

The Court of State Security, of course, was the subject of one of the indicated articles.

A longer box initialed by Fauvet freed editorial tongue from cheek to deliver straightforward lashings on a variety of small subjects. Peyrefitte’s responses to previous press articles had *not* put those matters to rest, *le Monde* had *not* asked other papers for editorial support, and *le Monde* was *not*, as Peyrefitte accused in the National Assembly, “above the law.” In fact, it had “more than once lost court cases and paid in full.” Finally, the paper caught the minister in an apparent falsification of one of his own official’s statements. Peyrefitte had quoted Judge Braunschweig, another senior justice of the high court of appeals, to the *Quotidien de Paris*, to the effect that judges needed “protection from calumny.” But actually, as Braunschweig himself told surprised television audiences, his full statement had meant that “certain of our [judicial] decisions cast legitimate doubt on our independence.”²⁹ That was precisely what Boucher had claimed.

While the Braunschweig incident, carried by *le Monde* in its November 14 editions, could hardly have been more damning, it marked the closing of public comment on the case. True, the government in general, Peyrefitte in particular, had been made to answer for attacks on the paper. But within a mere 10 days, the major goal had been accomplished—the silencing of *le Monde*, and with it the press of France, on the subject of the politically embarrassing diamond scandal. From then until the end of the election campaign five months later, voters’ only reminders of the seamy episode came from their memories, editorial “quacks” from the satirical *le Canard Enchaîné*, and occasional announcements of legal maneuvers in the upcoming trial. It was as if the *Washington Post* had stopped writing about Watergate shortly after Attorney General John Mitchell called the break-in at Democratic National Committee headquarters “a third-rate burglary.”

Chapter 6

DRAMATIS PERSONAE

Although press trials often concern the most sterling of principles—the functioning of democracy, freedom of speech—the actual motives of the litigants can be made of baser stuff, such as vanity, greed, and power-lust. It might be tempting to assume that these underlying personal factors tarnish the outcome. Nothing, however, could be further from the case. In fact, freedom of expression is meaningful *only* where it survives testing by the most corrosive emotions or unseemly circumstances. One of the most important legal precedents against prior-restraint censorship in the US, for example, was set when an anti-Semitic publisher named J. M. Near was permitted to go about his business by the US Supreme Court in 1931. The point is that in press suits, everyday venalities often determine the interpretation of eternal verities.

So it was in the *le Monde* suits. The administration of Valéry Giscard d’Estaing, through its minister of justice, went out to silence France’s most authoritative nongovernment voice by prosecuting its publisher and legal commentator. One side claimed defense of an independent judiciary, the other, freedom of speech. At its most basic motivational level, however, the contest was a feud between Alain Peyrefitte and Philippe Boucher that neither could resist and both could have initially

perceived as being useful in their careers. Understanding their argument, not to mention its results, requires familiarity with the dramatic personae and the political theater of 1980, when neither the government in power nor the newspaper of record felt secure about the future. Unlike most newspapers, *le Monde* determines its leadership democratically. The second most closely watched French election campaign of that year was proceeding at *le Monde*, where cumbersome balloting machinery was being readied to find a successor to Jacques Fauvet, who was retiring.

Institutional uneasiness on both sides was not the only parallel, however. The protagonists in a personal vendetta shared important career ground. Peyrefitte was seen as the possible next prime minister in a new Giscard administration; Boucher was a candidate to be the new director of *le Monde*. The right time to attract the right kind of attention was the fall of 1980.

The Plaintiffs

Giscard

Like other Frenchmen with aristocratic names, Valéry Giscard d'Estaing was well aware of the public's traditionally schizoid attitude about nobility. As a count of Burgundy recently put it, "On one hand, we are models; on the other, [the people] want to cut off our heads."¹ Giscard had spent years cultivating an image designed to exempt him from that peculiar problem of his class. First as finance minister, then as candidate for president, he had cast himself as the personification of a new, liberal France in which old stereotypes did not apply. The tall, elegant Giscard amazed Frenchmen by occasionally forsaking his pinstripe image, playing the accordion at nationally televised political meetings.

Unusually accessible to the national press and able to deal with foreign reporters in impeccable English, he radiated openness, which continued after his election with a series of televised "evenings at home." An astonished France watched as its president sought out the views of ordinary citizens. Nothing remotely like it had happened

during France's 160-year experience with no fewer than five republics. Giscard's gesture to journalism was no less extraordinary. In one of his first pronouncements as president, he pledged never to use the law forbidding "outrage to the chief of state," under which de Gaulle, for instance, had fined and/or imprisoned 350 journalists during his 10 years in office.

By the fall of 1980, however, much had changed. The most visible President in the most open presidency of the Fifth Republic had not only withdrawn into silence but also become distant from everyday concerns. Long before the campaign began, the administration of a self-proclaimed "liberal" aristocrat was being sneered at as "royal." New competition accounted for much of the retreat. As local elections and polls documented Giscard's failing to hold the broad spectrum of economic, class, and political opinion he had courted, he turned to his own, the rich and well-connected. The door slammed shut on all other elements of the electorate, who were deemed unreliable in the reelection bid.

A new challenge appeared on the right in the form of Jacques Chirac, the tough, pragmatic mayor of Paris. On the left, the Communist Party, which in the period traditionally drew 20 percent of French voters, had realized an old ambition by joining a coalition led by Francois Mitterrand's Socialists, an even larger group whose broad appeal was beyond question. Both groups sniped gleefully when Giscard and his family, so carefully self-promoted as having moved beyond old class stereotypes, were revealed to be continuing some of the most resented habits of the aristocracy: blood-sport hunting and personal tribute. Jean-Bedel Bokassa owed his domination of the Central African Empire, right down to his gold-leaf throne, to French power. It was quite natural for him to want to please Giscard, who quietly went there several times in the late 1970s. The personal trips turned into political dynamite when reported in *le Canard Enchaîné*. Not only was the president of France accepting gift diamonds from an unseemly dictator—Bokassa had a well-deserved reputation for brutality—but took them during hunting safaris designed to slaughter the beautiful animals that an awakening French environmental movement was working to protect.

In a way, Giscard himself had been snared. He could not attack Chirac without risking alienating the conservative wing of his own following. Yet his new, “royal” image had cost him the liberal ground he had captured during his first campaign; it was now held by the Communist-Socialist coalition. Worse, perhaps worst of all, the press, which traditionally may harass yet never threaten a president, was doing just that, led by *le Canard*. The diamond scandal was drawing worldwide attention, but Giscard had preempted his own power by vowing never to use the law against “outrage to the chief of state.” He would have to find another weapon, if possible one triggered by remote control, given the sensitive situation.

From that perspective, nobody was better qualified to be of assistance than Alain Peyrefitte. His long familiarity with press-state relations began with a stint (1962–66) as minister of information under de Gaulle, for whom he set up the tightly censored television network without which, the general was fond of saying, it would have been impossible to govern. In the same job, he had dealt with French newspapers carrying reports that the army was torturing captured guerrillas while losing a war in Algeria. But Peyrefitte’s attributes went far beyond experience with strong-arm tactics. A graceful, prolific writer, he was a frequent contributor to magazines and newspapers (including *le Monde*) as well as author of several books on topical subjects. He may also have been perceived as having some influence on *le Monde* itself. Throughout the legal controversy, or at least during an interview in the fall of 1982, he claimed a long-standing friendship and neighborly visits from publisher Fauvet—which Fauvet denied.²

Silencing so powerful a critic at such a sensitive moment for Giscard would certainly enhance his prospects for being the president’s choice for prime minister after the elections.

Peyrefitte

More than a year after bringing the most significant suit against the French press since the Nazi occupation, and losing power with Giscard in the elections of 1981, Alain Peyrefitte was still denying with a certain

vehemence that his encounters with *le Monde* represented anything more than the normal meshing of legal machinery:

This was a purely technical problem that took an extraordinary political turn because we were in an election year. But it was technical.³

Peyrefitte had argued all along that by “technical,” he meant contempt of court, in which he sought to portray French law as in line with Western counterparts. In fact, however, it is draconian by comparison. British practice restricts comment on *ongoing* litigation, but not on finalized decisions. In US press law, and West Germany’s, which is based on the American model, contempt is restricted to parties to a particular case and cannot be applied to press commentary. Article 226 permits the French minister of justice to treat journalists as if they were in the courtroom, actively insulting the bench. Since judges were being unfairly and illegally maligned in print, said Peyrefitte, it was his job to respond to restore order.

But as he spoke in a leisurely interview conducted in the salon of his elegant Paris townhouse, just across the la Muette park from Fauvet’s apartment, Peyrefitte expressed several attitudes rarely verbalized, but which nevertheless determine the relationship between politics and journalism in France. First, that the law was not—and should not be—applied equally to all publications. Second, that high level jawboning by public officials can and should shape newspaper policy. Third, that suppression of criticism differs somehow from interfering with freedom of expression, which Peyrefitte said he thoroughly supported.

To Peyrefitte, *le Monde*’s commanding position figured importantly in both whether the paper could be sued, politically speaking, and if so, when:

There is a sort of religion of *le Monde*, which means that everyone believes what *le Monde* says. The intellectual terrorism that *le Monde* exercises is the rest of the press is such that the fact of suing *le Monde* was considered taboo.⁴

Initially, the subject had not come up. For several months after his appointment as minister of justice, Peyrefitte enjoyed the sweetest of working honeymoons with *le Monde's* legal commentator whom he perceived as "brilliant, intellectually seductive." A "complete rapport" led Peyrefitte to consider Boucher, as he put it, "the reporter closest to me."⁵

That ended with publication of "Klaus, George, and Eldridge" on July 11, 1978. To Peyrefitte, it was as if he had returned from a wedding trip to discover his bride had not only left him because of previously unknown faults but also called a press conference to make them known. It did not seem merely a tough analysis of political influence on a court decision. Peyrefitte saw it as a personal betrayal by Boucher and, on another level, an institutional act of treason. *Le Monde*, one of the controlling organs of French political life, was going to play by new rules. "From that day," said the minister, "there was a rupture between Boucher and me, and *le Monde* and me."⁶

Feeling jilted, the minister resorted to the familiar technique of the spurned. He impugned *le Monde's* reputation. In his view, the paper had used its prestige and "sacred cow" status to conceal an unmerited assault on the court system, the likes of which lesser journals could not get away with.

It was a good point. As has been discussed, two months before the Boucher litigation, Peyrefitte had sued *Libération*, a leftist daily, under article 226 for calling judges "doormats." There was no protest about freedom of the press. Such "excesses," explained Peyrefitte, "were entirely normal in a paper like *Libération*." Such lesser papers could be either ignored or punished with scant concern about consequences because of a hierarchy of official response:

When a small paper says that judges do such and such things, one simply sues them; it's a fairly banal thing that certainly doesn't get referred to a minister of state.⁷

The minister did not think the timing of "Klaus, George, and Eldridge" had been accidental because "we were [only] five months from legislative

elections crucial to Giscard's ability to stay in power." Finally, *le Monde's* reputation had exercised a decisive influence on media political coverage in general, which "from that moment became appalling" in its criticism. "*Le Monde* is *the* power, providing the tone and an intellectual terrorism over the rest of the press; it is a sort of pope."⁸

One doesn't attack popes lightly. Immediately after Boucher's piece appeared, said Peyrefitte, the chief prosecutor of Paris sent an official request for him to sue *le Monde* under article 226. It opened an interlude of much debate about both substance and tactics. Peyrefitte cast himself as having mediated between defenseless judges and a merciless, berserk high priest, an honest referee finally forced into action to preserve the integrity of French justice:

I phoned the prosecutor and said, "Attack *le Monde*? Don't even think about it. One doesn't attack *le Monde*; it's not possible."⁹

During the next three years, he said, the prosecutor repeated his demand "maybe a dozen times . . . always about Boucher." A pattern was established:

Each time, I said the same thing; "Let *le Monde* be!" And each time, I called Jacques Fauvet—I received him in this very salon, we had a drink together . . . said to ourselves "This can't be happening." We had a very good relationship for 15 years; I had written often in *le Monde*. So he told me he would see if he could do anything to calm Boucher.¹⁰

But Boucher went on and on, said Peyrefitte, provoking the same cycle of requests to sue, refusals to do so, and fruitless appeals to Fauvet "until it took on a very disagreeable appearance, as if the ministry of justice was unable to answer the charges because it was wrong and Boucher had been right to insult us."¹¹

Peyrefitte developed a two-edged strategy. Article 226 carries a statute of limitations of three years, within which suits arising from published material must be filed. As *le Monde* published the two articles relating to the diamond scandal in September and October of 1980,

Peyrefitte was able to reach back not only to “Klaus, George, and Eldridge,” which had shattered his helpful relationship with Boucher in 1978, but even a year earlier, to “The Blind Men of the Law,” a piece that he had been willing to overlook during his “honeymoon” with *le Monde*. The grouping of cases, utterly without precedent, neatly packaged Peyrefitte’s grievances with the president’s.

Tactically, it also made sense:

One couldn’t, after all, hope to attack a journal of *le Monde*’s prestige on the basis of a single instance. To make things “interesting,” it would be necessary to show continuity of an intention to be hurtful. Therefore, I promised that if this whole business did not take care of itself before the [statute of limitations] prescription time ran out, I would authorize suit.¹²

By November 1980, Giscard’s approval rating was plummeting in the polls, and the Socialist-Communist alliance daily gained the momentum that would give it victory. It was a fluid, emotionally charged period. French conservatives were convinced that their whole way of life would disappear with the massive nationalizations of credit and industry envisaged by Mitterrand; indeed, significant amounts of French capital followed Guy de Rothschild and other business figures out of the country soon after the election.

Although the opposition might well gain by claiming the government was interfering with freedom of the press, Peyrefitte reasoned that the impact would be softened by what he considered a certitude:

After the presidential elections, in April [Boucher and Fauvet] would be pardoned, because after presidential elections, there is always grace for offenses carrying sentences of less than three months in prison.¹³

Politically, the plan held certain attractions. Once filed, the suit would demonstrate firmness in defense of the judiciary and signal the press that limits of comment had been overstepped. Yet the trial and decision would not come for months, during which *le Monde* might be pressured

into more acceptable reporting, while the government could keep open its options, which of course would include dropping the case.

If it went to trial, the alternatives seemed nearly as favorable. A loss would nonetheless mollify the judges and demonstrate solidarity with Giscard. Winning would be better, of course. Besides delivering more satisfaction to his ministry and his president, Peyrefitte would have put a personal stamp on press-political relationships without risking irreparable damage to the chief journal of political discourse, destruction of which would have made its pages unavailable to conservatives along with everyone else. No matter what happened, he said,

at least one would have shown that when one threatens the press over a period of three years, the gun is a real revolver, not a popgun.¹⁴

As several airplane hijackers have demonstrated, “popguns”—even nonexistent cans of gasoline—can produce dramatic changes in direction. Peyrefitte had done nothing extraordinary in waving legal weaponry in journalists’ faces. Attempts by officials to induce self-censorship through threats and references to the formidable arsenal of press laws is a time-honored, and often-effective, French custom. Why, then, did Peyrefitte actually pull the trigger? The most interesting part of the answer goes beyond his personal view of possible results into his analysis of the relationship of *le Canard Enchaîné* to *le Monde*, and of both to politics. The complex, ambiguous and at times seemingly self-contradictory attitudes he expressed are not his alone: they are widely shared among French politicians.

On October 10, 1979, *le Canard Enchaîné* published the first document linking Giscard to the acceptance of gift diamonds. *Le Monde* carried a major report that same afternoon, accompanied by a glacial editorial by Fauvet. Being a weekly, the “journal of humor” has a lead time of several days on its political commentary. *Le Monde*, an afternoon daily, has but a few hours on a breaking story. Here is the reasoning that led Peyrefitte to fire the long-threatened shot and why the target was not *le Canard*, whose investigation had actually caused the damage, but rather *le Monde*, which merely repeated the information:

Le Canard Enchaîné . . . has no importance because nobody believes it. Besides, to sue *le Canard Enchaîné* would be like suing a court jester!

But when *le Monde* repeated at two o'clock in the afternoon what *le Canard* had said that morning, this coupling was proof that there was an intention on the part of [*le Monde's*] editors to destroy. This editorial conspiracy turned something that had begun as a technical matter into a political program . . . which became an affair of state.¹⁵

In fewer than 100 words, a ranking insider summarized the working fiction that French politicians often use in dealing with the press. The passage merits detailed scrutiny:

- *Le Canard Enchaîné* of “no importance”? Peyrefitte says this blithely, and indeed, it was heard frequently among politicians, from royalists to Communists. Yet in the same breath, he demonstrates that *le Canard* is of inestimable importance because it reveals information no other periodical cares to dig for.
- “Nobody believes *le Canard*”? Peyrefitte knows full well that it is required reading for a circulation of 450,000 that includes everyone in public life.
- Prosecuting *le Canard* would be like “suing a court jester”? Superficially speaking, quite true. French politicians from royalist to Communist posture themselves as being above the cut and thrust of their trade . . . which feeds the most delicious material to *le Canard*. Combat with a completely foppish-looking journal would be painfully inconsistent with their careful projection of dignified statesmanship. Politics aside, however, trying to silence *le Canard* is nothing at all akin to gagging a defenseless clown. The “journal of humor” is famous for withering counterattacks both in print and in court. Politicians who sue it often feel as though they are marching a parade band into guerrilla warfare, to be ambushed by sources they can seldom identify. (See part 3.)

The ability of officials attacked by *le Canard* to hide behind the fiction of its lack of “seriousness” helps everyone. Public figures can

pretend to ignore charges they could not avoid if they appeared elsewhere. *Le Canard* itself thrives—and is sued extremely seldom—while serving up details about the rich and powerful that would be suicidal in “straight” publications. The present incarnation of the hard-hitting daily *Libération*, for example, is the second under the same management. An unsupportable load of litigation forced publisher Serge July to close the first one for more than a year while undergoing corporate reorganization in 1977.¹⁶

This working fiction explains why Peyrefitte’s comments on *le Monde*, seemingly so inconsistent, make perfect sense in the French context. When *le Monde* printed something, there was nowhere to hide. Its repetition of *le Canard*’s extremely serious charges forced Peyrefitte into considering that the rules of the game might be changing in a big way. If the *le Canard*–*le Monde* one-two punch against the president—and, beyond him, governmental authority—was not quickly countered, American-style investigative reporting might break out of the specialized confines of *le Canard Enchaîné* into France’s journal of record. Given *le Monde*’s leadership position, the rest of the *grande presse* would surely follow. To anyone accustomed to the chiaroscuro staging of French politics, such floodlighting would seem nightmarish.

The Defendants

If Peyrefitte had designs on leadership and Giscard d’Estaing faced serious election problems, the situation among the defenders to the suit was remarkably parallel. Presidential elections pressure newspapers as well as politicians, particularly when the state and press are closely intertwined. External challenge, however, was not the main problem. A highly charged atmosphere *within le Monde* put both Boucher and Fauvet in weaker positions than either realized at the time. Ironically, these internal vulnerabilities, like Giscard’s and Peyrefitte’s, stemmed from electoral pressures.

By November 1980, *le Monde*’s staff had been in uproar for months. Fauvet’s impending retirement forced the issue of succession—arguably for the first time, since he had been so clearly the heir apparent of

founder Beuve-Mery. In the crunch, the paper's vaunted self-governing machinery buckled. At center stage stood Fauvet and his protégé, Boucher, an unhappy position they shared with Claude Julien, editor of the overseas edition.

Julien had been elected new director over foreign editor Jacques Amalric in a campaign so bitter that several dozen of the paper's best-known figures—senior staffers who backed Amalric's moderate politics—repeatedly threatened to resign and start a competing newspaper. Even final balloting failed to resolve the controversy. While Julien waited for Fauvet, by then a lame duck, to retire, defeated opponents plotted a coup. In an early test of strength, they prevented Fauvet from removing Amalric from his editorship. Further embarrassment followed when a list of radical changes purportedly intended by Julien appeared in the Paris press. Fauvet angrily accused a pro-Amalric reporter named Pierre Georges of leaking the information—and found himself threatened with a defamation case.¹⁷ The director elect's personal touchiness, his trenchant anti-Americanism, and strident leftist views eventually catalyzed reaction. It was feared he would promote the like-minded to high positions and force moderates out. In the process, *le Monde's* commanding authority would be destroyed.

Julien immediately faced mutiny. Staffers reacted as though they had not realized the election was for keeps. Indeed, they behaved very much like French voters in presidential elections, which involve two ballots: one to choose semifinalists, another a week later to decide the winner. By tradition, the opposition always does better in the first round than the second, which is usually explained as a vote from the heart followed by a more level-headed decision from the pocketbook. So it was at *le Monde*. Staffers demanded that their second thoughts prevail even though there was no provision for even *recognizing* them in the paper's bylaws. Opponents forced Julien to present for their approval lengthy personnel and management policies. Next, he was required to stand for election all over again. This time, he could be confirmed as director only by polling 60 percent of the votes cast—not by the simple majority designated in the bylaws.¹⁸ Peyrefitte's suit against Fauvet and Boucher came just as the campaign to unelect Julien reached its

most tumultuous stage. It compounded the poisonousness of *le Monde's* civil war.

Politically, Boucher and Julien were perceived as similar figures. Boucher had been hired following the student revolt of May 1968, political radiation from which transformed France's most important intellectual institutions. The paper in general, and Fauvet in particular, decided to welcome the new influences. Between 1968 and 1973, it hired 20 staffers who tended to be not only more radical than had been the rule but also far more willing to throw out the "American model" of journalism introduced by Beuve-Mery. They favored returning to the prewar practice of mixing fact with opinion. Not only had Fauvet opened the door to this new wind; he had removed barriers wherever possible to let the currents of change sweep through the labyrinthian offices on rue des Italiens. Newcomers advanced quickly. Boucher, who had no journalism experience whatsoever when *le Monde* hired him from the Indo-Suez Bank, was by 1976 in charge of general news for the most important paper in France.

Throughout the last half of Giscard's administration, as polls and local elections demonstrated that the Fifth Republic's 20-year dominance by conservatives might soon end, *le Monde* found itself in an uncomfortable position. The "new wave" leftist journalists of the post-1968 hiring spree were by the late 1970s holding key policy positions. Sensing the victory of the Socialist-Communist national coalition—correctly, it turned out—they had even less inclination to separate their political views from straight reporting. The internal elections compounded the problem. The competition began with Fauvet's announced retirement. It combined the most lethal aspects of French office politics with the messiness of national electioneering and the bitter intimacy of family feuds. Lacking other forums, would-be candidates staked out positions published in the paper. One result: more editorializing in the paper's coverage. *Le Monde's* pages became showcases for internal debate, a place for "new wave" staffers to display their identification with the future. Boucher was regarded as a leading candidate, perhaps Fauvet's personal choice. As the house elections approached, his judicial critiques, which had always been barbed, increasingly strayed from cases

at hand into questions more suited for comment by the director of a publication.¹⁹ Fauvet made no move to check the trend. Indeed, he may have been trapped by it. Close observers indicated he may have felt loyalty not only to Boucher personally but to what he represented in the staff.

One more element must be considered to complete the picture of the defendant's situation. A newspaper's business performance is analogous to the standing of politicians in the polls. Weakness mitigates strongly in favor of caution. Here again, there was a parallel between *le Monde* and Giscard's administration.

After a decade of steady, sometimes spectacular circulation growth, the 1970s brought *le Monde* to an uncertain plateau pocked by years of losses. In 1981, circulation stood at 439,124, slightly below the figure for 1976²⁰ and distinctly not robust in an era in which no fewer than four new dailies appeared in Paris—all of them in competition with *le Monde*. Profits also faltered. Overall, they were less than half the level of the 1960s and never exceeded the 12 percent of turnover supplied by state aid. Without government aid, in other words, *le Monde* would have been operating in the red throughout the decade. In the five years preceding France's presidential elections, *le Monde's* profits never rose above 2.5 percent, and in 1977 and 1980, losses were large.²¹

Coming after more than 20 years of steady financial expansion, those numbers were unsettling to a paper owned and controlled by the very staffers who were being forced to recognize their inability to honor their own self-government procedures.

It was a critical juncture for Fauvet. On one hand, his protégé and favored editorial policies were under assault from the ultimate power in the land while being anything but secure in *le Monde's* own succession battle. On the other, weak financial performance left him open to criticism, sapping his ability to influence the paper's future direction and leading some within the industry to speculate that *le Monde* might lose its vaunted position if Giscard won the election. Paradoxically, it was also becoming clear that conservatives might finally lose control of the Fifth Republic. Spare, thin lipped, and grave in his dark suits, Fauvet created the impression of an old-fashioned banker. The appearance,

however, was misleading. “Capable of audacious action,” according to Serge July, a fellow publisher; Fauvet may have sensed the moment for a bold stroke. There was more than a whiff of *fin de régime* in the air. The left must be rallied, and what banner carried more allure than *le Monde*’s? To July, Fauvet appeared possessed with a personal crusade: “Fauvet against the dragon.”²²

One thing was certain. Never in memory had *le Monde* taken *the lead* in a political *affaire*. This now had changed. The famous reserve had disappeared, replaced by a slashing aggressiveness that had goaded the government into countermeasures.

Publicly, the president of France sought to present himself as so far above the fray that his accepting diamonds or suing a newspaper would be unthinkable. The minister of justice argued he was merely fulfilling a bureaucratic mandate to protect defenseless magistrates against calumny. As for *le Monde*, its stance suggested *noblesse oblige*, a duty to defend the principle of freedom of the press against all the odds.

Backstage Maneuvers

The personalities of the *dramatis personae* and the situations in which they found themselves—provide insight into the struggle. But to this must be added the time frame, goings-on behind the scenes, and interpretation by those best positioned in both politics and the press.

The sequence of events was critical, and not only because of the ongoing presidential election campaign. Niceties of French law and custom provide government with several means of gauging the effect of an attack on the press. The trial date, for example, may be important. Magistrates may hail defendants into court quickly to capitalize on public outrage at some newspaper or put off the proceedings to allow feelings to cool if they run against the government. A tradition of amnestying press misdemeanors along with a variety of other crimes after every presidential election contributes another variable. Officials may either choose a speedy trial or decide to push it back to—or even after—balloting, a move that can create interesting ambiguities.

Fauvet was aware of some of them when he went with Boucher to the Paris Courthouse for an indictment hearing. During his 10 years as publisher, he had answered 53 suits against the paper, including politically sensitive ones with the government as plaintiff. Yet as he entered the courtroom, "This was the first time the judge refused to shake hands before we began," he recalled. It seemed indicative of the unusual set of circumstances.²³ By that time, the government had had ample opportunity to judge the terrain.

Requests, threats, and other "Colbertian" means to force *le Monde* to rein in its coverage had long since proven spectacularly unsuccessful. For three years, Fauvet had been getting warnings from the Ministry of Justice that Boucher "was going too far" and should be "calmed," although there is no agreement about who actually delivered them, a point of considerable importance. As has been noted, Peyrefitte claimed that he himself repeatedly spoke with Fauvet, and even discussed the issue with him over drinks in his home.²⁴ Fauvet insisted this is just "pretending," that he talked with the minister about the affair only once. The several other complaints were delivered by a woman on Peyrefitte's staff.²⁵ There is no doubt, however, that official displeasure was clearly registered.

Giscard himself had called the publisher two days after *le Monde* had carried *le Canard's* diamond revelations. According to Fauvet, the exchange was remarkable and nearly entirely one-way. Flabbergasted, he listened while the president, normally controlled to the point of being glacial, ranted for more than five minutes about the paper's having gone beyond its mission and Fauvet's complicity in an editorial conspiracy. Then he slammed down the receiver. As a communication between the president and the press, the performance was "wild," "incredible" according to observers with decades of experience.²⁶

Nor had the administration's indirect responses produced the expected results. The Ministry of Justice first put Boucher on an information blackout, then Giscard extended it by barring government officials from granting interviews to anyone from the paper. While such measures are often attempted in the US, they can never go beyond a slap on the wrist because most information comes from sources

independent of government. In France, however, where tight control makes a huge range of information a government monopoly, such embargoes can be devastating.

But by January 1981, the pending suit had become such a *cause célèbre* that *le Monde* could deal cards in a game usually controlled by the government. Moreover, it was signaling it would play for keeps. Fauvet announced that nobody on the staff would discuss the affair on the record, since resulting reports might create factions within the staff or compromise its ability to defend itself in court. "We would not play the wounded starlette," as Boucher put it.²⁷

Instead, they got to work. He, Fauvet, and house counsel Yves Baudelot spent "hundreds of hours" preparing strategy. They combed the 1,600 letters relating to the suit (about 80 percent of them positive) for suggested defenses and potential allies. As the collected documents began being measured in kilograms instead of file folders, the three assembled a laundry list of 60 top-level trial witnesses: chiefs of political parties, professors of law, retired judges—the sort of people the French call "notables." Although the names were a closely guarded secret, the government was surely aware of the feverish editorial defense effort. Baudelot took pains to alert Peyrefitte's technical specialists that a trial would be costly by requesting five full days for witnesses' testimony.²⁸ At a critical moment in the election campaign, witness' court appearances would produce a full week of pro-*le Monde*, antigovernment coverage.

Peyrefitte analyzed the situation. Following the indictment, he held the power, he said, "to speed up or slow down" the proceedings. He opted for the latter. In January, a date was selected that fell in the week between the two ballotings of French elections; later, it was moved even further back. The message conveyed was clear: any coverage until the election would be held against the paper not only in Giscard's deliberations about a pardon but also in the trial itself, should the president choose to withhold amnesty.

Interviewed a year after leaving office, Peyrefitte maintained he had never intended the case to go to trial because "after the elections, there would be the usual pardon."²⁹ At the time, however, all signs pointed to a serious, possibly even vindictive prosecution. A pardon would depend

entirely on Giscard. Fauvet knew the president's view of *le Monde* from the apoplectic telephone call.

Government Thinking

The diamond affair had caught Giscard by surprise. Having visited Bokassa, hunted with him, and supported the régime against considerable pressure, it was difficult to evaluate the political damage being done by such a minor figure so far away. How could Bokassa, under house arrest in Abidjan, through means of a journalist of no particular standing, cause this much havoc? From the standpoint of impact, it mattered little whether *le Canard's* documents were authentic or, as some in Giscard's cabinet argued, were merely forgeries on Bokassa's imperial stationery. There was no doubt whatsoever that the president had accepted the jewels and that the information had leaked from Bokassa. Giscard had always controlled the relationship. *He* was the aristocratic leader of a major European power: Bokassa, who called Giscard "my parent," was a colonial client created and maintained by France.

To Giscard, his standing vis-à-vis the press must have looked much the same. *He* had unilaterally declared an open administration, *à l'Américaine*, pointedly pledging to democratize relationships that had maintained their monarchical character through a succession of revolutions and republics. How then could he have lost control of it so quickly? When *he* denied the gifts, then dismissed them as too unimportant for serious discussion, why didn't the press and the nation honor his silence as dignified reserve? As Jean-François Probst, a top Gaullist political advisor put it, "France may be a free country, but politicians here are convinced that if they really want to, they can work anything out with the press to their advantage."³⁰

A year after Giscard's fall, sources who had stood at the highest levels of his administration, some with wisdom acquired by having witnessed the Watergate investigation in Washington, pleaded with the president "to come clean and be rid of the plague."³¹ Giscard ignored the advice. The man who had already tried to reverse his Americanization of the

French presidency made the same mistake with the press as his American peer, Richard Nixon. Said one member of Giscard's inner circle,

Even from the first day, it was clear we couldn't win, but the president's only response was "I'm not going to talk about that." When the press office called to say we had to make some kind of statement, Giscard hesitated, then ordered the spokesman to "say what you like, but don't lie."

Having interpreted that not-very-helpful guidance to mean that the gifts should not be denied, Elysée Palace spokesmen wrote out a dozen versions before deciding on a vague statement arguing that the value of the diamonds was far less than was being reported.³²

General consensus among French politicians and journalists held that Giscard himself probably did not order the attacks on *le Monde*. When Peyrefitte, a member of his cabinet, suggested them, however, he allowed them to proceed from a mixture of not wanting to interfere with ministerial affairs and a hope that they might put the diamond affair to rest. Peyrefitte's motivation, beyond personal ambition, was interpreted as relating directly to a value judgment about *le Monde* itself and an attempt to dissolve its institutional status.

By the fall of 1980, *le Monde's* vaunted position made it for the conservative government just as much as anything it printed: "We underline what is worth talking about," as Fauvet put it, "and set the national agenda for information."³³ For three years, Peyrefitte, Giscard, and the Gaullist-backed coalition behind them had watched the "pope" of public opinion shift to the left as the administration headed in the opposite direction. While the government explained its attack as a "purely technical" means of protecting judges, leading editors and academics saw it as designed to defrock *le Monde* of its sacred reputation. Moreover, even some appalled by Peyrefitte's strategy agreed that the paper had shifted from an institution of the political center to a *journal engagé*, no longer deserving its mantle of authority.

Pierre Albert, University of Paris professor and leading academic critic of the press, found Boucher's legal critiques far off base: "It was

not the place of *le Monde* to go that far [into opinion].”³⁴ Editor Claude Imbert agreed. As top journalist of the newsmagazine *le Point*, which supported Giscard, he strongly opposed what he judged to be Peyrefitte’s method of putting public perception of *le Monde* in line with current realities but added,

Peyrefitte has always considered that there is a great confusion between the fact that *le Monde* is an old and respected journal of information and the fact that it is no longer what it was. On this, I completely agree with him. He felt that it was necessary to show the public that *le Monde* was not dignified and by consequence, . . . he took them to court to show that they had made a travesty of truth.

Even by French standards, Imbert in 1982 saw the mixture of fact and opinion unconscionably weighted toward the latter:

Le Monde is not what it was. The verification, the straight news, the credibility, all of this has changed; the paper has descended enormously in the last five years . . . A lot of it is put out on the basis of absolute subjectivity. It can no longer be considered seriously as an instrument of information.³⁵

To political observers, particularly those on the right, this widely held perception among journalists seemed to reinforce their own instincts that *le Monde* might be vulnerable as never before. Against the background of the paper’s financial losses and fractious succession problems, top advisors to Giscard’s Gaullist backers concluded, “Fauvet won’t fight.”³⁶

Chapter 7

RESULTS AND CONCLUSIONS

Eighteen months after François Mitterrand annulled the suits' *raisons d'être* by defeating Giscard at the polls, and three months after his amnesty wiped them from the docket, the effect of Peyrefitte's extraordinary initiatives became clear in a series of interviews. All principals involved spoke for the record with the exception of Giscard. The president's handling of the suits and the diamond affair, however, were interpreted by administration officials intimately involved. In addition, two dozen leading experts on the press, politics, and the relations between the two gave their judgments.

Without exception, on both sides of the controversies agreed that "Diamondgate" contributed significantly to Giscard's defeat. To American sensibilities, however, the reasons are surprising. Voters did not turn against the president because he had accepted diamonds from a sleazy dictator nor because he "got caught." Indeed, France had nothing comparable to the US Official Gifts Act; Giscard was well within his legal rights in accepting personal tribute.

Judgment, however, is quite another matter. While accurately measuring his conduct against the law, Giscard badly misread the electorate. At first, he tried maintaining dignified silence; it was interpreted

as disdain. Then he argued (correctly) that his diamonds were worth far less than Persian rugs received by de Gaulle—but it was too widely remembered that the puritanical general had immediately donated the prizes to the state.¹ Giscard called together a select group of conservative journalists to a not-for-attribution briefing designed to bolster the credibility of friendly papers while punishing others by excluding them. But his refusal to be quoted weakened the resulting stories, which received only modest play, while the secret session itself, quickly uncovered by *le Canard Enchaîné* and relayed to the Paris press,² made much more revealing copy. As weeks dragged into months without the president disposing of the diamonds, “many voters began to assume that he had given them to a woman, and couldn’t get them back.”³

Instead of creating an atmosphere of some “evil force” stalking the presidency, as in General Alexander Haig’s famous Watergate phrase, Giscard’s “Diamondgate” descended into farce; he seemed petulant and childish.⁴ In fact, his administration had become paralyzed on the subject of official gifts. Shortly after the elections, the foreign ministry press office called the government bureau in charge of receiving and administering state property, seeking guidance to avoid such problems in the Mitterrand administration. “They couldn’t find the rules,” said one astonished spokesman. “We were told nobody had called about that in 20 years.”⁵

Giscard’s mishandling of the press created a public image of him as alternately arrogant, childish, weak and incapable of effective action. “The diamonds destabilized him,” as one Gaullist political analyst put it.⁶ Even before the elections, the president sensed defeat and was discussing it with allies like Jacques Chaban-Delmas, a Gaullist former prime minister and mayor of Bordeaux. “Giscard knows he’s finished,” Chaban told Oliver Todd, then chief editor of *l’Express*, among other reasons, “because of the diamonds.”⁷

Yet no systematic analysis of the effect on voters was ever attempted, even after the elections, during a time in which the former president maintained a large Paris office, which he retained specifically to engineer a political comeback. “Who would want to take the blame?”⁸ Peyrefitte, far from being sought out to help understand the effects of

the suits, was shunned “like a disgraced relative.”⁹ Indeed, more than a year after his defeat, when Giscard agreed to discuss the Bokassa diamonds on national television, he doggedly repeated the arguments that had served him so ill. The stones, he said, were worth no more than F 2,000 (then about \$400). He didn’t defend himself, he said, because doing so “would have wronged the office of the presidency.”¹⁰

As for the suits, as distinguished from the “Diamondgate” reporting that helped trigger them, politicians, journalists, and other observers were nearly united in judging them to have been of little importance—either in the election or, more surprisingly, given their unprecedented nature, in the lasting relationship of the press to political authority. Editor Todd, for example, doubted the litigation cost Giscard more than a few votes even with *le Monde*’s readers because “they’re sophisticated enough to distinguish a suit from an election.”¹¹ Olivier Chevrillon, then publisher of *l’Express*’ arch-rival, *le Point*, agreed. The prosecutions were “unsurprising and not important,” particularly when compared to the more pressing press-state relations such as governmental monopoly in credit.¹²

Only two major figures in French journalism in the period—publishers respectively of *le Canard Enchaîné* and *Libération*, and both socialists—disagreed with Todd and Chevrillon. To Roger Fressoz of *le Canard*, the trials were “very important” but more as a testing of press law than a major influence on events at the national level. Serge July of *Libération* went further. In at least permitting the suits, Giscard showed voters he was willing “to have the state apparatus used in behalf of his personal interests,”¹³ just as in accepting the diamonds in the first place—ominous harbingers of what might come in a second Giscard administration. The divergence of these two men from mainstream political and journalistic opinion was startling and significant. It was not, however, surprising. Alone in the French press, *le Canard* and *Libération* regularly undertake serious investigative reporting, which indicates a conviction about the role of journalism that is markedly different from their sister publications. Theirs is a more American approach, one that assumes the profession to be a means of limiting public power.

Professor Pierre Albert, whose specialties included the theory of French law, continued the Franco-American comparison in structural

terms. Extreme centralization of government produces control over information, he argued. Denied access to “the essential sources” the press developed a concept of liberty that

has never been liberty to investigate or to research the news. This has never much interested them. What does interest [journalists] is the liberty to criticize . . . It is a concept of information closely linked to our political system.¹⁴

Contrasting the situation with US practice, Albert linked American “preoccupation with researching facts,” and separating them from opinion, to the ease of access to information—which he attributed in turn to a federal government that is extremely weak in French terms. Finally, while the First Amendment granted American journalists a nearly absolute freedom to report, successive French constitutions have always included means by which government could exercise control:

In France, by a series of traditions, or habits, our conceptions of liberty, we have always thought that a guarantee for the press requires particular rules for particular offenses.

This is very different [from the US concept] because all offenses of the press apart from private litigation, are [in France] *a priori*, political offenses.¹⁵

It is the “*a priori*, political” quality of any press encounter with the state that creates such tension. Government officials feel compelled to deny this even when the facts overwhelm their arguments, perhaps because doing otherwise would be admitting that they—and not the legal system *per se*—control the amount of freedom of expression in France. Yet that is precisely the case, argues Albert, because of the way the law works, with an enormous number of statutes on the books covering every imaginable offense but enforced only selectively:

Each time you go out in the street, you commit three or four actionable infractions. It's necessary to understand our law in this way, that it's

repressive in all its interactions but only those offenses [singled out] are punished.¹⁶

To those with experience beyond the French system, it seems invidious.

Dominique Borde, trained in both US and French law before taking up a Paris practice that includes the *International Herald Tribune*, flatly called selective enforcement “enlightened fascism,” which produces self-censorship because “the rules are never made explicit.”¹⁷ But when journalists ventured beyond the limit of accepted discretion, not even Borde argued they had much of a case. In singling out Boucher’s commentary for prosecution, Peyrefitte acted squarely within his ministerial prerogatives in bringing his displeasure to court. The degree of “enlightenment” in enforcement is rested with state officials—whether deciding to audit an individual’s tax return or rein in a particular reporter. If there had been nothing remotely like the suits in post-war French history, this was to be explained in terms of personalities: no official had as yet deemed it advantageous. Structurally, in other words, the suits were of little significance.

Because amnesty mooted the case, no definitive disposition indicates how the legal system would have handled it. Roger Lecante, the magistrate who heard preliminary pleadings and handed down the indictment against *le Monde*, granted an extraordinary interview to discuss the proceedings. His analysis was of particular interest because, while he had been directly involved, that very participation would have disqualified him from hearing the final case. He therefore could critique it with clean hands. Although his analysis began on a note favoring the government’s prosecution, Lecante went on to undermine the minister of justice’s central claim.

Unlike his judicial colleague Simone Rozes, who heard Peyrefitte’s suits of the spring of 1980, Lecante did not find the one that came before him the following fall to be extraordinary in the least. It was absolutely unsurprising because it was characterized from the start by the fact that the two (Boucher and Fauvet) would have been found guilty if not for the amnesty law. It was a very solid suit.¹⁸ Moreover, Lecante was in full sympathy with the *kind* of action before him. Asked what he

thought of Peyrefitte's suit, he replied, "One doesn't do it often enough," an opinion based, he explained, on the need to restrain irresponsible press commentary on the judiciary.

But then the judge added observations cutting directly against Peyrefitte's central explanation for the whole affair—that *he* had been forced to defend the magistrates in his ministry because they were "powerless" in the face of Boucher's attacks:

I think the initiative behind the suit was political. Let's just say it could have been launched by the courts of Paris even without the advice of the minister of justice. In this case, the minister took the initiative, but it could have been the courts themselves.¹⁹

Why then, did Peyrefitte take on the burden? Lecante rejected the theory of a personal feud. Rapport with *le Monde* was "not very good," and

it's certain that the minister of justice had been researching for several years a way in which to block a series of articles denouncing judges in political trials.²⁰

Moreover, a minister who brings such a suit "isn't risking much, since . . . all of these misdemeanors are amnestied one day or another."²¹ The message was clear, in the view of the only source positioned to have heard both sides: Peyrefitte's case was persuasive, perhaps conclusive—but need not have been brought at all.

The only president in French history who pledged himself not to use a statute making "outrage to the chief of state" a criminal press offense finds himself outraged during a reelection campaign already showing signs of flagging. Revelations surface first in a satirical weekly. Attacking it would make him look ridiculous, as two of his cousins involved in the same "affair" had recently discovered. Besides, that particular publication responds to pressure by publishing "more muck." But within hours, the nation's most prestigious journal, the preeminent forum of public opinion, takes the uncharacteristic step of becoming the leading

voice in a political “affair.” Unwilling to break his pledge against using the outrage law, the president at first remains silent.

It is the minister of justice who responds with a suit. The target, however, is not the publication that dredged up the material damaging to his leader but rather the prestigious opinion-maker that *repeated* it. Publicly, the minister explains himself as having been forced into action by his bureaucracy and wanting to demonstrate evenhandedness by not hesitating to take on the most establishmentarian of newspapers for what he says would have been “contempt of court” in other Western democracies. Later, he says—and others corroborate—that he brought the suits only as a threat, knowing they would be thrown out by the amnesty customarily granted press offenders after presidential elections.

After a few weeks of controversy, parliamentary uproar abates. The media lose interest. There is a brief scramble when a Paris court formally indicts the columnist and his publisher, but within a few days, the blip disappears from the screen of public interest. The government has accomplished its goal of silencing the scandal with the controversial suits it spawned. Three months after the election, a new president declares the customary amnesty for press offenses, sweeping the pending case from the docket. No reforms are attempted. Indeed, nobody even subjects the “affair” to serious political analysis. Staying clear of blame proves to be a more powerful motivator than learning from the experience. Nearly universal judgment holds that while the experience influenced the electorate, the suits themselves changed nothing—not certainly the relationship between the press and the French government.

So much for bare facts. As a window on the inner workings of the West’s most intricate system of indirect press controls, the assault on *le Monde* stands without equal. Other post-Liberation social stresses in France produced more spectacular interventions. During the Algerian crisis, for example, the state seized numerous publications and shadowy groups with close police ties bombed newspaper offices, but these were times of national emergency. Peyrefitte obtained indictments of Fauvet and Boucher as part of the normal political process. In so doing, he

illuminated the options available to government as well as the decision-making procedures behind the system of selective enforcement.

- A minister could not only write his own version of events and, as a public official, force a newspaper to run it as a correction; he could also sue as private citizen, requiring the paper to run additional material without having to contest the validity of reports about him. It was as if James Watt, disagreeing about the facts and interpretation of pending environmental legislation sponsored by the Reagan administration, had been able to coerce the *New York Times* into printing his version of events, then add personal commentary on his administrative rationale.
- The minister of justice could place on criminal trial any journalist who “cast discredit” on the bench, even if the offense amounted only to repeating information published elsewhere, unchallenged by the government. This would mean, for example, that Secretary of Justice William French Smith could have indicted reporters and editors of the *Times* for repeating negative *Washington Post* comments on the Justice Department action that cleared National Security Advisor Richard V. Allen of bribery charges in November 1981.

Most importantly, the suits identified the points at which a highly professional, respected civil service can become politicized. Leading critics maintain that decisions in press trials are rendered fairly.²² Enforcement, however, is another matter. With so many infractions on the books that normal publication involves committing several misdemeanors, deciding if, when, and whom to punish quickly becomes a political decision.

No one doubted Peyrefitte’s powers. *Le Monde* printed his “Rectification” without even demanding a hearing, and ran his “Response” after a judge forced the issue. The magistrate who handled the more inflammatory suits the following fall had no doubt that the wording of article 226 would have forced conviction even though he was well aware that the suits had been meant as no more than a threat in anticipation of

amnesty. A combination of law and custom provided the government with the most flexible of machinery for influencing reporting about it.

The response of French journalism as a whole proved no less interesting. Although the diamond scandal was itself an exercise in investigative reporting, it triggered no continuing reflex beyond the pages of *le Canard Enchaîné*. Neither *le Monde* nor any other French paper, for example, bothered to check out Peyrefitte's specious claim that article 226 amounted to Anglo-American "contempt of court" with any of the several hundred British and US attorneys practicing in Paris. No French publication brought independent analysis to Peyrefitte's claim of being forced into the autumn suits by his judges. A simple report that they could perfectly well defend *themselves* would have exposed its political purpose. Conceivably, the government would have been forced to pull back. At the very least, such ongoing investigative reporting would have put considerable personal pressure on the minister, casting him as an electoral liability at the very moment he aspired to be prime minister.

But instead of digging for "new leads" to keep the story fresh and the pressure on, as happened in Watergate and, for that matter, has long been the central technique of American investigative reporting, *le Monde* let the matter drop. Nor was there anything like the US "ripple effect," as other journalists begin their own investigations to compete with the paper that broke the story. In the words of Claude Imbert, whose *le Point* came as close as any establishment publication to doing American-style investigations, "There were no articles because nothing happened."²³ The explanation, echoed broadly enough to stand as the general French attitude, is quite significant. The central difference between investigative and other sorts of reporting is that it can be *independent* of the news cycle. Nothing need be happening to form the basis of an investigative story because the fresh facts themselves *are* the news. Each "new lead" in the *Washington Post's* Watergate coverage became the point of departure for the rest of the press in the following news cycle.

Many have noted that in contrast with American practice, French journalism is much more an exercise in belles lettres, with graceful style or elegant analysis counting much more heavily than "scoops" or

substantive weight of material. Beyond that superficial level, however, lie more interesting comparisons based on the structure of society and perceived relationships between fact and opinion in journalism. Historian Albert summarizes the French approach in a way that makes the “*le Monde* affair” comprehensible to Americans and suggestive of how freedom of expression can be structurally limited. He starts with the French concept of information

as a commodity, its source being the government. This means everything starts as a secret, and that every time the government gives out information, it has done the press a favor—a favor to be returned by respect for its authority.²⁴

Such a system more than encourages a belles-lettres approach. It severely limits the ability to provide much else. Deprived of access to facts, or the verification of them, journalists readily turn to material available under deadline pressure. Unsurprisingly, this often includes personal opinions or those of like minds, always the most helpful sources. What is often cited as “laziness” among French journalists, in other words, is at least in part a prudent response to a threatening legal structure.

In turn, this results in the journalistic expression of one central cultural difference between France and the US, one at least as old as Baron Alexis de Tocqueville’s *Democracy in America*: the French predilection for deduction from established principles against the American inductive assembly of facts from which generalizations may be drawn. In Albert’s words,

For French journalists, facts are demonstrations of their opinions. For American journalists, the facts must be known before they feel they can *have* opinions.²⁵

A vicious circle is created. Lacking facts, the French press commands relatively low prestige. Lacking clout, journalists find access difficult.

Finally, Albert turned to a theme already explored in terms of certain tangible expressions of the French psyche: the quick resort to

statements correct “in principle” without reference of anything verifiable, the controlled approach to nature, the yearning for immovable monuments such as Notre Dame or *le Monde*:

We have the idea of the world in which everything is in order. When something departs from that order, the reflex is to put it back in place.²⁶

When *le Monde* took a leading role in expressing, if not expanding, a major journalistic investigation, it was as if the pulpit of Notre Dame had been taken over by Billy Graham. Boucher’s articles simply did not fit in an order that allowed serious investigative reporting to appear only in *le Canard Enchaîné*, due to its role as court jester. From left to right and from within *le Monde* itself, perception held Boucher to have “gone too far.” The move to put *le Monde* on trial seemed very natural, a way of restoring the monument’s facade even at the cost of compromising what it stood for.

Part III

*LE CANARD
ENCHÂÎNÉ*

Chapter 8

MEDIA DISCOUNT IN A CHAINED DUCK

A Portrait with Tax Return

Media Discount Theory

Le Canard Enchaîné is the world's most ironic journal, published in the nation most famous for irony. What better introduction to it than as part of an argument for the existence of a universal law of journalistic irony? The term *media discount* means simply that popular publications are often not what they claim to be, and their publics, knowing this, discount them accordingly.

This small polemic begins at home, to demonstrate that the very nature of journalism involves picking up society's most familiar sonorities—its most comforting hymns to self-worth—then amplifying them hopelessly out of scale until they parody the original meanings, like Bach played on a steam calliope. Not that the press of any nation manages more absurdities than other institutions, such as courts or universities, nor that it falls shorter of stated goals. It's just that more people notice because of all the noise.

Americans, of course, are known for claims to “the biggest and the best.” In fact, the entire advertising revenue structure of the press is

based on the assumption that biggest *is* best: rates rise with increased circulation. This questionable approach to quality, however, pales beside broader claims from narrower perspectives. Every day, the *New York Times* claims to run “All the News That’s Fit to Print.” The *Toledo Blade* proclaims itself to be “One of America’s Great Newspapers.” The *Detroit Free Press* asserts (in 1989) that it has been “On Guard for 157 Years.” Few people regard either the industry’s advertising scheme or the self-serving claims of its enterprises as indicators of journalistic quality.

A more important, less obvious irony concerns the *system* of American journalism. Reporters often cast themselves as maverick Davids battling entrenched Goliaths (viz. the movies *All the President’s Men* and *Absence of Malice*). As individuals, they assuredly *do* feel isolated. In fact, however, with rare exceptions, a certain equality of scale pertains when journalists go on the offensive. They are seldom self-employed, or even freelancers. Instead, they work with the support and protection of their publications. The bigger the publication, the more powerful the affordable target. It is no accident that the *Washington Post*, as it developed the Watergate stories, dominated the capital in circulation and advertising revenue and was part of a large communications empire with great staying power. To be sustained on a national scale, serious criticism in the US must nearly always be brought by large publications and only those of the journalistic establishment. Investigative reporting in the *National Inquirer*, while reaching more readers than in any other newspaper, does not spark serious debate because its credibility is as low as its circulation is high.

In the US, media discount operates as readers perceive gaps between the claims and performance of any one periodical or make distinctions between them. Without exception, the adjustment of credibility is downward.

Readers of *le Canard Enchaîné* do precisely the opposite. They turn media discount upside down.

The only French publication that regularly engages in investigative critical reporting on central authority does not bill itself as big, best, or serious on one hand nor even as truthful on the other. In the logo position that the *New York Times* devotes to “All the News . . .” *le Canard*

proclaims itself to be “A Satirical Journal Appearing on Wednesday.” Its staff has traditionally denied telling the truth, a policy dating from First World War censorship. “Since the government always tells the truth, and we don’t say what it says,” reasoned founder Maurice Marechal, “*Le Canard Enchaîné* takes the great liberty of only inserting, after minute verification, news that is rigorously inexact.”¹

In the period 1970–85, major controversies did not enter French discourse in Gotham boldface, atop inverted pyramids of facts. Instead, the most serious political criticism staged farcical appearances in routines drawn from France’s endless royal repressions, when only a court jester was permitted to speak embarrassing truths because, by definition, a jester could not be taken seriously. *Le Canard*’s founders seized the precedent. Successive French republics, with their draconian press laws and arbitrary enforcement, closely resembled monarchies in their information policies. In such environments, *only* a jester could be taken seriously in the most sensitive areas of politics.

Appearance

To Americans, the idea of claiming to be humorous in order to be serious seems absurd. While we have no trouble understanding—and excusing—ridiculous claims about “All the News . . .” and “Great” or “On Guard” newspapers, confrontation with a *fou du roi*, or “king’s fool,” as jesters were known in France, seems altogether different. Naturally. We have no tradition of absolutist government, let alone censoring royal writs, and therefore little appreciation of the tactics used to circumvent them. Americans only rarely witness in politics the power of the irony they use every day to deflate advertising claims. Even then, it is nearly always visual—political cartoons, which, while biting, lack the detail of verbal attack. But the techniques are identical, and experience has accustomed the French to far broader use of irony. Having endured long periods of political censorship as well as commercial bombast, the French make no distinctions in applying irony to discount both.

Reading *le Canard* with a proper intellectual filter for decoding irony, however, is no simple task. Unlike other newspapers, much of

it is not written for rapid comprehension, nor laid out for clear presentation. Its style is a triumph of obfuscation. French is renowned as the world's clearest language; the newspaper format was developed specifically for quick, precise communication. Yet *le Canard* ends up with the journalistic equivalent of ground fog. Only carefully selected details emerge from subjects largely concealed, like headlights from the mist. "We are aggressive with nuance," explained editor Roger Fressoz. He delivered the line with an absolutely straight face.²

Everything about its front-page coverage requires not just close reading, not even heavy interpretation, but *serial* translation. First: the use of irony to state in literal terms the exact opposite of the intended "straight" meaning of a message, beginning with the name of the paper: "The Chained Duck"—*duck* being the argot equivalent to "rag" in American newspaper slang and *chain* meaning "censored" or "muzzled." To *le Canard's* 450,000 readers,* who include the entire power structure of France, this makes perfect sense. Their media discount runs upward; they have bought their copy because they know it is neither a rag nor muzzled.

But the name is only a start. Puns, *doubles-entendre*, and other word-play wrinkle the prose into a sort of intellectual piecrust implying that delicious inner meanings lie just below the surface, concealed from sight. *Trompes-l'oeil* conceal weaponry within seemingly harmless cartoons. The layout is flatly ridiculous. For the sake of comparison, imagine the *Washington Post* breaking the Watergate story with a pair of silly-looking ducks, one of them sporting a flowered hat, waddling across page one. That is how *le Canard* introduced *le Watergaffe*, as it quacked when the government of President Valéry Giscard d'Estaing first bungled the bugging of its editorial offices in 1973, then botched the cover-up.

The Prime Minister's Taxes

Watergaffe—or "Watergate-sur-Seine," as American publications dubbed it—shared a great deal with the scandal involving Watergate-on-Potomac. No isolated phenomenon, it capped a bitter *contretemps* between the

* Average circulation in the 1970s.

press and the executive branch of national government. The stories were broken and developed by a single newspaper. *Le Canard*'s exclusivity was far stronger than the *Washington Post*'s; no French competition emerged on the scale of the *New York Times*, the newsmagazines, or the networks. Most importantly, like the Nixon administration's problems defending the ethics, if not the legality, of expenditures by presidential allies, the animosity of the Gaullists was rooted toward the paper in money and flowered in politics.

In the fall of 1971, Georges Pompidou seemed to have stabilized Gaullism without Charles de Gaulle, who had died the previous year. To counter his conservative image, the president had fielded Jacques Chaban-Delmas—Resistance hero, longtime mayor of Bordeaux, and darling of French liberals, whom he courted with the slogan The Open Society, signifying more opportunity for those previously “blocked” from bettering their positions. The dual approach worked and seemed fully capable of launching Chaban's own presidential aspirations.

A familiar *couac-couac*, as the French spell the noise, challenged all that November 3.³ With the deft, deadly aim for which it is famous, *le Canard* deflated Chaban in a single, ironic flap. It reproduced his income tax form for 1971, showing that the champion of the common man was not only a person of uncommon means but also one who managed to pay no income tax whatsoever. In France—where tax fraud is a national preoccupation rivaled only by gustation, dalliance, and soccer—the revelation of perfectly legal, yet politically questionable, behavior caused a sensation that lasted into the Christmas season.

How *le Canard*'s investigation unfolded shows a good deal about the paper's methods and its attitude. More than journalists everywhere, *le Canard*'s political editors depend on tips. This one was unusual only in its juiciness. According to Jean Egen, a *le Monde* staffer who wrote a flattering book titled *Messieurs du Canard* (The Boys at *le Canard*), Chaban's tax form simply came in the mail. As Egen told *le Soir*,

One day, a secretary found the declaration in the mail. “Hmm,” she said to herself, “Chaban's taxes,” and she put the copy under an ashtray

in the editor's office, so it wouldn't blow away. Two days later, the editor came back from a trip, saw the copy, and informed the public.⁴

Le Canard's tipsters are its most formidable resource. Some are journalists unable or unwilling to explore politically sensitive stories for their own establishment periodicals because of staff obstruction or fear of reprisal. While leaking material to the competition in the US invites dire consequences, most French journalists don't consider themselves to be in the same league as *le Canard* on hot stories embarrassing to the rich and powerful. Passing material along surreptitiously actually adds an element of slightly risqué allure to a journalist's reputation, very much as French politicians benefit from being known for prowess with the opposite sex. Acknowledged more in gesture than discussion, contributing to *le Canard* "from the wall," in the French expression, is part of the career pattern of some of France's top editors as well as fast-rising young reporters. Not long after becoming editor of *le Monde*, for example, André Laurence took some trouble not to deny a former habit of sending frequent tips to *le Canard*.⁵

The most valuable leads, however, frequently come from nonjournalists, from the disgruntled in any aspect of French life—particularly its political life. Despite much hand-wringing about "the information sieve" in Washington, federal bureaucrats with no contacts with the press actually face powerful disincentives in leaking material. American reporters will uniformly insist upon learning a great deal about *them* as well as their stories.

Breaking investigative stories in the US requires enormous detail, and the hotter the material the more documentation needed. In the process, the source becomes well known at least to the reporter and his editors, even if never named in print. Often, one result is a personal relationship, which can backfire, as budget director David Stockman discovered when the *Atlantic* described his reservations about President Ronald Reagan's "voodoo economics." The French suffer no confusion about where to direct their indiscretions nor fear of being discovered—let alone described—as their source. Unlike American

periodicals, *le Canard* often breaks stories not exhaustively but “in nuance,” without backup material.

In the case of Chaban-Delmas’s tax return, the nuances were devastating. After leaving time for the hapless Gaullists to countercharge that a single document didn’t mean much, *le Canard* resumed quacking January 19. From a red banner, “Chaban’s Taxes (Continued),” an arrow pointed to a photo of the prime minister awkwardly vaulting a ditch under a caption that, even for *le Canard* was something of a tour de force.

It read, “Look before You Leap?” which was fair enough, given that the edition contained the prime minister’s tax returns for more years, each of them taxless. But the irony went much deeper than the familiar warning, which in French is the highly idiomatic expression “Au bout de la fosse, la culbute.” The double meanings were delicious. One definition of *culbute* is “bankruptcy,” another is “ruin.” By showing Chaban in a public works project, *le Canard* implied his impending destruction. But that wasn’t all. A headline proclaimed “Hilarity” at the presidential palace (knowing the opposite to be true) because Chaban’s stumble meant there would be “Après le gaullisme, le regaulisme.”⁶ Managing both pun and *triple entendre* within a few words, this phrase deserves brief analysis. *Regaulisme* is an invented word that sounds like *rigole* (gutter) and *rigolo* (amusing), inviting readers to interpret the headline variously as “After Gaullism, Gutter-ism,” or “After Gaullism, Amusement-ism.” Finally, because of the prefix (*ri-* sounds close enough to *re-*), the headline could be interpreted as calling for either one, implying that Gaullism under the general himself had been filthy, funny, or both.

Le Canard’s attack, however, was not all *couac*. It included a bite quite recognizable in any culture. On the inside page, beneath the tease-heading “A French Record Hard to Beat,” the paper ran photocopies of Chaban’s 1967 and 1968 returns, indicating, line by line, how a man successively president of the National Assembly and prime minister, with an imposing home in one of Paris’s most chic districts, another in the Pyrenees—somebody who listed substantial cash income—managed to deduct it all away. “A tax acrobat,” *le Canard* mockingly cheered in

conclusion, unlike “the millions of imbeciles like us who are always ready to generously fill the coffers of the state.”⁷

Having landed the blow, *le Canard* proceeded with a quintessential display of its offensive tactics: when attacking, stay on the attack. Each issue contained references to Chaban, to keep him off-balance. To prevent counterstrokes from his allies, *le Canard* lobbed shots at major administration figures in a series called *Les Priviligiées du Fisc*, which in US translation would be “The Darlings of the IRS.”⁸

Valéry Giscard d’Estaing, then finance minister, was reminded that encouraging nonpayment of taxes was “severely punished by the law.”⁹ Defense minister Michel Debre, a possible Chaban successor, was implicated in a clumsy attempt to buy votes in France’s overseas territories by granting them free shipments of wheat.¹⁰ Jacques Chirac, minister of parliamentary relations and a formidable political infighter, was forced to admit he had paid no taxes in several years because, having bought a château and had it classified as a national monument, he deducted the considerable renovation expenses. “An excellent affair,” concluded *le Canard*, “the fiscal facilities will render to Chirac a château . . . completely renewed.” The minister’s poormouthing of the place was answered with photos revealing a splendid country seat, complete with turrets, outbuildings, and picturesque fortifications.¹¹

“Calumny!” cried Gaullists in the National Assembly. *Le Canard* replied with a front-page dictionary definition (“imputation known to be untrue”), then asked the legislators if the reproduced tax returns had been false. If not, of course, *they* would be the calumniators. During the whole affair, the *grande presse* publications of France reported *le Canard*’s charges but mounted no investigations of their own. Even though this was no more than customary timidity, the leading dailies were taken to task in a lead story headlined “The Big Heart of the ‘Sweetheart Press.’”¹² Finally, after five months of flapping, *le Canard* signaled that it was waddling off to new “duckponds,” as it calls topics of serious interest. Chaban’s attempt to explain away his problems was introduced under the wordplay banner “Chaban Has Presented His *Subversion* [*italics added*] of the Affair.”¹³ Within a year Chaban was out of office and off the national political stage.

Chapter 9

UNDER GEORGES POMPIDOU

Telephones and a Fatal Case of “Flu”

Le Watergaffe

If 1972 was the year of taxes, 1973 was full of telephones. Centrist senators had documented in a 115-page report what many had long suspected: widespread Gaullist abuse of the squeaky, antiquated bugging system installed by the Gestapo during the German occupation of Paris. Between 1,500 and 5,000 calls were being monitored daily between politicians, intellectuals, bureaucrats, journalists, and others, about “99 percent illegally.”¹ There was fury in the Senate, where investigators noted wryly that “if these methods continue, the country can economize on a parliament” by eliminating it. Word went out from the Elysée Palace that the abuses would be corrected on direct orders from the president.

Against that background, how better to enjoy “court jesting” than by providing concrete evidence that the practice persisted—indeed, was even spreading. *Le Canard* obtained it not once that year, but twice. Moreover, in a twist that showed more clearly than any “scoop” just how pervasive the bugging was, *le Canard* did not even have to concern itself with anything beyond its own staff and premises.

In June, the paper reproduced a transcription of an illegally tapped early afternoon conversation between Claude Angeli, editor of its political section, and another journalist the preceding April. Not that anything in the six pages of handwritten content was extraordinary.² Nor was there any indication that the eavesdroppers considered themselves to be doing something at all unusual. Indeed, the shock value lay in that it was all so clearly an everyday routine.

The tap had been taken on what every Frenchman would instantly recognize as an ordinary *fische*, the small, symmetrically lined slips of paper given out for everything from sitting in park chairs to awaiting an appointment with a public official. Under “Source Secrète, D,” signifying routing to the Ministry of the Interior, came the inscription number, as if it had been just another numbered sale from a greengrocer’s tablet. There was “Conde,” police surveillance code for *le Canard*.³

Within the record were two notations indicating the potential dangers of such spying. One was a simple goof. Police monitors misunderstood the telephone number Angeli called, and so when they cross-checked it, they came up with the wrong person, thereby fingered *him* in the leaking of information. Dialing 624-88-18 instead of 828-88-18, they implicated a hapless M. Glasy instead of Gaston Goselin, journalist and director of *Events and Perspectives*, an economic bulletin.⁴ Also ominous was the routing. Besides going to the Direction de la Surveillance du Territoire (DST), France’s FBI, it also went to Jean Sainteny, a former Gaullist official with no present official function, raising the possibility of more sinister, covert reprisals. At the time, Angeli was investigating the “parallel police” thugs nicknamed “barbouzes” who acted as strikebreakers for the Gaullists and their corporate allies.⁵ Did the cryptic “Note this for Sainteny” refer to an attempt to silence through some shadowy organization?

One of *le Canard*’s strongest counterpunches would not even be noticed by American readers, let alone recognized for something potent. The paper published the name of the bugging organization (George Interministeriel de Contrôle; GIC), its address at 26 avenue de Tourville, and even the nickname (Gegene) of its director, General

Eugène Caillaud—so as to make it easy, mocked *le Canard*, for the state prosecutor to find him. In France, “where everything is secret,” as a leading journalist put it,⁶ the most bizarre aspect of the whole Watergate phenomenon in the US lay *not* in what was revealed (corruption is nothing new) but the spectacle of American reporters demanding answers from the CIA and other intelligence services, and *getting* them, considering it their due. “These people [French intelligence operatives] inhabit another world!” exclaimed one amazed editor. “We wouldn’t know where to begin.”⁷

As things turned out, knowing where to look for French counterespionage actions against the press wasn’t difficult at all. The most chilling episode took place in *le Canard*’s own offices.

André Escaro had good reason to work late December 3, 1973. As *le Canard*’s chief cartoonist, he provided a large portion of the paper’s weekly editorial message. But he was also its managing director, responsible for remodeling the paper’s offices in the rue du Faubourg St. Honoré to open December 15. Others had the same deadline, it turned out.

Walking to his car at 10:15 p.m., he looked up at the facade of the building and saw lights on the fourth floor. “Nothing strange about that,” he said to himself. “Must be the painters working late.” But then he noticed a dark curtain, and flashlights playing on the third floor ceiling. Enough was strange about *that* to take him back to the building, passing several policemen on the way. His knock on the editor’s office door initiated a scene as hilarious as any of Peter Sellers’s *Pink Panther* routines and as ominous as anything from Watergate’s Deep Throat. “Who’s there?” shouted one of the men inside (“the plumbers” as all France was to soon call them). Answered Escaro, “*Le Canard Enchaîné* is there!”⁸

Escaro, in retrospect, thought the agents may have taken him for a police inspector. Indeed, with his dark loden coat and burly presence set off by a magnificent salt-and-pepper beard, he looked the very essence of the heroes on the covers of French paperback *policiers*. The two supervisors and three workers he had surprised were clearly shaken. Torn-up parquet littered the floor; boxes, cables, and wires lay scattered about:

"Do you work at night?" Escaro asked.

"Yes, we're in a hurry because we have to finish everything by December 15."

"What kind of work are you doing?"

"Uh, the central heating."

"That's really very interesting. It was finished three weeks ago and works fine. What company do you work for?"⁹

By this time, Escaro recalled, the intruders "were standing stiff as statues." When one of them stammered, "Oh, I don't remember the name," and then asked for his own, Escaro decided that he had better convert his exit into an escape.

"You'll find out tomorrow what my name is," he shouted, vaulting downstairs to the street, where he heard a policeman's walkie-talkie squawk, "Hello, hello number 2; hello number 2. Follow the guy who just came out. We're getting out of here. *Sauve qui peut! Sauve qui peut!* [Every man for himself!]"¹⁰

By the time Escaro returned with colleagues, the "plumbers'" tools and gear were gone, but fresh putty could not conceal holes drilled from editorial offices to the building next door. Now it was *le Canard's* turn to go on the Watergaffe offensive.

Journalists thrive on tight deadlines, and for *le Canard* journalists, absurdity also helps elicit best efforts. So the fact was not lost on them that Escaro had just emerged from the cinema after seeing *Dracula*, which he had found "not nearly so scary" as the drama he stepped into,¹¹ nor that it took place on Monday night—just hours before *le Canard's* press time of noon, Tuesday. Chief editor Roger Fressoz, through whose office bugging the tappers planned to listen in on story conferences, interviews with leakers, and policy sessions, gathered a "crisis" team to remake page one. It was a very unusual step for a "journal of humor."¹²

Not hesitating to name names, although admittedly nobody knew who had been responsible, *le Canard's* banner fingered interior minister Raymond Marcellin, a right-wing Gaullist law-and-order specialist. It shouted an inspired pun at him:

OH MARCELLIN! QUELLE WATERGAFFE!¹³

From there, the richness and intricacy of *le Canard*'s satire grew in several dimensions—journalistic very much included. Many newspapers around the world persist in a practice most admit to be outmoded. “Ears,” or small boxes that appear on one or both sides of the name on the front page, usually carry circulation figures of interest to few, boastful slogans even fewer believe or, most frequently, weather information appearing too late to be of use to anyone. Each issue of *le Canard* mocks the practice by having as “ears” a pair of mom-and-pop ducks: he with the shopkeeper's bow tie, she in a frumpy hat from which leans an absurd rose on a long, thorny stem. Watergaffe suddenly enabled *le Canard* to run a “weather ear” of sorts: “In the Struggle against the Cold, Marcellin Wanted to Create a Micro-climate”—the word *micro* being the French equivalent of “mike” for microphone. “Read *le Canard Enchaîné*,” continued the parody, “the most *listened-to* paper in France.”¹⁴

Fressoz's editorial extended the wordplay. Entitled “The Republic of Microcephalics,” which could be interpreted as either tiny-headed or microphone-headed, it suggested that Marcellin, who at the time was cooperating closely—and unpopularity—with the Nixon administration in international police work, had been put to shame by the Watergate efforts and “wanted to show that France could do just as well.” To parry the expected police denial (which came quickly), Fressoz noted disclaimers following earlier *le Canard* reports of telephone tapping. Writing, as usual, under the nom de plume of André Ribaud, Fressoz concluded, “Since they lie as well as they govern, everyone will believe them.”¹⁵

Response

French press response to Watergaffe proved far more vehement than to any government scandal of the 1970s but followed characteristic patterns. First, it split on ideological lines, the right-wing papers imputing self-serving motives to *le Canard* while denying either the fact or the

seriousness of the tapping. Second, though major Paris journals fully covered *le Canard*'s revelations, none mounted its own investigation. As for the provincial papers, with some of the heftiest circulations in the nation, little beyond cursory mention rippled their bland surfaces.

Support for *le Canard* was strongest on its own left side of the political ledger but extended well into the center. The venerable *le Figaro*, for example, which at the time occupied the midground, observed in an editorial that if *le Canard*'s charge proved true, "Marcellin would honor himself by resigning."¹⁶

Le Point—a weekly newsmagazine started in 1971 with major financial support from Gaullists through Hachette, the government-controlled publishing giant—came closest to broadening the investigation on its own. Alone among the capital's score of major dailies and newsweeklies, *le Point*'s reporters questioned the concierge of *le Canard*'s building. The simple initiative produced the additional developments nearly automatic in any investigation unfolding in the American press, yet nearly unknown in France. Mme. Micheline Bertin added significantly to the story by recounting that on three occasions, she had given the office keys to "workmen" who told her they were hanging curtains. When her husband went to check, he found himself swiftly escorted away from *le Canard*'s suite to a nearby café for a drink with an insistent fellow Norman.¹⁷ Most important, *le Point* managed a journalistic stakeout in which Mme. Bertin identified for its photographers the "chief curtain-specialist," who turned out to be Inspector Georges Laborde of the DST.¹⁸

The conservative daily *l'Aurore* chose to ignore government involvement. Instead, it blasted the parallel police forces as "vermin," implying that these unofficial groups had been to blame. Another right-wing daily, *le Parisien Libéré*, took another tack, suggesting darkly that the bugging might have been

a provocation to harm the reputation of France by one of the numerous foreign intelligence services operating in the country—the Israeli Shin-Beth, the Soviet KGB, or the British Intelligence Service.¹⁹

La Nation, a Gaullist mouthpiece, dismissed the whole affair as a publicity stunt to grab circulation.²⁰

Watergaffe assuredly *did* boost *le Canard*'s sales. Circulation jumped from 450,000 to 660,000 the first week. After the following issue, in which the paper took the unheard-of step of printing the names and job descriptions of the DST agents caught *in flagrante delicto*, the figure soared to 880,000, and when even that failed to meet demand, *le Canard* ran off another 160,000 for an all-time record of 1,040,000 copies.²¹

President Pompidou's Fatal "Flu"

The fatal illness of President Georges Pompidou brought unparalleled opportunities to observe a classic *pas de deux* danced by political authority and press. Doctors rendered their diagnosis of the terminal breakdown of the immunization system in early 1971, according to Denis Baudoin, Pompidou's press secretary and chief keeper of the secret. The information was to be as tightly maintained as any *force de frappe* blueprint. Gaullist candidates in local and legislative elections required active presidential support, and doctors believed Pompidou could complete his term, which expired in 1976. But the most powerful incentives were personal and cultural. The stricken president had a horror of the public discussing his most intimate concerns, which came atop the traditional French readiness to protect the private lives of public figures. Finally, said Baudoin, Pompidou was following an old maxim from l'Auvergne, his native region: *On ne tutoie pas la mort* (Don't get too familiar with death).²²

For its role introducing the action, and suggesting its direction, *le Canard* put aside the *couac-couac* of the Watergaffe pieces. The presidential health was to be an example of ongoing story development using a "straight" presentation. That meant taking the topic off page one, where the puns fly thickest, to the Duckpond section inside, where partially developed stories receive brief "bullet" treatment.

From the diagnosis in early 1971 through February 1973, the Elysée Palace's silence, explanations, and elaborate denials kept presidential

health out of print. That is decidedly *not* to say it was out of discussion. The French term for “rumor mill” is “Arab telephone,” for its image of messages being passed in the uncontrollable hubbub of a casbah. By the end of 1972, *le téléphone arabe* had been transmitting hundreds of impressions of Pompidou’s weight gain, frequent influenza, torpor, and halting walk. Some resulted in pointed questions to Baudoin, who denied any serious problem. Nothing appeared in the press.

Not until the following year, when the formerly sleek Rothschild banker had grown into a grotesquely bloated self-parody, did questions surface in the media. They began in *Minute*, a royalist-fascist weekly of low credibility, but were quickly picked up by *le Canard*, where they acquired more solid standing. From then on, story development followed a familiar pattern: *le Canard* probe; little or no response from either the president or the journalists accredited to cover him; probe again.

Reporting from the Duckpond was the first reliable indication that the rumors of two years were “serious” and their implications “important” for the Fifth Republic.²³ As so often happens, *le Canard* produced an immediate splash in French political life—for a complex set of reasons. Not only was the topic of obvious significance; it was also easily explained. Neither of these factors, however, were more important than one with absolutely no parallel in the US. *Le Canard*’s report was sensational news *because it had already been so well known* that something was wrong without having been reported. The excitement caused by this phenomenon in France is akin to what happens when a famous actress disrobes on film; the fact that everyone knows what will be seen enhances, rather than diminishes, the dénouement.

Le Canard’s editors kept probing. By June, they forced Baudoin to produce the president’s doctor, who masterfully managed to tell the truth while being totally misleading. Pompidou, he correctly reported, had “a sort of allergy” weakening his body defenses to infection (which was true), but it was nothing serious (an outright obfuscation).²⁴

At that point, the Elysée had succeeded in keeping the president’s personal tragedy out of all the nation’s major dailies for two years. Traditional respect for privacy and timid press response to state secrecy

might well have lengthened that remarkable span of silence. Foreign journalists, however, intervened. Pompidou met Richard Nixon in Reykjavik, a rendezvous scrutinized by American, British, and other newsmen unconstrained by French practice. Foreign reporting about Pompidou's ghastly appearance then ricocheted into French papers, which let them off the hook.

Le Canard's pointed calls on the president to follow the US practice of periodic medical reports to the people²⁵ produced little. Once, a notably jolly Pompidou hosted a banquet for the presidential press ("M. Pompidou is trying to calm the nervous through his chief cook . . . Ouf!" quipped *le Canard*).²⁶ He was said to have the grippe; his weight resulted from overeating in a sedentary life; he suffered from a "painful condition." The Iceland trip enabled *le Canard* to draw attention to what foreign television screens were showing by ignoring flattering camera angles. When provincial papers questioned Pompidou's appearance during a political tour, *le Canard* reported AFP's absurd explanation that his walk resulted from "an old injury to his Achilles tendon."²⁷

By March 1974, with Pompidou's death eminent, papers such as Switzerland's *La Tribune de Genève* reported that there had been more interest in Pompidou's health than in what was said during his meeting with Leonid Brezhnev in Bulgaria. *Le Canard* passed the word along.²⁸ Only then did the story begin to dominate French political reporting. That was a full three years after it was known by virtually the entire cadre of Paris political journalists, one year after *le Canard* made it public . . . and less than a month before Pompidou died.

Chapter 10

UNDER GISCARD D'ESTAING

A Murder, a Suicide, and a Gift of Diamonds

Le Canard had chronicled Georges Pompidou's presidency in a special page-three section called *La Régence*. Its title design rendered a court jester's view of General Charles de Gaulle's successor. Wigged, caped, and sceptered, Pompidou stands at stage left; courtiers / cabinet ministers, frowned down upon by the general's ghost, await their turn to render the submissive kiss—on a shining, human arse.

In *La Régence*, Valéry Giscard d'Estaing stood first in line. When Pompidou's death brought him to power, the new president took considerable effort to disassociate himself from the previous closed, unapproachable administration. Within days of his arrival in the Elysée Palace, Giscard had gone on record twice with messages of special significance for the press. First, in respectful tones, he said that it must act as a "counterforce" to government.¹ Although that would hardly draw attention in the US, where the press actually functions as a "fourth estate," in France, it was as revolutionary as an American president announcing that, henceforth, journalists would *not* be a force to be reckoned with. Second, Giscard proclaimed that during his term in office, there would be no resort to the statute permitting French

presidents to sue reporters who “offend” the chief of state, as de Gaulle had done 350 times in 10 years. These were clear signals. Before the end of his term, he had not only regretted both but taken what steps he could to circumvent them.

De Broglie and Boulin

The assassination of one politician and the suicide of another stirred scandals that changed Giscard’s mind about the press in general while focusing an illuminating light on the special role of *le Canard Enchaîné*. Both victims were prominent Giscardiens, and neither of the *affaires* following their deaths would have reached peak intensity without intervention by the “Satirical Journal Appearing on Wednesday.”

On Christmas Eve 1976, when he was executed by a hired gunman in a chic Paris neighborhood, Prince Jean de Broglie was a man whose social prominence and early achievements had soured. His family, among France’s most distinguished, bears a long record of high level service in the military, politics and academics and includes a Nobel Prize laureate. After helping negotiate the Evian Accords of 1962, which ended the bloody Franco-Algerian civil war, de Broglie split from the Gaullists, who had elected him to the National Assembly, to help found a new party for Giscard. He contributed his own money to the Independent Republicans and raised more among his acquaintances. But beginning in the early 1970s, he entered a series of business deals considered sufficiently suspect to cause him to be denied chairmanship of the National Assembly’s key finance committee. He was rumored to be ready to desert Giscard to return to the Gaullists. When he was buried in his ancestral village of Broglie, Normandy, only the local prefect represented the government. Three national-level Norman politicians who lived in the area stayed away because of, one said, the “rainy weather.”

It carried all the earmarks of a first-rate crime story and was treated accordingly. But shortly after police announced the arrest of six suspects, the de Broglie *story* became the Broglie *affair*. Those arrested included the confessed killer, the man who hired him, the organizer, and the owner of La Reine Pedauque, a popular restaurant near the

St. Lazare railroad station. The motive, police explained, was money: a F 4 million loan (then worth about \$890,000). De Broglie had made to the restaurateur, who had decided to annul the obligation by terminating his creditor. There were problems with this theory: debts due dead men are payable to survivors, and the man who hired the killer had also worked for the police; why didn't they know? Still, the story might have stuck had the government not been so eager to *make it stick*.

The day following de Broglie's burial in Normandy, interior minister Michel Poniatowski, Giscard's personal political advisor, called a press conference in Paris to announce that since the "police dragnet had drawn in all those implicated in the murder,"² the case was closed. Nobody missed the unseemly haste. Mme. de Broglie protested. So did the judiciary, on grounds that the place for cases to be closed, if they are to be closed, is the court system. Poniatowski, soon to be relieved of his responsibilities, had not dispelled the impression that others "further up the line" had been involved. It was as if John Mitchell had announced that the Watergate case would end with the burglary—because he *said* it would end.

Most of the press reacted strongly against the cover-up because, as the weekly *le Point* put it January 3, 1977, "numerous questions remain."³ Several dailies, including *le Matin* and *le Monde*, kept reporters on the story well into spring. But as usual, the new, specific facts—to be distinguished from official explanations, theories, and reactions—came from *le Canard Enchaîné*.

Three weeks after the murder, *le Canard* ran documents and charges linking de Broglie's financial dealings with Giscard's family through his father, Edmond Giscard d'Estaing, a prominent banker. The trial led from a de Broglie front company in Luxembourg, to the Spanish firm Matesa and the biggest financial scandal of the Franco years, and from there to Opus Dei, the international Catholic lay organization tainted by Spanish fascism. The bank with which Giscard's father was associated was linked to the principal Spanish bank involved, charged *le Canard*, and both were influenced by the Opus Dei, which in turn "at least from 1962 to 1969, had generously financed [Giscard's] Independent Republicans."⁴

Something of what sets *le Canard* apart from the rest is its continuing interest in what it regards as important questions. Papers initially hot on the trail, such as *le Quotidien de Paris*, had given up by May ("We finally had to drop the investigation because it wasn't possible to open the political doors," said staffer Richard Liscia).⁵ *Le Monde*, whose five-member team had turned up early leads on de Broglie's international business dealings, called it quits 10 months later with a characteristic emphasis on analysis rather than revelation: "All this recalls the Ben Barka affair where, six days after the kidnapping of the Moroccan leader, three of the participants were arrested, although 12 years later, the crime remains unexplained."⁶

In contrast, *le Canard* was still trying to explain it more than four years later. In its April 2, 1980, issue, it published intelligence surveys from the 10th police brigade to an official reporting directly to Poniatowski. With no ambiguity whatsoever, these documents warned of an imminent attack on de Broglie. Nor was their authenticity challenged by Poniatowski's successor when questioned in the National Assembly a week later. The new interior minister merely recited "gravely, and on my honor" that the authorities "did not know about the two notes published by *le Canard Enchaîné*."⁷ In July, it ran tapped telephone conversations regarding the case but again without dislodging more than obfuscation augmented by a parliamentary report 82 pages long yet very short on anything more than absolving Poniatowski. The case remained unsolved in 1980, when *le Canard* speculated that "after the presidential election [of 1981] . . . mouths will open. And other files."⁸ Although proven factually wrong, the prediction indicated *le Canard's* willingness to retain interest in a story years after it had dropped from public notice.

The most significant aspects of *l'affaire Boulin*, which unfolded three years after de Broglie's murder, explored completely different social territory without being any less illuminating about the perceived role of *le Canard* and, through it, investigative reporting. Neither rich nor an aristocrat, public works minister Robert Boulin had managed to set a record for survivorship in Fifth Republic cabinets and, in 1979, justly regarded himself as a possible choice for prime minister. Those expectations and a great deal more began to come apart August 19.

That was the day a seemingly obscure bulletin announced the loss of Legion of Honor rank by one Henri Tournet, Resistance hero turned real-estate man. Tournet lost his prestigious rosette following indictment for misrepresenting the value of land sold to an investment group and, worse, afterward transferring the same property to a dummy Swiss corporation of which he happened to be the only shareholder. Boulin, an old friend and protector, had left tracks all over the transaction, particularly certain building permits unobtainable without pulling strings.

Le Canard's package took all of page four under the headline "These Exemplary Men Who Govern Us: The Very Edifying Permits of Minister Boulin." Stylistically, it was something of a tour de force. In addition to mocking headlines, cartoons, and a photo of Boulin doctored with a damning word balloon, comics style, the editors had marshaled the kind of evidence against which no French politician has yet found effective defense. A brief, "straight" boldface summary brought readers up to speed on the facts of the scandal, followed by a 900-word narrative spelling out the details in sequence. In 1973, Boulin had used his office to try to obtain 26 building permits for a 90-acre tract called Val du Bois (Valley of the Woods) that Tournet and his partners had bought for development in one of the most fashionable districts of the Riviera. The region's *préfet* turned the request down, but in gratitude for the attempt, Tournet sold Boulin a 5-acre parcel for a mere F 40,000 (then about \$8,800), less than a third of what it had been bought for one year earlier. Mysteriously, this time the *préfet* granted a building permit—but only one—to the minister himself. Boulin and his wife were apparently ecstatic. *Le Canard* quoted Mme. Boulin's closing of a note to Tournet: "Love and kisses from the duchess of the Valley."

Then came the documents: Boulin's letters reporting his lobbying efforts with the *préfet* of Var and two much more recent (1978 and 1979) arguing Tournet's case for high rank in the Legion of Honor, as argued to the chief of France's veterans' organization, and his report to Tournet, all on Ministerial stationery.⁹

Finally—and characteristically—*le Canard* ran a short piece of a kind that rarely appears in other French publications and which

significantly strengthens its credibility. "La version de Boulin" outlined the account of the affair given to *le Canard* by the minister "in the presence of his attorney."¹⁰ Other French newspapers rarely put aside their convictions long enough to listen to contrary evidence; realizing this, readers discounted them accordingly.

In contrast to *le Canard*'s no-nonsense tone and specificity (both against Boulin and in his own explanation), *le Monde* adopted the sort of vagueness a protective parent might take in explaining grown-up nastiness to a child of tender years. Its long piece spoke of "this very complex dossier filled with anomalies" (i.e., obvious conflicts of interest) that indicated Boulin "allowed some imprudences to go ahead" (i.e., kickbacks) in a "personal affair which had, at certain moments, made [him] forget the context in which it was taking place" (i.e., six years of improprieties while holding cabinet rank).¹¹ A triumph of verbal pussyfooting, the story suggested malfeasance without describing it in a manner at once characteristic of the French press of the period and responsible for its comparatively low credibility.

Discounted veracity does not mean the press is without influence, however, nor *le Monde* without clout. Public figures are so well protected from journalistic intrusion that even cautious generalities of the sort *le Monde* ran in its October 26 edition can have a profound effect. In this case, the shock of revelation proved fatal: Boulin committed suicide. His body, filled with barbiturates, was dragged five days later from a lagoon in the Rambouillet forest, a few miles southwest of Paris.

The announcement triggered with *le Canard* called "a moral lynching," with it as victim.¹² Overnight, *le Canard* journalists who had considered themselves doing nothing unusual—indeed, the Ministry of Justice had already placed Boulin under investigation—awoke to find powerful voices accusing them of *murder*. The president of the National Assembly denounced the reportorial "assassination."¹³ Prime Minister Raymond Barre warned darkly, "We soon won't be able to find qualified people for government if the press continues like this; it's already happening in the US."¹⁴ Giscard, thrown on the defensive by a growing scandal caused by his acceptance of gift diamonds from the leader of the

Central African Empire, tried unsuccessfully to get rid of this unwelcome new threat to his reelection proposals by declaring it over. "Let the dead bury the dead," he told the Council of Ministers November 7.¹⁵

Nor could *le Canard* count on solidarity within professional ranks. Jean-François Revel, philosopher and *l'Express* columnist, referred to a "rat hunt . . . against journalists."¹⁶ Jean-François Lemoine, publisher of *Sud-Ouest* in Bordeaux, pointed to the danger of a "political class . . . arduous in bullying the press."¹⁷ These voices of support, however, were drowned in a chorus of condemnation begun by Agence France Presse, the government-controlled wire service. At 11:36 a.m. the day Boulin's body was recovered—which was before his death had been ruled a suicide—AFP moved a piece headlined "The Death of Boulin: A New Salengro Affair?"¹⁸ The reference was to Roger Salengro, an interior minister under the Popular Front government hounded to suicide in 1936 by false reports that he had deserted during the First World War. The speed of its appearance and virulent tone had all the earmarks of a partisan intervention. In fact, editorial director Jean Huteau publicly disavowed the story the next day.¹⁹

Right-wing periodicals led the "rat hunt." *France-Soir*, calling Boulin "a quiet man who seemed transparent and pure," was made "a martyr of our society" by *le Canard*.²⁰ The *Sunday Journal de Dimanche* said, "Robert Boulin's empty chair at the rear of the Council of Ministers insults us all."²¹ *Les Echos*, a financial weekly, reached for a more pungent image: *fouille-merde*, pejorative for "muckraking" that translates literally as "dung hunting." In the provinces, *l'Est Républicain* in Nancy headlined "Boulin Killed by Calumny," and *Dauphiné Libéré* of Grenoble referred to the "poisoned pen" of "a certain ignominious press."²² The strong reaction, however, was not limited to conservative periodicals nor the print press. The Communist *l'Humanité* likened *le Canard* to a "poisonous mushroom," prompting a *le Canard* cartoon of St. George (party leader Georges Marchais) lancing a toadstool.²³ A crew from state-controlled television news went further into *le Canard*—literally—than anybody. Astonished pressmen, who have no more to do with editorial content in France than they do anywhere and in this case were not even *le Canard* employees, found themselves

under klieg lights being interrogated by Antenne 2 News about whether they didn't feel "responsible for the death of Robert Boulin."²⁴

When Boulin's own explanation of the scandal appeared posthumously in an AFP dispatch, based on his suicide notes, it was apparent that *le Canard's* victim had been far less ready to blame the paper than the politicians and, paradoxically, the press. His complaint against *le Canard's* "malevolence" took a mere half line in a long string of accusations against Tournet, the judge who had jailed him, and a roster of politicians in and out of government who could have helped but chose not to.²⁵ For the press, however, the significance of *l'affaire Boulin* had nothing to do with government, political loyalties, or real estate. It showed how ready French society and even French journalism was to condemn fact-gathering that in the US would be not merely routine but an essential part of the press's role as "watchdog" against abuse of power by public officials.

There was so little fact-based investigative reporting in France that its rare appearances took audiences by surprise, often greatly intensifying the shock value of the revelations themselves. Discreet silence is such an ingrained expectation that breaking it seemed somehow "un-French." *Figaro* magazine summed up a widespread attitude in denouncing

those who dream of imposing on this country the morals of the American press. Those morals are not wanted here because they bear little relation to France, neither her honor or virtue.²⁶

Even among journalists, there is little inclination to exercise the freedom to criticize *with facts* and a concomitant revulsion when confronted with the results. A much stronger 1976 case from the US underlines the contrast. A former Mobil Oil engineer (unlike Boulin) actually warned the *Dallas Times Herald* that he would kill himself if the paper ran its account of his previous spying for the USSR, to which he admitted. After both came to pass, a poll of American journalists showed overwhelmingly that while they would have been uncomfortable, they would have run the story, just as the *Times Herald* had done.

Le Giscard

During visits to the former French colony of the Central African Republic in the early 1970s, Giscard developed a habit that was to haunt the last years of his presidency and, ultimately, help terminate it. Giscard brought his wife, children, and cousins François and Jacques to indulge the historic family interest in Africa, including its hunting. Emperor Jean-Bedel Bokassa was a luxury-loving dictator whose French-supplied gold-leaf throne was as far out of line with contemporary governance as were the diamonds he gave to houseguests such as the French president, whom he called “dear parent.”

By September 20, 1979, however, Bokassa’s bloody repression had become as impossible for Paris to support as it was for Central Africans to abide and, often, survive. Operation Barracuda, ostensibly mounted to “assure the security of the population” with French paratroopers, actually reinforced a successful coup. One of its most curious aspects was a raid on the imperial palace by French agents, who spirited documents to the French embassy under the eyes of French and British journalists. Twenty days later, *le Canard* published a letter that in four lines ignited a furor. It was dated “6/73” and addressed to the National Diamond Vault by Bokassa:

Please transfer to Mme. Dimitri, presidential secretary, a plaquette of approximately thirty (30) carats for M. Giscard d’Estaing, finance minister of France.²⁷

An accompanying story stated that the gift had arrived in April 1973, had included three stones of three carats each, and was worth about F 1 million. Cousins François and Jacques, along with three members of Giscard’s political entourage, had also been beneficiaries of Bokassa’s largesse. With what for it was astonishing speed, *le Monde* placed the subject squarely on the national agenda by printing much of *le Canard*’s information, along with a tough editorial from publisher Jacques Fauvet: “This can only be put right by returning the royal gift to the sender.”²⁸

Like the Watergate burglary, the Bokassa letter at a stroke brought into play the principal forces and actors of a major controversy. The rhythm, too, was familiar to American observers: charge met by silence, then cover-up. Two years remained before the next presidential elections. They were filled with what *le Canard* gleefully called "Giscarat." It was a gem of a scandal, cut into three facets. First and most central gleamed Giscard's struggle with *le Canard*, which led to the second, a bizarre suit by the president's cousins against the paper. Third was unprecedented litigation by the minister of justice against *le Monde* in an attempt to silence its authoritative voice during Giscard's bid for a second full term. (See part 2.)

Ten minutes before the evening television news on the day *le Canard* broke the story, Giscard issued a statement:

In response to a question concerning the practice of diplomatic gifts, the Elysée [Palace] indicates that exchange of gifts of traditional character, notably during visits of government officials abroad, are not, in any case, of the character and value mentioned by certain press organizations.²⁹

While furious legislators raised an uproar the following day in the National Assembly, the president's press secretary Pierre Hunt coolly told journalists October 11 that it "wouldn't be very dignified for the presidency to be forced to justify itself" on such matters.³⁰

Le Canard, however, was just getting started. By the time its next issue appeared October 17, new drawings showing Giscard's face as one facet of a large diamond had been added to the front-page banner. The investigative Duckpond feature had been renamed the Diamond Pond and expanded from one to three full pages. A huge tease line steered readers to photographs, a cartoon, and a total of 50 stories about Giscarat, which took up most of the eight-page paper.

Even for *le Canard*, the revelations, insinuations, and "aggressive nuances" were remarkable. They included lists of diamonds Giscard had received in 1970, 1972, and 1975,³¹ the latter as he made his first return to Central Africa as president. *Le Canard* had run down every

gift from Giscard and his wife to museums, citing the official register “Review of the Louvre and the Museums of France” to demonstrate that although the couple did indeed habitually donate state souvenirs (a miner’s lamp, a chief’s costume, a walking stick, etc.), exceptions had been made for diamonds.³²

A boxed item only three paragraphs long reported that immediately after having received his *plaquette* of diamonds in 1973, Giscard had told AFP in Bangui, Central Africa’s capital, that he had assured Bokassa “cooperative development” from the French government and that in 1975, Giscard’s first year as president, aid to Central Africa jumped 53 percent.³³ Indeed, continuing largesse may have prompted Bokassa’s successor to explain to AFP—in a remark later floated in the Diamond Pond—that he would “ignore this diamond affair” and would continue to offer “diamonds or ivory” to visiting dignitaries.³⁴

Le Canard also kept up the pressure by turning up new leads in the breaking story. The day its previous issue had appeared, the Elysée had routed an urgent telegram through the foreign office to the French ambassador in Bangui, instructing him to make sure the new government secured the archives of the national diamond repository against future leaks.³⁵ All this forced Hunt to issue another elliptical response:

The president of the republic will render justice to this subject at the moment and under the conditions commensurate with the confidence placed in him by the French people.³⁶

As had happened during the Boulin affair, *le Canard* found itself carrying the story nearly alone. Facing a sensational story that would have compelled competition in an American context, the French press, when it mentioned the diamonds at all, was careful to do so only in terms of *le Canard*. *Le Canard*’s report on coverage elsewhere took up nearly a full page of the Diamond Pond.

A lead story headlined “A Press with Stone Sickness” began, “For the French press, the affair is about diamonds but silence is golden” and noted in boldface that during the regular Wednesday Elysée Palace briefing the day the story broke, Spokesman Hunt faced “a storm” of

questions about the scandal from foreign reporters, “but not one” from French journalists. News organizations had received *le Canard* Tuesday afternoon, plenty of time to make Wednesday morning deadlines for Paris’s dozen dailies, yet only three from the left wing (*Libération*, *le Matin*, *Humanité*) ran stories, followed by *le Monde* that afternoon. The domestic wire service Agence Centrale de Presse moved an early report, but it required telexed SOSs from foreign bureaus, queries from subscribing papers, and staff protests to overcome AFP’s silence, which officially was being maintained to avoid “being defamatory.”³⁷

Separately, *le Canard* awarded journalistic mock “carats” to papers—notably those owned by right-wing press lord Robert Hersant—that had sought “to minimize, downplay, and distort the facts.” *Le Figaro*, Hersant’s flagship, won hands-down for a “28-carat” piece attributed to Hersant himself that charged, “*Le Canard*, reinforced by an editorial by *le Monde*’s publisher, has mounted a political action.” The award was more indicative of things to come than *le Canard* knew at the time: the government based much of a subsequent suit against *le Monde* on an “editorial conspiracy” that it claimed constituted abuse of free expression. *France-Soir* tried a different approach. Since Giscard had said nothing, “the field is open to hypotheses” as to whether he had received gift diamonds. Even if he had, it should be remembered that the president had donated to charity all royalties from his best-selling *French Democracy*, which were “more than double the value of the diamonds for which he is being blamed.”³⁸

Le Canard joyously contrasted all this to the large and straightforward play given the story “more or less all over the planet.” It quoted Tokyo’s *Asahi Shimbun*’s headline “Black Clouds over the Elysée.” It noted that in the US, the *Washington Post* considered the story front page material; the *New York Times* had run an analysis by Flora Lewis, its prestigious diplomatic columnist; CBS had put it on the *Evening News with Walter Cronkite*; and *Time* and *Newsweek* had both made room for it in their press sections. So many European news organizations were hot on the “French Watergate,” as Brussels’ *le Soir* put it, that *le Canard* editors seemingly justified their concluding quip: “Marvelous: Giscard has discovered an unedited way to unite Europe.”³⁹

Overall, the October 17 issue was a near-perfect example of qualities that made *le Canard* respected, feared, and above all, closely read. Along with the revelations came just enough “aggressive nuances” to give the investigation unexpected dimensions. It reported rumors in the financial community that the diamonds had caused a 7.7 percent plunge in Paris Stock Exchange prices, as well as a report to that effect by *La Lettre de l'Expansion*, a newsletter published by France's leading business magazine.⁴⁰ More insidiously, *le Canard* suggested that Giscard's example was making diamonds the new “value refuge,” replacing gold as the favored inflation hedge.⁴¹

More important than any charge or suggestion, however, was something *le Canard* refused to do—go beyond its facts. The lead story, by chief editor Roger Fressoz, made clear that Giscard had done nothing *illegal* in accepting diamonds. Instead, he had become an unwise “victim of the law,” which in France, unlike the US or Britain, allowed leaders to keep gifts received in the course of their public functions. It was precisely the sort of qualification that enables *le Canard* to maintain its credibility—and its readership.⁴²

In the following weeks, it seemed the furor might calm down. Giscard told television interviewers he wasn't answering questions about the diamonds because he “wasn't at the disposition of those attacking and vilifying” him⁴³ and that all gifts had been given to charity, museums or the Elysée gifts registry office (which *le Canard* reported to be false). He tried language-bending, using the conditional voice: “To the question that you have asked about the value [of diamonds] *I might have received* [emphasis added] as minister of finance . . .”⁴⁴

Up to this point, Giscard would discuss only the stones given to him before he became president, a distinction of more than technical interest. Under French law, only the chief of state is exempted from the obligation of a customs declaration when returning from abroad. Methodically, *le Canard* eliminated this refuge December 5. It published not only Bokassa's requisition of diamonds “destined for M. Giscard Estaing, president of France” but also a photocopy of the guest-book page Bokassa signed at Giscard's château during a visit September 27, 1974, during which *le Canard* claimed the diamonds were delivered.⁴⁵

The next day, *le Monde*, still without mounting its own investigation, ran another editorial from Director Jacques Fauvet calling for an end to “these chummy relationships, the gifts, hunts, festivals, and effusions of all sorts that could turn out to be harmless or tragic after having cost the French budget a pretty penny.”⁴⁶

As of the first week of December 1979, most of the action had taken place openly, displayed on newspaper pages or television screens. It was also narrowly contained: a president thrown on the defensive by two newspapers. But from mid-December until Giscard’s defeat in the elections of 1981, the diamond scandal took place largely behind the scenes while spreading steadily into politics and, most importantly, the court system. The process began with a written list of questions submitted by *le Canard* to the secretary general of the Elysée Palace. Since the president had said on television that all gifts not given to charity or museums remained at the Elysée, *le Canard* wanted to know the answers to the following:

1. Are these gifts cataloged?
2. Is it possible to see the list?
3. Are the diamonds offered by the ex-chief of Central Africa on the list?
4. When will these gifts be shown to the press?⁴⁷

These questions are not the sort the French press asks a president or even his aides. Their specificity implies a concern with factual detail, while the whole institution of presidential press relations is designed to project majesty, loftiness—generality. The queries also reflect an assumption of equal function, that it is *important* for the press to know about the subject. Nothing could be further from the usual relationship, in which French politicians expect critiques of their policies but certainly not probing questions about their *practices*. So instead of answering, Giscard attempted to discredit *le Canard* through other journals and the courts.

Spokesman Pierre Hunt invited several journalists to the Elysée to “do their homework by determining the origin and authenticity of

the documents published by *le Canard Enchaîné*.”⁴⁸ For one of them, Hunt produced a letter in which Bokassa’s former secretary saw “certain anomalies” in the emperor’s signature. Trouble was, the same woman, interviewed the previous October by the weekly *le Point*, had said flatly of the first requisition, “I don’t contest its authenticity.” This direct approach having failed, Giscard invited nine journalists for a teatime off-the-record arm-twisting December 11. All the gifts had been cataloged, said the president, and all would be given to museums or charities at the end of his term. The “unworthy campaign” against him would collapse because “the published letters are false.”

This was apparently too much for the group. The only newspaper that published anything from the session was *le Canard*, which as usual had not been invited but was fully informed. First reporting “Professor” Hunt’s lecture to staffers from *le Monde*, *Libération*, *le Point*, *l’Express*, and other publications, it blasted them for not following up on their own. Then it added an academic note of its own:

The Elysée has become a journalism school . . . there is no longer any doubt about one aspect of this diamond affair: the comedians have been unleashed.⁴⁹

Colbertisme, the French system of indirect control based on multiple and overlapping state contacts with the press and other private institutions, enables government officials facing challenge to choose among alternative responses. Often, for example, particularly troublesome critics will be signaled to cease and desist not in the National Assembly or the courts, nor other forums directly related to the disagreement, but rather by the tax authorities, who with mysterious timing may present issues designed to dissuade, or at least sap, combative energies. So when *le Canard* director Roger Fressoz and political editor Claude Angeli found themselves being sued by the government at the height of the diamond scandal, they were not surprised.

The charge was receipt of stolen documents, in this case Giscard’s income tax return, published the previous June. The size and intensity of the reaction attested to the universal understanding of *Colbertisme*,

a fear that everybody is vulnerable on some level, and a judgment that this was going too far. Having made this point, Giscard called the suit off with a letter to the minister of justice.

The president also disassociated himself publicly from a pair of bizarre libel suits brought by his first cousins François and Jacques, whom *le Canard* had accused of also receiving diamonds from Bokassa. If the tax prosecution was politically unsustainable, libel suits by Giscard's cousins took on a distinct air of a Molière farce: absurd premise, transparent falsity, baroque explanations signifying little—damages of F 2.40 (about 45 cents), in this case. *Le Canard* had indicated that Jacques and François Giscard, who shared the president's lifelong interest in Africa and paid frequent visits to Bangui, had also received gift diamonds.

With the Elysée Palace making elaborate claims of having nothing to do with the controversy, the cousins Giscard d'Estaing obtained indictments against *le Canard* March 5, charging they had been libeled. What caused the hoped-for drama to descend into farce were the cousins' admissions that they in fact *had* been given diamonds and the judge's estimate of how badly they had been injured by *le Canard*. François won his case—and was awarded one symbolic franc (20 cents) in damages, with an additional 20 centimes (4 cents) representing the judge's calculated value of *le Canard*'s malice in preparing the article. Although Jacques lost and had to pay court costs considerably more expensive than François's recovery, he, too, won an appeal—and was awarded 20 centimes like his brother.⁵⁰

France found itself witnessing the spectacle of its aristocratic chief of state being implicated in comical suits. By gaining less than the cost of a package of Gaulloises, Giscard's cousins had cost the president priceless dignity at a bad moment. Just a year remained before the presidential elections. The resulting pressure may have explained why comedy turned suddenly menacing. Before the curtain came down with Giscard's defeat at the polls, action included the jailing of a French writer for a book not yet published, "black bag" burglaries of journalists' homes, and the most serious attempt to muzzle the press since the seizure of publications during the Algerian War.

At center stage stood the enigmatic figure of Roger Delpey, whose forthcoming book on Bokassa was known to include documents sufficient to destroy any attempt by Giscard to disassociate himself from the diamonds or the ex-emperor, whom Delpey had visited in his luxurious Ivory Coast prison. Delpey was a sort of “Deep Throat” for *le Canard*. The paper was immediately involved when French counterespionage agents of the Direction de la Surveillance du Territoire (DST) arrested him in Paris for “contacts with agents for a foreign power detrimental to French diplomatic interests.” Although the DST recovered many documents at Delpey’s apartment, the arrest came too late: the writer had left 187 of the most sensitive ones in Switzerland as a safety precaution. As *le Canard* led a press campaign to free Delpey, Bokassa himself contributed what the paper billed as a *coup de théâtre*. He telephoned *le Canard* for an interview:

Canard Enchaîné: Did you host the sons and wife of Valéry Giscard d’Estaing in Bangui?

Bokassa: I received all of them, and I even gave diamonds to his wife, many diamonds, in front of the Council of Ministers, in front of all my counselors . . .

CE: Did you often give diamonds to Valéry Giscard d’Estaing?

Bokassa: Yes. Three times to the president and one time to his wife . . . Also to his cousins . . . We have been friends for 10 years. When he came, twice a year to Central Africa, he would stay in the best house in my native village, which I put at his disposition . . .

CE: Do you confirm having given 187 documents to Roger Delpey, which he left with his lawyers?

Bokassa: Yes.

CE: Did these documents concern your relations with Giscard d’Estaing and with his cousins?

Bokassa: Of course they did.⁵¹

There could be little hope of escaping the implications. By this time *le Matin*, a socialist daily, and *le Point*, a centrist weekly, were preparing to send special correspondents to Africa, while others, such as

le Quotidien de Paris, a middle-road daily, were taking the unusual step of assembling team coverage for the story. But the weight was still being carried by *le Canard*, which unearthed the facts, and *le Monde*, which gave them respectability. On September 18, 1980, Philippe Boucher, *le Monde*'s chief legal commentator, wrote a piece about Delpey that drew him and the paper directly into the government's line of fire. Under the headline "The Delpey Affair, or The Mop and Pail," he suggested that the writer's arrest was no more than a pretext for cleaning up a messy political problem:

One had some doubts that the legal arguments put forward to justify the detention of Mr. Delpey were anything more than the usual window dressing for covering up smelly affairs. Now one is sure.⁵²

Ironically, by the time Delpey was paroled (without his passport) November 28, Boucher and *le Monde* itself had been criminally indicted for "casting discredit" on the courts. (See part 2.)

In this climate, *le Canard* took care to publish accounts of "black bag" burglaries experienced by journalists involved with the Delpey story, one of them its own political editor, Claude Angeli. It also ran an anonymous letter threatening Delpey, his lawyers (one of whom also defended *le Canard*) and the Swiss with whom Delpey had left the 187 Bokassa documents. With chilling simplicity, the letter stated that if the late documents "left Switzerland and were published," the Swiss depository in Geneva would disappear and "disagreeable things" would happen to Mrs. Delpey. There would be no second notice. The threat worked: Delpey's book appeared without the documents. But as quoted by *le Canard*, the book included statements by Bokassa such as "I've offered more than 200 diamonds to the French President and his wife."⁵³

Unlike other major political stories broken by *le Canard* during the 1970s, Giscard did have a *dénouement* of sorts. The approaching elections gave Giscard little choice. To his evident and repeated amazement, journalists were picking up his every statement and *checking it*. He, president of the republic, chief of state in a society known for its "respectful" press—and possessed of the means to *force* respect, if necessary—was

being flushed into the open like the animals he so enjoyed hunting. His incredulity was clear. After each move, he expected the pursuers to relent, to take his word for fact. When they refused to do so, his claims to being above the fray backfired.

Giscard announced his candidacy for reelection February 24, 1981. March 10, he was interviewed by five journalists to whom he signaled in permission to ask about the diamonds. Giscard had his answer ready, but when it came, it seemed even more bizarre than his demand that none of the usual live audience be admitted to the channel TF 1 studio:

There is no mystery about the diamonds . . . but the newspapers that have specialized in the attacks know that they have never asked me a question.⁵⁴

The president went on to create some mystery of his own, claiming that the objects of the controversy “were not diamonds” but merely the “products of the Banque Taillierie,” which happens to be the Central African national diamond-cutting shop. In any case, he said they had been sold and that the proceeds had been sent to the Red Cross, with smaller amounts to “a maternity hospital, a nursery, and a mission . . . which [he had] had the occasion to know.”⁵⁵

Response from the press was humiliating. *Le Monde*, now under indictment for criticizing court handling of the diamonds scandal, and amazed to be accused of not having questioned Giscard, commented the next day with unheard-of bluntness: “We must be dreaming.” The following week, *le Canard* interviewed the president of the Central African Red Cross and received back a telegram:

I regret to inform you that . . . I have received no contribution from the president of France.⁵⁶

Eventually, reporters *did* verify a gift to the Red Cross that had been delayed by an unexplained routing through the Central African bureaucracy.

But there were other curiosities. The only nursery in the capital was run by the Ministry of Health, which knew nothing of gifts, nor did the archdiocese. Special assignment reporters from *le Monde*, *le Matin*, and other papers verified that the nursery Giscard had cited was just outside the gates of the French military base at Biar, and that the maternity hospital and mission were in the big-game hunting regions favored by Giscard and his family.⁵⁷

Late in March, *le Point* printed the results of an exclusive evaluation of the diamonds offered to it by the Elysée. In 1975, the diamonds Bokassa had given Giscard had been worth F 44,522f (\$9,900). Experts said the 1980 figure would have been F 114,997 (\$25,500). All of a sudden, the enormity of Giscard wasn't the expected richness of the stakes. It was the paltriness. Even from within the president's coalition, there was instant derision. Moderate Gaullist Jacques Chaban-Delmas quipped, "If I understand properly, it isn't *le Canard* documents that are false; it's the diamonds." On the right, Paris mayor Jacques Chirac, a bitter personal rival of Giscard's, said, "I've never met Bokassa, but I've never known him to be so miserly." It remained with Alain Peyrefitte, the minister of justice who had tried to silence the press with a suit against *le Monde*, to find *le mot juste*. "This affair about diamonds," he said, "has finished in derision." Not only the diamonds but Giscard himself looked small.

Chapter 11

STRUCTURE, POLICY, AND HOW THEY GOT THAT WAY

Although satirical journals everywhere share many characteristics, only *le Canard* has adapted to the exigencies of its environment in every aspect: structure, policies, and defenses.

Its very existence depends on successfully accommodating, and manipulating, certain attitudes persistent in French life that simply don't exist elsewhere. After Giscard's defeat had mooted the issues of the diamond scandal and new president François Mitterrand had granted the traditional amnesty for all government cases pending against the press, former justice minister Alain Peyrefitte was asked why he had sued *le Monde*, but not *le Canard*. To outsiders, it wasn't obvious. But though he admitted it was true that "*le Monde* had done little more than reprint *le Canard Enchaîné*," he shot back in astonishment, "[Suing *le Canard*] would have been ridiculous. It's only a satirical journal. We would have looked silly."¹

That was an important answer. Coming from a lifelong veteran of national political fracas, it neatly summarized a remarkable social fiction while illustrating one of the conditions that makes possible *le Canard's* independence.

Every country has its collective fictions, things known to be false but assumed for certain purposes to be true. American examples include the treatment of corporations as “persons” for legal purposes and the journalistic convention of equating being first with being best. France, older and secure in Cartesian devotion to principle even in the face of contrary evidence, glories in fictions far more numerous and strongly held. They range from the astonishing (to American sensibilities) absence of grape jelly from the tables of a nation famous for vines to the reflexive diagnosis by a medically sophisticated people that most of life’s ills result from either drafts of air or liver “crises.” *Le Canard* benefits from one of these most extraordinary beliefs-in-principle.

French politicians find it convenient to accept *le Canard*’s self-billing as merely a punning, satirical journal while knowing full well it routinely prints the nation’s most factual investigative reporting. The reasons for this reciprocal hypocrisy throw a good deal of light on the landscape of editorial independence in France.

Structure

Enemies of *le Canard* find it an elusive target. Over the years, it has refined a unique structure capable of dealing with the principal forces that have prevented independent journalism from developing or weakened it when it appeared: the West’s most centralized government, overbearing publishers, manipulative advertisers, and fractious and politicized unions.

Neither advertisers’ demands for special treatment nor their pulling of ads at vulnerable moments is anything unique to France. There are, however, factors that make the relationship trickier. French law limits the percentage of total space allocatable to advertising to two-thirds of surface area, which means revenues lost in one issue cannot easily be made up in subsequent ones. Also, some of the most important advertisers are state-controlled automotive, publishing, utility, banking, and electronics firms whose ad expenditures are distributed by a state-controlled agency, Havas. Keenly aware of an administration’s friends and foes in the press, Havas executives can and do allocate

state business accordingly. *Le Canard* avoids this threat by accepting no advertising whatsoever. It draws revenue exclusively from subscription and newsstand sales.

Other threats to editorial independence are transmitted through corporate hierarchies by either publishers with axes to grind or banks with interests to protect. Takeovers and credit action proved so wrenching in the 1930s that measures like the “conscience clause” (see part 1) were put in place to give journalists some protection when the political orientation of their papers shifted with new ownership. Yet the successes of Robert Hersant in mobilizing massive loans from nationalized banks and his trenchant editorial intervention makes clear that the tradition remains vibrant. After the Second World War, *le Monde* established the best-known model of a staff-owned journalist cooperative, which enabled it to set new standards for editorial independence. By the late 1970s, however, the organization had become hopelessly factionalized. The end of the decade brought a succession crisis that destroyed morale and much of the paper’s influence.

Before this, *le Canard* managed to avoid most shortcomings of the cooperative structure while sidestepping the pitfalls of financial success. By the end of the 1970s, it had become a considerable business with a prestigious circulation of 450,000. The 1,000 shares of stock in the umbrella company, Société Maréchal, are all owned by staffers, who agree to have them transferred back to the paper at death or departure. Control is spread broadly, with Director Roger Fressoz by his own statement owning only 12.7 percent. There are no outside investors to reward with dividends; all revenues return to the staffers, who are among the most highly paid journalists in France. In 1982, Fressoz’s secretary earned more than starting reporters at some Paris dailies.²

Success involves thinking small and thinking alike. Total employment is kept at 50; as the decade turned, a mere 11 people put out the political section. Recruiting looks more like screening for a fraternity—or possibly a PhD program in anthropology—than hiring at a major publication. “Continuity of atmosphere” is how Fressoz and managing editor Claude Angeli described their prime personnel objectives. Besides knowing their way around politics, puns, and the

prattling style, anyone accepted must be “leftist but antiauthoritarian” while being able “to conform to a spirit of nonconformity.” That is not as difficult as it may sound. *Le Canard* seriously considers only journalists whose work is already well known. Many have already contributed information or articles too hot for their own papers; all share a feeling that only *le Canard* will print their most important work. As Angeli puts his own case, “I came from the *Nouvel Observateur* [in 1971] and, if I could say what I say here at *le Monde*, I’d be there.”³

Editorial Policy

Structure helps explain *le Canard*’s resistance to many of the pressures that cripple independence in other papers. But these are only defensive measures, a sort of administrative armor. Under attack, *le Canard* also reveals formidable offensive weaponry.

Alone among French journals in 1970–85, *le Canard* took to controversy easily . . . like a duck to water. Instead of pulling back from the subject, as *le Monde* did while under indictment in the diamond scandal, *le Canard* reacts if not with relish, then at least with a sense of business as usual. Distinguishing themselves from journalists at *le Monde* in this respect, Fressoz and Angeli took pains to point out that they didn’t consider litigation “an attack on their dignity or majesty” but rather “normal.” When counterattacking, said Fressoz,

we tell everything in the paper . . . what’s at the base of the attack—why and what at such and such a time. Finally, we put ourselves under the protection of our readers [and public opinion] . . . and cry more loudly than before.⁴

Since much of *le Canard*’s material comes from disgruntled bureaucrats and journalists who cannot use sensitive material and still keep their jobs at “straight” papers, the flow of material generally *increases* as the political temperature climbs. With the additional ridicule come more leaked documents, more embarrassing details. Usually, when the national press rallies around *le Canard*, it is both to defend the principal

of freedom of the press and because *le Canard* staffers are regarded as journalists' journalists.

Legal Strategy

When his policies abroad ran into problems in 1984, President Mitterrand turned to Roland Dumas. But long before Dumas began serving a president as foreign minister, he was helping keep politicians in line as defense attorney for *le Canard Enchaîné*.

There was a great deal about Roland Dumas that would reassure any editor with a libel suit on his hands. Powerfully built, impeccably groomed, Dumas wore a Légion d'Honneur rosette in the lapel of his pinstripe at his desk at the National Assembly, where he served as a socialist deputy. But he did not limit his connections to politics. Modern art brightened his office walls; Dumas has represented the estates of Picasso and other artists. When discussing his defenses of *le Canard*, his bright, light-blue eyes lit with amused relish. "Psychodramas,"⁵ he called them. Remarkable detachment for a libel defense counsel.

Dumas had this independence because of an unusual blend of personal and institutional resources. In legal circles, he was known as a "phenomenon." Author of a scholarly book on press law in addition to being the leading figure in estate management for artists, Dumas's trademark was marshaling earthiness, wit, timing, and exhaustive research in his trial work, often with devastating effect. For example, it was Dumas's idea for *le Canard* to sue the government after the Watergaffe bugging episode, an unheard-of maneuver that caused a sensation when Dumas added a characteristic, theatrical flourish. He called as witness one "electrician" who had bugged *le Canard's* offices. Impossible, claimed the government; the man had been reassigned to Djibouti. With telling irony, Dumas offered to pay the agent's flight, should state resources prove too meager to assure the course of justice in its own court system.⁶

Giscard got the message. When his cousins sued during the diamond scandal, they resorted to the unusual tactic of claiming civil damages rather than the fines and imprisonment sanction usual in French

press trials. Reason: civil action has the advantage of being conducted without witnesses, from whom *le Canard* could have elicited embarrassing testimony. Yet Dumas had booby-trapped them even there: he waited until the last moment before raising the curtain on a *coup de théâtre* by producing key documents. Giscard's cousins were forced to drop their demand from F 400,000 to F 1 each. *Le Canard* had manufactured another cause for ridicule.⁷

Dumas said he "used indictments" as part of a "tactic of envelopment" leading from editorial counterattacks to legal maneuvers and finally support from not only journalists but other politicians. His National Assembly seat placed him admirably, as Dumas revealed, when discussing offers to work for other papers. *Le Monde*, for example, had requested his services, he said, but he refused "because *le Canard* is a [national] institution. . . . Being its defender gave me a great power with judges and politicians," who, of course, were fully aware that their turn for *le Canard* treatment might come up any time.⁸

Not many people dared take on *le Canard*, which produced one of the most surprising anomalies in the French press. The paper with the toughest investigative reporting: the one that routinely criticizes politicians personally instead of merely commenting on their policies, was sued far less than the "establishment press." For example, Jacques Fauvet defended 57 actions during his directorship of *le Monde*. At any one time in mid-decade, *Minute* editor Serge de Beketch was dealing with 40 of them, and *Libération* director Serge July acknowledged that the scores of lawsuits against the paper were one reason it was forced to shut down for reorganization. In contrast, Dumas played his role in a mere 10 "psychodramas."

Origins

Although dozens of editors and hundreds of conflicts have shaped *le Canard*, its dedication to adapting every aspect to the exigencies of independence resulted directly from the moment and circumstances of its birth. September 1915 was a special historical moment. French leaders had firmly believed the fighting that began in August 1914

would involve a brief series of highly mobile engagements, after which the long peace of Europe would resume on terms highly favorable to France. The army and public opinion had been prepared accordingly. Rarely in the history of any nation were convictions so firmly held only to be so quickly and completely shattered or a whole existence so thoroughly destroyed.

Within a year, World War I showed its special features: hideous, poison gas combat and endless trench stalemates. The army, trained for an offensive in Germany, found itself defending Paris at such close quarters that its final successful stand would be heard from the balconies of the capital. Europe had never seen such meatgrinder casualties. By the end of 1915, France was well on its way to crippling an entire generation. The male proportion of the population did not return to normal levels until the 1960s.

Sustaining the will to resist required censorship to keep the worst horrors from the public and propaganda to build French hopes and hatred for the Germans. Every section of leadership, from the generals and businessmen to church leaders and intellectuals, tried frantically to stop the enemy, if not with guns, then with superior élan. Spirit was to give irresistible weight to human cannon fodder. The French press accepted the outlook as the order of the day. A newspaper "reporting" a trench scene extolled frontline morale with typical jingoism:

"My children [said the general to his battered infantrymen], the situation is critical. Only self-sacrifice will save it. I'm counting on you. We're going to charge with bayonets."

They responded with one heart: "Vive la France!" Some added, "But there are no bayonets." Most of them, in fact, had nothing but their good will.⁹

In an admiring history of *le Canard*, Jean Egan collected examples of what the French were learning in their papers. There were no attempts to counter reports, for example, that Germans smelled worse than Frenchmen because of a "urotoxic coefficient . . . at least a quarter

higher than in Frenchmen.” Prestigious writers, such as Maurice Barres of the Académie Française, let stand by claims that “our brave 75s,” the principal French howitzer, had “barrels that do not wear out.”¹⁰

In terms of the press, the catastrophe and attempts to conceal it produced a universally acknowledged casualty and a nearly unnoticed birth. Credibility was the casualty. Having comfortably acquiesced to censorship that protected careers at the expense of lives uselessly lost, and having ignited a virtual propaganda firestorm that made criticism of the war impossible, the French press was never to regain the public confidence it lost in the opening months of the First World War. But while conventional newspapers were duping their readers, France’s stupefying losses and official denial created a powerful counterpressure and, eventually, a creative journalist response.

Maurice Marechal was a 34-year-old journalist for *le Matin*, one of the most jingoistic Paris dailies, when he found the war effort so absurd that he was forced to redefine both his professional note of truth and where he could express it. Clearly the facts and figures reported each day were not bringing home the enormity of the national tragedy. Publishers would not tolerate “defeatism.” Even an influential politician like Georges Clemenceau changed the name of his newspaper from *l’Homme Libre* (Free Mankind) to *l’Homme Enchaîné* (The Man Chained) in furious protest.¹¹

Clemenceau’s action was the talk of Paris journalism when Marechal, having decided he needed his own newspaper, gathered his wife and five friends for a red-wine brainstorming session to come up with a name. “What are we going to call this rag [*canard*]?” he mused, to which the answer was “Why not call it a rag?”—but what sort of rag? It was clearly going to have to be a special kind of paper. The censored rag, or *le Canard Enchaîné*, satisfied everybody. The manifesto carried in the first issue September 10, 1915, spelled out what would be different from other papers: Everything.

Le Canard Enchaîné has decided to deliberately break with all journalistic traditions. . . . [It] takes as a point of honor to not give in

to the deplorable mania of the day. . . . Finally, *le Canard Enchaîné* will take the major liberty of not printing anything, after minute verification of all minute details, that does not qualify as rigorously *inexact* news.

Everybody knows that the French press, without exception, has, since the beginning of the war, given its readers nothing but impeccable truthful news. Well, the public has had enough of it. The public wants false news. Here it comes.¹²

Le Canard suffered the launch tremors of small papers everywhere. Marechal had a paltry F 10,000 and a team of two illustrators and three writers who would not consider *veritas* without a goodly amount of *vinum*, both of which were expected to flow in the publisher's tiny apartment. The dining room became editorial offices; the bedroom was reserved for administration, such as it was. Marechal's wife, Jeanne, the only cook and the only business head in the group, also became the chief delivery service, bicycling the first issues kiosk to kiosk. All the hilarity in Paris, however, could not prevent *le Canard* from going under after a month. When it reappeared July 5, 1916, Marechal was better organized.¹³

The war situation had gone from absurd killing to fears of possible defeat, which, while inspiring the censors, also created a desperate demand for straight news. *Le Canard* attacked government propagandist Barres mercilessly, refusing to forget his anti-Semitic commentaries during the Dreyfus case. It taunted the major newspapers in which "every day, one can admire portraits of heroic kids aged 12–14, who go off to exterminate the Boches"¹⁴ and damned them for encouraging young boys to go to war even as their fathers were dying to protect them. When the Bolshevik revolution took Russia out of the war, putting further pressure on the French front, *le Canard* had the effrontery to welcome "Liberated Russia."¹⁵

Within a year, *le Canard* was attracting contributions from some of France's best-known writers. Jean Cocteau began sending articles in 1917. Anatole France proclaimed, "I read only *le Canard Enchaîné*." Tristan Bernard struck just the right note by reporting in 1918 fears of a

“growing threat of peace.” When the Armistice finally came in November, *le Canard* made journalistic history by summarizing reaction to endless tragedy in a three-letter headline: “OUF.”¹⁶

It is a professional truism worldwide that “hard times are good times for serious journalism,” when audiences feel required to keep themselves informed rather than merely entertained. When this need for information appears to be ill-served by the established journalism of the period, the tools adopted by Marechal for *le Canard* can look very useful elsewhere too.

In the 1960s, a generation of American “war babies” born during the 1940s and reared thinking of their country as free, peaceful, and progressive, encountered shocks so profound that they forced the reevaluation of their information sources as well as history itself. First came the civil rights movement and the realization that “all-American freedoms” were not for all Americans. No sooner had the cities stopped exploding in race riots than a “police action” in Vietnam spiraled into the most demoralizing war in national experience. At the same time, the environmental movement drew attention to the massive despoiling of a natural grandeur that traditionally much more closely symbolized the American spirit than any man-made monument. The phrase *Never trust anyone over 30*, coinage of a newly perceived “generation gap,” symbolized a deeply held feeling of betrayal of sons by fathers who had “fought the good fight” of the Second World War. Suddenly, the collective self-image of a generation seemed based in hypocrisy and had to be radically changed. Hair grew long and unruly, nudity appeared everywhere, politics lurched to the left, and draft cards, once the emblem of national support, were burning.

The press was not exempt. Traditional newspapers, magazines and television were labeled “part of the problem” because they not only had failed to make the nation aware of its faults but also seemed more intent on reporting social issues than solving them. To the young, this seemed an inadequate “cop out.” John Wilcock, who dropped out as a staffer for United Press International and the *New York Times* to found *Other Scenes*, put it this way:

There is a credibility gap between the press and the people because the newspaper owners are plain and simple liars. They have fostered wars and want the people to believe that the Viet Nam war is a holy war. As a result, the Hippies just don't read the national press.¹⁷

"Underground," a new kind of journalism was developing. Instead of "facts," which seemed so capable of being manipulated, the "underground press" prized "commitment" to political ideals and a generalized communication of *meaning*, often charged with emotion. Personal involvement replaced detached objectivity as a professional canon. Street slang, particularly profanity and drug-jive, replaced standard English.

Most important were the shock tactics. Departing from a traditional informational approach to news, the underground press relied heavily on sarcasm, exaggeration, and satire. Visually, layouts preferred rough, hand-drawn graphics over slicker "professional" art in a deliberate departure from an "industrial" appearance. The logos shared a certain penchant for the absurd: *The Rat*, the *East Village Other*, *The Tribe*, *The Barb*, the *Great Speckled Bird*, *The Distant Drummer*, and so on. In other words, confronted by a series of disorienting debacles that the establishment press failed to interpret, young American journalists in the 1960s resorted to many of the tactics Marechal had folded into *le Canard Enchaîné* in 1915.

By the end of the 1960s, more than 450 underground papers claimed a total circulation *Newsweek* estimated to be around 2 million. The "straight" press came in for frequent diatribes, with rage couched in the free association of the drug culture:

The slave dead-think regular media reprint the whitewash bullshit, many times less of the fascist managed, distorted bullshit as fact, without comment either for their mob-crazed, America first puppet readers or the few naive believers in the check and balance system of a fourth estate on the government, the aristocratic, imperialistic dollar pimps.¹⁸

Just as the style crystallized and readership peaked, however, the justifications for alternative publications began to blur. The "regular media,"

slow to embrace the civil rights movement, had done so by the time Martin Luther King was assassinated in 1968. A major beat in the news columns, it had also come to be sympathetically treated in editorials. So too, for the environmental movement; newsmagazines even introduced special sections on the topic. Finally, the press had so completely reversed its early support for the Vietnam war that both the Democratic administration of Lyndon Johnson and its Republican successor perceived the media to be collectively “antiwar.”

Underground papers withered rapidly. Few remained by 1975, when helicopters evacuated the last Americans from Saigon. The reason why is worth underlining. The establishment press of the US proved sufficiently open to hear the new demands and supple enough to prevent “alternative” journals from co-opting their subject matter. This was less true in France. Soon after the launch issue of 1915, *le Canard*’s radicalism quickly shifted from the forbidden topic of wartime censorship to the taboo *procedure* of setting the news agenda rather than responding to it—the single most distinguishing feature of investigative reporting. *La grande presse* of France made no significant effort to adopt the practice. As a result, instead of being adopted broadly by the French press, investigative reporting became institutionalized in a highly idiosyncratic form.

Part IV

LE GREENPEACE

A New Taste for Facts

Chapter 12

A NEW TASTE FOR FACTS

Confusing Politics

The broadest encounter between the press and government in the history of the Fifth Republic unfolded against a political landscape totally new and unexplored. Never before had a left-wing administration occupied the seat of power designed by the imperious Charles de Gaulle; it had been bequeathed to a succession of those who called themselves “Gaullists” to partake of his unrivaled authority. Nor, prior to Socialist François Mitterrand’s 1981 accession, had the left-wing press ever played any role but a critic’s.

So the attack July 10, 1985, by French agents on the Greenpeace environmental organization’s flagship *Rainbow Warrior* as its crew prepared to disrupt nuclear testing near Mururoa Atoll produced an identity crisis for politicians and journalists alike. Socialist politicians accustomed to applauding partisan press revelations about the party in power—because that had always meant their enemies—suddenly found the targets to be themselves and their allies. The few French journalists who had monopolized investigative reporting faced a similarly unprecedented challenge. Most of them had backed the Socialists. How would

they report a scandal created by the administration they had worked hard to bring to the Elysée Palace?

Mitterrand, whose party had never previously held power under his 30-year leadership, built a career as a critic. His popularity soared on sallies against the moral lassitude he identified with his conservative predecessors. When they had pressured the press during scandals, Mitterrand championed the cause of freedom of expression.

Without exception, prior Fifth Republic presidents had responded to journalistic attack with a combination of selective prosecution under France's draconian press laws and silence justified by *raison d'état*, a peculiarly French version of "national security interests" used to exempt a variety of political behavior from public debate.

National consensus on *raison d'état*, for example, had enabled de Gaulle to say nothing whatever about French agents' kidnapping and reported murder of Moroccan revolutionary Mehdi Ben Barka in 1965. Four months after the event, the general announced that the secret service, having been found "vulgar," would be reorganized. De Gaulle did not hesitate to sue journalists under the law, providing fines and prison terms for reports found legally "offensive" to the chief of state. He brought 350 actions as president.

Georges Pompidou, who succeeded de Gaulle, had nothing whatever to say when French police were caught red-handed installing listening devices in *le Canard Enchaîné*, which had shortly beforehand published the prime minister's tax return, showing that he managed to pay nothing. Nor would he comment on his own declining health. Diagnosed as having a fatal disease, he told the public nothing (nor did the press report what it suspected) until shortly before his death two years later.

One of Valéry Giscard d'Estaing's first policy statements upon taking office was that he would not prosecute journalists under the "offense to the chief of state" statute. Yet as relations with the press soured following a series of revelations involving allied politicians and his own acceptance of gift diamonds from Jean-Bedel Bokassa of the Central African Empire, Giscard reacted in the pattern of his predecessors. He remained publicly aloof, insulated from political heat by general

acceptance of *raison d'état*. Privately, however, he permitted his justice minister to bring action against *le Monde* under a variety of measures. They skirted the offense law while producing an identical “chilling effect.”

When the Greenpeace story broke, Mitterrand had been in public life for 40 years and was well-known for opposing the national habit of concealing political awkwardness. As pressure mounted for information, Prime Minister Laurent Fabius reiterated the Socialists' claim to ethical high ground. The party, he announced, would exercise “exacting morality.” What would the administration do when *le Greenpeace*, as the *affaire* came to be known, confronted it with political stresses equal to anything faced by more openly authoritarian conservative predecessors? How would it relate to a press that on a broader front than ever before was developing the story with unprecedented aggressiveness, *à l'Américaine*?

Journalistic Identity Crisis

On the press side of the issue, the questions were quite similar. Without serious exception, the Fifth Republic's press-government affairs had all been instigated and/or developed the same way—in a manner much more characteristic of monarchies than republics. In fact, French reporters' habit of referring to their country as *la monarchie* had been particularly apt as it concerned the structure and traditional behavior of their own profession, governed by the imperious press laws and interventionist state subsidies rooted deep in the *ancien régime*.

In the days of absolute monarchy, the court jester and the archbishop were key figures in a tightly controlled information system. The role of “king's fool” was to reveal otherwise-forbidden matters in ways that did not seriously threaten authority because the format was calculatedly absurd. Innuendo stood for fact; suspicion for knowledge. Risky—or *risqué*—information surfaced as suggestion, satire, and untraceable rumor from a figure whose very outfit, replete with tassels and bells, was ridiculous. The archbishop, too, played a specific secular role in the formation of court public opinion. It did not fall to

him to provide *new* data. Instead, he was chief gatekeeper. In determining what topics would enter public discourse, he was the arbiter of orthodoxy, approving or banning various types of dissent. *Le Canard Enchaîné*—with its flowered-hat ducks waddling across pages containing deadly serious investigative reporting, with its puns, caricature, and barbed nuance—had become the journalistic court jester of the Fifth Republic. *Le Monde*, indifferent to scoops and disdainful of investigative reporting, played the archbishop.

In the summer of 1985, both faced a crisis directly attributable to the altered political landscape. They had built reputations and readership representing themselves as *contre-pouvoirs*, counter-weights to governments whose conservative policies they abhorred. Confronted by the triumph of their own convictions and a sympathetic, open administration, the jester and archbishop lost track of their missions—and their audiences.

Le Canard's Mitterrand election issue sold 1.36 million copies in April 1981, and circulation held at 750,000 for nearly two years. But by the summer of 1985, *le Canard* had lost a full one-third of its audience because of what Director Roger Fressoz called “an identity crisis with our readers”:

The right says we're too close to the government and therefore are not independent.

The left says, “Now that we're in power, you are a traitor for criticizing the government.”

Many other people tell us, “We understand what you're doing and approve of it in principle, but we're not going to read you.”

In part, the failure resulted from success. Fressoz conceded that other publications, led by *Libération* and the newsmagazines, had begun successfully emulating *le Canard's* investigative reporting, breaking its monopoly.¹

Things were worse—much worse—at *le Monde*. “The archbishop,” famous for commanding orthodoxy on national discourse, had become a nearly irrelevant mendicant, forced for survival to borrow heavily,

issue new stock, and even sell its own building. Since Mitterrand's election, the paper had steadily lost money. Circulation was down dramatically. Most serious of all, a "religious war" between rival factions had brought a succession crisis that made a mockery of *le Monde's* famous self-government, in which staffers own much of the stock and elect their own top editors. André Fontaine, a political moderate, strong personality, and exceptional journalist, emerged as director in January 1985. He described the situation to the staff in spiritual terms:

The financial problem is secondary to the moral problem, which is the most important. This enterprise must rediscover *the le Monde spirit*, in a word, *its soul*.²

Anyone who doubted the crisis in the fall of 1985 had only to visit the director's second-floor office. A colorless carpet, spotted in places, threadbare in others, had been patched at the doorway to prevent the constant flow of unannounced couriers from wearing right through the covering to the parquet below. The surface of Fontaine's provincial-veneer desk had long-before disappeared under layers of paper. In front of it squatted three worn leather chairs, one of them with a collapsed seat. The contrast with the publisher's office of any other world-class newspaper—or even itself 10 years previously—was as dramatic as two other aspects: the absence of a computer and the presence of rat poison under a filthy baseboard.

The central journalistic issue of *le Greenpeace* story was investigative reporting—who did it and to what effect, and how it fit into the French information system. Understanding the function of investigative reporting, of course, presupposes an appreciation of what it is. Distinguishing it from other kinds of journalism is not possible in terms of content. Investigative reporting can be *about* anything and may or may not be "sensational," "fair," "scandalous," or "objective." The difference comes in timing and effect on the news cycle. Most news is a response to an event (a hurricane, speech, election, etc.) and thus does not of itself place additional items on the information agenda. Investigative reporting does. It is journalism that introduces a new topic without

being prompted by outside events. Others, including journalists, may then react as the report enters the flow of breaking story—elaboration, charge—countercharge, and fact—analysis that makes up the news cycle.

When two mines attached to the *Rainbow Warrior*'s hull sank the docked ship in Auckland near midnight July 10, the French press responded in a pattern characteristic of the Fifth Republic period. The *Warrior*'s announced intention had been to sabotage French nuclear testing by sailing into ground-zero waters around Mururoa Atoll; more dramatic, the explosions had killed the crew's photographer, assigned to record the expected hostile encounters with the French Navy. Yet French periodicals contented themselves with wire copy from New Zealand and the sketchiest of official reaction in Paris.

The indifference persisted even after the emergence of evidence that the sinking had been part of an effort to "sabotage the sabotage"³ of the testing program. On July 12, New Zealand arrested "a Swiss tourist couple." Released after questioning, they were reapprehended two days later, charged with the sinking and with murder. *Le Greenpeace* remained very much an inside-pages, wire-copy story throughout the French press even though it had already gone beyond an apparently motiveless accident. Within 48 hours, the facts known made it equivalent to a bombing death during an attempted disruption of US nuclear testing at, say, Bikini Atoll. Major American newspapers and newsmagazines and wire services (not to mention television networks) would send special staffing as a matter of course. Yet no French news organization sent anyone to Auckland. They didn't even pay much attention to what had happened there.

A full month passed between the attack in New Zealand and the emergence of Greenpeace as a major story in France. That period marked the persistence of the political-journalistic responses characteristic of the Fifth Republic. But then, at 1:30 a.m. on August 8, there came a signal of important changes between government and journalists—and within the press itself.

Chapter 13

THE BREAK

New Actors on Stage

Strictly speaking, the government broke the Greenpeace story, albeit under pressure. Having seen advance copies of reports identifying French intelligence agents involved in the attack, the Mitterrand administration took the unprecedented step of rushing into distribution of a wee-hours release announcing that a special commission would investigate the affair. Thirty years of traditional aloofness was cast aside. The government was responding to journalistic pressure before the papers hit the stands.

Another indication of how much had changed appeared later that morning, when publications were set out at Paris *kiosks* and the curtain went up on Greenpeace as a national drama. There was an entirely new cast. Unknown stand-ins had stolen the show from the Fifth Republic's lead players. Neither the court jester nor the archbishop were even on stage. In their places stood *VSD* (Friday Saturday Sunday) and *l'Événement du Jeudi* (Thursday Event), two relatively new, quite brash, and distinctly uneven Paris weeklies. In their August 8, 1985, editions, both carried explosive news: France had been directly involved in the *Rainbow Warrior* sabotage. "Who is Sylvie-Claire [*sic*] Turenge?" began *VSD*:

Neither Swiss nor a schoolteacher, as indicated on her passport but, according to the British, an officer of the French secret services with the grade of captain.¹

Veteran journalistic maverick Jacques-Marie Bourget, who before joining *VSD* had put his investigative skills to work for *le Canard Enchaîné*, hid behind the pen name André Largeau in the Greenpeace story because he had just agreed to work for state television's Antenne 2 and he didn't want to jeopardize the appointment.

In *l'Événement*, Pascal Krop's story followed much the same lines. "The Greenpeace Ship Sunk by France?" posed the headline:

Incredible, but the New Zealand counterespionage investigation seems solid: the attack in Auckland—one death—would have been organized by French secret agents. The names are cited. The Elysée denies it, but . . .²

President Mitterrand himself reportedly saw advance copies of *VSD* and *l'Événement* articles. Perhaps that explained the unusual speed of the Presidential Press Office at the Elysée Palace, normally a starchy outfit at best.

Its rush release was an exchange of letters between Mitterrand and Prime Minister Laurent Fabius. The president's ordered "a rigorous inquest" of Greenpeace "without delay." Fabius's reply named Bernard Tricot, a retired top official in the de Gaulle administration, to determine "if French agents, services or authorities had been aware of the criminal attack, or even had participated in it." There was more evidence of haste. Tricot was to be given precisely 17 days to find all the answers.

In Chorus, but Softly

VSD and *l'Événement* moved the Greenpeace story to France's front pages and forced government to react, even though neither could offer positive identification of the "Turenges." That was left to *l'Express*, the

somewhat more conservative of France's two leading newsweeklies. With obvious pride, the cover story August 16 announced,

Our investigation permits us to reveal today the identity of the young woman accused by New Zealand police of having participated in the attack; she is Captain Dominique Prieur. . . . Her pseudo-husband, jailed at the same time she was, is commander of the combat frogman school at the naval air base at Aspretto [Corsica].³

The name of Captain Prieur's husband did not surface until publication of the Tricot report. But as *l'Express*' Yves Cuau put it in a column headlined "The Debacle," it was now established that

the sabotage of the *Rainbow Warrior* was an operation conceived, prepared and executed by French secret services, [with] cover supplied from high levels of government.⁴

Further details were surfacing, and in reaction to one of them came a traditional government response. In its issue of August 15, *VSD* ran another of Bourget's reports revealing that after scuttling the sailboat *Ouvea*, alleged by New Zealand to have been involved in the Auckland attack, the crew had been picked up in mid-Pacific by the French Navy, apparently according to a prearranged plan. He went on to charge that Mitterrand's top civilian and military aides had met with the secret service chief about Greenpeace, and that the latter had cleared aspects of the Tricot inquest with Gaullist Party leaders. Although *VSD* ran a partial retraction in its next issue, Jean-Louis Bianco and General Jean Saulnier, respectively Mitterrand's secretary general and chief of presidential staff, sued anyway. (A year later, however, the suit was dropped.)

In addition to unraveling a particular story strand-by-strand, the press was concurrently weaving a whole new fabric of relationships to government. During the Watergate investigations, French journalists had looked on in awe and bafflement as American reporters queried the FBI and CIA in the apparent ordinary course of their work. As one editor put it then, "Most French reporters wouldn't even know how to

get the [secret service] telephone number.”⁵ A sidebar showed both how much things had changed and from what base. It would be inconceivable for *Time*, *Newsweek* (or any American publication, for that matter) to devote space to explain what the initials CIA stand for or how they are pronounced. Yet that is precisely what *l'Express* felt obliged to do:

SDECE (pronounced as the word Sdece, for Documentation and Counter-Espionage Service) is roughly the French equivalent of spy organizations such as the British MI-6, the West German BDN, the American CIA, or the Soviet KGB.⁶

The article went on to detail its mission and installations along with a list of scandals and reorganizations. There were even irreverent references of the sort common in the American press but until recently not part of French reporting on matters of state interest as sensitive as the secret service. *L'Express*, followed by others, called SDECE by its slang name, “The Swimming Pool” (it is headquartered near the Bassin Nautique des Tourelles in Paris), and printed revealing vignettes about its top personnel.

The same week of the *l'Express* exposé, *le Monde* signaled a change of heart. It, too, would be independently investigating, a role the paper made clear it was not assuming lightly:

The signature of . . . our secret service is written indelibly on the attack. That thesis has been advanced repeatedly by other publications, notably the weeklies. In these columns, we have elected to be prudent, reasoning that in plunging into affairs dominated by manipulation and disinformation, such grave accusations must be supported by precise, indisputable facts.

Le Monde fired this first shot August 17, with a front-page headline “From Hypotheses to Certitudes, the DGSE [General Directorate for External Security, as the SDECE was renamed] Is at the Origin of the Attack on Greenpeace” over the account of a two-day investigation by the paper’s South Pacific stringer in New Zealand. “For the

first time,” claimed *le Monde*, “a French journal has reconstructed the itinerary of ‘the Turenges’ and the crew of the *Ouvea*. . . . It presents evidence that the two teams . . . were working together.”⁷ A second investigation reported that day made the perhaps even more serious charge that it was “impossible that such action had been planned without knowledge of the top officials of DGSE, Admiral Pierre Lacoste and his assistant, General Roger Emin.” The latter piece carried a headline allowing little doubt about the paper’s judgment: “An Accumulation of Incompetence.”⁸

By that time, the facts as summarized by *le Monde* were generally known. In early spring, French officials, knowing of Greenpeace’s intention to disrupt scheduled nuclear testing at Mururoa, assigned a woman DGSE agent code named Frederique Bonlieu to infiltrate the Greenpeace team in New Zealand and provide details about the *Rainbow Warrior*, its crew and mission. A three-man team aboard the rented sloop *Ouvea* rendezvoused with the “Turenges” to coordinate the attack.

Diplomatic and domestic pressures mounted on the Mitterrand government. New Zealand issued international arrest warrants for the *Ouvea*’s crew, known to have been returned to France under official cover. Greenpeace president David McTaggart pressed for suspension of nuclear testing in interviews such as the one *le Monde* printed August 17. Mitterrand was forced to “reiterate the order . . . to interdict, with force if necessary,” an intrusion into Mururoan waters.⁹

On the right, supporters of former president Giscard d’Estaing charged that Fabius “long ago reached his level of incompetence” and should go. The Gaullists would not accept the government’s attempt “to clear itself of its responsibilities.” Surprisingly, it was the other side of the spectrum, allied to the president, that was more vociferous. Communist spokesman Roland Leroy announced that “nobody believes . . . a decision so serious could have been taken without the president’s endorsement,” and Mitterrand’s own Socialists said flatly that the attack was a “criminal” and “terrorist” act that “nothing can justify.”¹⁰

So far, however, neither international relations nor home-front politics posed serious problems for the administration. Perhaps misplaced

confidence that Greenpeace would remain containable explained the tone of the Tricot report, which was made public August 26 and reprinted in full by *le Monde*.¹¹ Principal finding: “No decision was taken by government to sabotage the *Rainbow Warrior*.”

Tricot identified the “Turenge husband” as Alain Mafart, a DGSE battalion chief, and went on to name the crew of the *Ouvea*, members of the same service. But, argued Tricot, it was “unreasonable” to suppose that any of them had planted the mines on the hull of the ship. Prieur, with no combat training, had a history of back problems; Mafart had dropped out of the combat section in 1983. The *Ouvea* crew had obviously been picked for skills other than ordnance and had military records that made highly unlikely the possibility that they would have gone beyond their orders to track the *Warrior*. Yes, Tricot concluded, “the tourist couple Turenge,” the “geologist” Bonlieu, and the “yachtsmen” of the *Ouvea* all were French agents. But they were in New Zealand for surveillance, not sabotage.

The Politics of Silence

Six weeks after the sinking and a full fortnight after the admission of French official presence at the scene of a major terrorist act, Greenpeace remained a mere murmur amplified by a handful of journalists at an even smaller number of publications. Equally curiously, what was obviously an opening to develop the first major scandal within the Fifth Republic’s first left-wing administration was being ignored by the opposition. The reasons are important for understanding the rest of the “affair.”

First, centrist and right-wing parties were prevented from attacking because Greenpeace threatened to discredit the French military establishment—a historic focus of conservative interest and support.

Mitterrand skillfully played to the sentiment, not only by appointing in Tricot a traditionalist with impeccable credentials but also by posing as the commander in chief under attack by foreigners. Rumors circulated—and were picked up by the French press—that other secret services, notably the British, might have staged the sinking in order to

compromise French interests in the Pacific. Mitterrand even took to signing communiqués on other subjects, such as his postelection program, as “president and commander-in-chief of the armed forces.”¹² Charles Pasqua, leader of the Senate’s Gaullist bloc, urged colleagues “to wait in order to avoid misjudgments.” Philippe Malaud, president of the CNIP (National Center for Independents and Farmers) expressed majority opinion succinctly: “The French service was only doing its job.” Even independents like conservative senator Roland du Luart was “absolutely in agreement with the [Gaullists and Giscardiens] in not intervening.”¹³

The second reason why Greenpeace was slow to develop major political proportions was that it concerned France’s nuclear *force de dissuasion*, one of the country’s few examples of nearly unanimous support. As *l’Express* put it,

Public opinion, impassioned though it may be with this scandal, is nonetheless irritated by Greenpeace officials who try to prevent France from pursuing its nuclear testing.

The immense majority of citizens approve at the same time France’s nuclear armament and the right of our navy and secret service to keep at a distance those who would disrupt it.¹⁴

Le Point, archrival of *l’Express* and, like it, editorially opposed to the Mitterrand administration, nevertheless saw much to support in its competitor’s position. Founding publisher Olivier Chevrillon ridiculed critics of France in a signed column:

To honestly judge the government’s attitude in the Greenpeace affair, it is necessary to get rid of the moralizing gunk that is pouring down from everywhere and remember two obvious things. First of all, that the sabotage of the *Rainbow Warrior* is not such an abominable crime. Nobody intended to kill and, stupidity put aside, it was quite an ordinary operation.

Some will say that the crime was not there but in the hiding of the truth. Come on! If the secret would have been hidden, the duty

of the government was . . . to preserve French interests. . . . In its puritan zeal, Carter's America wanted to convert the CIA into a glass house. The price was high: the CIA was put out of the fight for years.¹⁵

Finally, open condemnation of government action abroad would have contradicted the deeply rooted concept of "reasons of state," which the French—journalists included—judge sufficient to enforce silence when open discussion might threaten national interests. Although Americans accept the idea in wartime, they generally reject its broader application. During Watergate, for example, Americans simply refused to accept the Nixon administration's claims that certain questions could not be answered, nor information revealed, on grounds of "national security," the equivalent of the French *raisons d'état*. The French tradition, initiated by Cardinal Richelieu to manipulate court opinion in the interests of Louis XIV, cuts in the opposite direction.

The Tricot report proved to be a turning point. It was perceived as such a transparent cover-up that it stripped away the reticence that only days before tradition and consensus had made dominant. *Le Monde* headlined New Zealand premier David Lange's reaction—"Unbelievable"—and ran a broadside unprecedented in size, tone, and graphics. A front-page editorial agreed with foreign critics that in this instance "reasons of state" were "fig leaves." The accompanying lead story began by asking whether Tricot were "a St. Sebastian of reasons of state" or "an unwitting John le Carré," and suggested that the question was "not theoretical" because of the difference between what Tricot wrote and what he said immediately afterward on national television. His "certainty" that the French government was blameless and its agents "innocent" in the written report contrasted notably with what he said on state television's Antenne 2: "I don't exclude the possibility that I was misled."¹⁶

The form of *le Monde's* package itself indicated in editorial body language how much things had changed, literally overnight. Twenty stories on five entire inside pages covered everything from political and press reaction to unflattering analyses of the DGSE, biographies of the agents, and a chronology "From the Mission of Frederique Bonlieu to

the Disappearance of the *Ouvea*.”¹⁷ The tone combined verbal sting with mocking graphics reminiscent of *le Canard Enchaîné*. In a remarkable touch, considering the seriousness of the coverage, *le Monde* set off each page of Greenpeace articles with comic figures of trench-coated spies and frogmen—the latter crowned with halos.

The Blast of August 27

August 8 had marked the episode in which traditional lead actors abandoned traditional roles in the drama of investigative reporting. On August 27, the curtain went up on a full new cast. Significantly, the most muted commentaries came from *opposite* ends of politics. On the left, the staunchly Socialist *le Matin* applauded the report’s “disappointments for the opposition”¹⁸ while, on the right, the conservative *le Figaro* was only somewhat more critical. Editorial writer Jacques Jacquet-Francillon refused “to cast the slightest doubt” on the document, although he did detect “too many shadowy areas” in a report that was “too short.” In another unusual pairing, the traditional, often timid *Parisien Libéré* and the brash *Libération*, firmly rooted in leftist protest-politics, came up with the same metaphor—from washday laundry-soap advertising. Tricot, they said, “Washes Whiter.”¹⁹

To readers’ utter amazement, Greenpeace had brought together right-wing press baron Robert Hersant and the Communist Party. *France-Soir*, Hersant’s slashing popular daily, commented that “Mr. Tricot hasn’t told all” and that reasons of state made him “clam up.” *Humanité*, the Communist organ, chose a straightforward play on “reasons of state.” It pronounced the report a “lie of state.”²⁰

Political comment, particularly from the opposition, remained relatively muted even though Lionel Jospin, first secretary of the Socialist Party, issued a statement only minutes after the Tricot report’s release in which he clearly disassociated himself from its “conviction of innocence” of French agents and called for further investigation. Jean-Claude Gaudin, Gaullist leader in the National Assembly, announced, “[The report] makes me think of Watergate, when the highest levels of state tried to cover up their responsibilities.” Yet the opposition still

refused to call for resignations. Former prime minister Jacques Chaban-Delmas, for example, told *France-Soir* merely that “one can only rejoice” at the Tricot report’s conclusions. And Giscard himself, senior statesman and reelection candidate, contended himself with explaining he would remain silent on Greenpeace because, as he put it, “Wrong or right, it’s my country.” The garbled sequence of the quote was too much for *le Monde*, which could not resist the temptation to correct (albeit incorrectly) and explain in one of the footnotes for which it is famous:

Mr. Giscard d’Estaing refers to the British [*sic*] saying “Our country, right or wrong,” of which the author . . . is a certain Steven Decatur, commander of the American Navy, and of French origin (1779–1820).²¹

The initiative remained with journalists, not politicians. *Le Monde*, for example, signaled its dissatisfaction in a front-page editorial signed by publisher André Fontaine. Headlined “Extravagances,” it ridiculed the Tricot report and the fact that even the Socialist Party more effectively critiqued it than the opposition while bemoaning the “fog” surrounding the affair, “which can only benefit our country’s adversaries.” The last thing France needed in an area sensitive to *any* nuclear testing, he wrote, was “to sink a boat full of pacifists.”²² Apparently confident in Fontaine’s analysis of both the lack of political danger and the need to calm the waters in the French Pacific, Mitterrand prepared a visit to the country’s possessions in New Caledonia. In Nouméa, he shored up the mother country’s position. Then he visited Mururoa itself. Asked why he wasn’t swimming in the blue lagoon near the test site, Mitterrand replied with a weak attempt at humor. “People would say I’m acting like a tourist,” he said.²³

Once back in Paris, Mitterrand pledged France to “pursue any experiments useful for its defense.”²⁴ By that time, the next journalistic bomb was ticking.

Chapter 14

THE THIRD TEAM

Le Canard Enchaîné regained some of its traditional investigative leadership September 11, 1985. The New Zealand police, Bernard Tricot, and the French press had all been barking up the wrong tree, it said, because

according to informed sources, those who sank the *Rainbow Warrior* were not commander Alain Mafart (in jail), nor the three sailor-thugs of the *Ouvea* (in hiding), but a third team of divers. A French team remained undetected.¹

But the items only amounted to two paragraphs buried deep inside the paper, and its impact was further diminished by references to vague DGSE suspicions about a British sabotage. By that time, too, other journalists were swarming over the new angle. *Le Monde* put it together first.

Le Monde's Break

In a headline stretching across four of six front-page columns, the only trace of the paper's traditional reticence was a curious verb tense. "The

Rainbow Warrior,” it read, “*Could Have Been* [emphasis added] Sunk by a Third Team from the French Military.” But there was nothing indirect about the story itself. The scuttling had been carried out by two additional frogmen, probably, like the five agents already implicated, from the army’s combat diving school at the Aspretto base in Corsica. Aspretto’s commander had coordinated the attack with the help of the DGSE. Mission accomplished, the two saboteurs had departed New Zealand on commercial flights, one to Nouméa, the other to Sydney. The DGSE had planned the operation in March, in response to pressure by the French nuclear testing center in Mururoa for protection against disruption from Greenpeace. The frogmen were not named. Everybody else was, however. The remaining questions were who knew how much, from whom, and above all, when.

Le Monde’s story set the national news agenda for answering those questions. The sabotage mission was too “financially costly,” and its personnel too disciplined, for the attack to have been “improvised,” reasoned the paper. Therefore, attention must turn to the chain of command. It was “inconceivable,” that DGSE chief Pierre Lacoste could have acted as a “lone horseman.” Because of their functions, three others must have been involved: defense minister Charles Hernu, chief of staff Jeannou Lacaze, and General Jean Saulnier. That list implicated not only the French state but also the president. Hernu was one of Mitterrand’s lifelong confidants, Saulnier his personal military liaison, attached to the Elysée Palace. It was impossible “at this point” to know whether the three were directly involved. Ambiguity, in fact, had figured prominently in the long interrogation of Tricot on the phraseology of a letter quoted in his report—from the chief of nuclear testing to the defense minister requesting help in “anticipating the actions of Greenpeace.” Hernu said that had meant simple surveillance; Saulnier, “a little bit more than that.” Mitterrand, said *le Monde*,

could not have been informed by the minister of defense, neither before nor after the attack. [He] would have been lied to at least by omission. It was the minister of the interior, Mr. Pierre Joxe, who first told him one week after the explosion.

After being informed, concluded the report, Mitterrand commissioned the Tricot report “to avoid a French Watergate.”²

A separate article headlined “The Missing Link” added detail on “The Turenges,” beginning with why they could not have placed the mines. Dominique Prieur, in addition to back problems, had no combat diving training, and Alain Mafart could not have armed both devices. Far from performing extraordinary feats, they hadn’t even been capable of carrying out routine parts of the assignment. *Le Monde* summarized the mistakes that had given the New Zealand government enough information to “drape itself with the doctrine of state sovereignty,” which had destroyed France’s diplomatic stance. The “couple” had parked their rented car in a place where members of a nearby sailing club had been able to take its license number (as a precaution against a recent spate of auto thefts). Instead of catching the first plane out of Auckland when the unplanned killing occurred, they remained in town “as if nothing had happened.” Most incredibly, when permitted the traditional telephone call following their arrest, the “Swiss tourists” had requested Paris 846-87-90, quickly identified by Interpol as an “emergency number” at DGSE!³

A third article began the political analyses that marked the final stage of the “affair.” Prime Minister Fabius, it noted, had begun disassociating himself from both the Tricot report and defense minister Hernu. On television, he had expressed “doubts” about aspects of the investigation. As for Hernu, Fabius had said, “If there was something troublesome, he would have informed me.” *Le Monde*’s translation: “Charles Hernu had the means to know the answers. Whether he had the courage to speak out, or preferred silence, he would have to bear the consequences.”⁴

Le Canard Enchaîné and *l’Express* shared some of the credit for breaking the “third-team” story, although *le Monde*’s version came out before either weekly’s. A few arcana of French periodical publishing help explain the sequence of how the story broke. *Le Monde* dates its issues one day in advance; the “third-team” piece appeared Tuesday, September 17, dated Wednesday, September 18. *Le Canard Enchaîné* has a different kind of distribution quirk. Its copies reach general readers on

Wednesday, but are made available for pickup by politicians, diplomats, and ministries (an important readership segment) on Tuesday evening. Technically, therefore, the two publications shared the break date for the story. *L'Express* reached Paris readers the Thursday before the week indicated on its cover: the “third-team” issue dated September 20–26 actually appeared September 19, only two days after *le Monde* and one day following general distribution of *le Canard*.

Le Canard offered “two scenarios.” One, identified as coming from the office of Prime Minister Joxe, followed the same lines laid out in the pages of *le Monde*. The other, associated with the DGSE, held that neither the Mitterrand administration nor the secret service had ordered the *Warrior* sunk. Instead, the directive had come from the nuclear testing authority, which had arranged for divers to attack July 11 or 12—*after* the actual day of the sinking.

Conclusion: The French military received an order that it did not execute. The attack was committed by foreign agents, very probably British, with the aim of damaging “French interests” in the South Pacific.⁵

Minus *le Canard*’s distracting British sequence, the *l'Express* story added significant new details to the central narrative:

L'Express is in a position to reveal that [a “third team”] consisted of a captain and chief sergeant from the combat diving school. They had thorough training in underwater mining operations, both day and night, in the Gulf of Ajaccio.⁶

The newsweekly then encapsuled the whole operation: the role of “Frederique Bonlieu,” the “robust,” 34-year-old blonde DGSE agent who had infiltrated the Greenpeace crew; the “Turenges” assignment; the mission of the *Ouvea*; the actions of the “third team” and even a “fourth team” held in reserve in Australia. The same sort of operation, *l'Express* noted, had been used to sink a Libyan boat carrying arms in 1982.

First reaction came from defense minister Hernu, who affirmed within a few hours of *le Monde*’s publication that

no service nor organization of this ministry received the order to attack the *Rainbow Warrior*.⁷

The next day, as a presidential spokesman promised “solidarity with the search for truth,” Hernu told a ministerial press conference that if anyone had disobeyed him or lied to him, he would “ask the government to take appropriate action.” But by then, Greenpeace had taken on new dimensions in both politics and the press. *Le Monde*’s revelations had finally goaded the opposition into open attack. Furious demands for resignations were chorused by an unprecedented cast of newspapers and magazines.

To right-wing parties, it was no longer a question of Greenpeace itself, as Giscard’s former prime minister Pierre Messmer told state radio’s Europe 1, but rather a problem of “lies” and “dissimulation.” Similarly, as *le Monde* pointed out, if newspapers and magazines that were bitter political enemies as well as commercial rivals united in pursuit of the Greenpeace story, it was because they did “not consider it as falling into political categories.”⁸

The Pack in Full Cry

General press acceptance of the “third-team” pieces was immediate and overwhelming. The revelations, of course, bridged otherwise inexplicable gaps in the Greenpeace episode. But it was also important that they had been brought to light by the journalistic “jester” and “archbishop,” the traditional creator and legitimizer of information new to the national information agenda.

Once again, the unprecedented political pairings so evident in coverage of the Tricot report appeared throughout the French press. Reaction to previous government explanations was universal.

“Lies,” screamed the headline in arch-conservative *France-Soir*. “The Trap of State Lies,” echoed *Libération*, from the left. The Communist *Humanité* spoke of “state terrorism,” while the moderate *Quotidien de Paris* was “astonished by the disproportion between the *Rainbow Warrior* affair (itself a lamentable anecdote) and its political

consequences.” In *le Matin*, the Socialists’ most loyal national daily, none other than Max Gallo, Mitterrand’s former spokesman, wrote,

It isn’t enough to unequivocally condemn the attack on the *Rainbow Warrior*.

Gallo, well positioned to understand the pressures in both the government and the press, made two points that became central to coming events. He reminded the left that it traditionally opposed hiding behind “reasons of state,” and added that “the journalists’ revelations on the whole have been confirmed.”⁹

Gaullist Party leader Jean Lecanuet had for some time admitted that it had been the press that forced conservatives to overcome fears of damaging the military in attacking Mitterrand. The political issue at hand was potential “cohabitation” of the Socialist president with a National Assembly dominated by opponents, following legislative elections upcoming in March 1986. When the right failed to exploit the obvious opportunities created by Greenpeace, it appeared to be abetting its enemies in general cover-up. This ultimately proved intolerable. Gaullists had assembled for the party congress in Strasbourg. *Le Monde*’s story, transmitted by special telecopy and xeroxed for the membership, caused the expected sensation. But among the cries of “Watergate!” and shouts for immediate explanation, Raymond Barre—like Messmer, a former prime minister under Giscard—reiterated the theme of the press’s unexpected role, albeit with heavy irony:

It’s necessary to let the press do this nastiness, useless to put it into the hands of the army or the secret services.¹⁰

In a self-congratulatory news analysis, *le Monde* said “We know now that the conclusions from journalistic investigations became those of Mr. Fabius,” whom it quoted as crediting the press with having “opened the floodgates.”¹¹

New Style of Government Response

But it wasn't only journalists and the opposition who had noticed (to their frequent amazement) that the press seemed to be controlling political events. In a letter to his prime minister September 19, demanding whatever "personnel" and "structural" changes might be necessary to rectify the situation, the president himself went out of his way to pay journalists tribute:

Despite the investigations that you have ordered, it is undeniable that the press has brought to light new elements that we hadn't known despite the services of competent authorities.¹²

That attitude appeared to mark a clear departure from Fifth Republic tradition. Coming from officials personally embarrassed by the press, it was unheard of. *Le Monde* ran an article that, while not mentioning how the Mitterrand government had been varying from the norm, nonetheless recounted how every president from de Gaulle forward had reacted to major scandals such as the Mehdi Ben Barka kidnapping (1965), the assassination of Prince Jean de Broglie (1976), and the suicide of public works minister Robert Boulin (1979). Curiously, it omitted reference to Giscard's gift diamond scandal, but the main contrast was clear. "The three affairs have in common that the government blamed the press," said *le Monde*, then went on to quote de Gaulle on the role of journalists when Ben Barka disappeared:

A large segment of the press, worked into a lather by the opposition parties, attracted by the atmosphere . . . that evoked mysterious "thugs," extracted professional profit from the inclination of many readers for stories reminiscent of . . . James Bond.¹³

It was a comparison made the more dramatic by the use of two techniques common in American journalism but rarely before seen in France. Public opinion polls were used much more sparingly by the French and almost never in conjunction with breaking political stories.

Yet both *le Figaro* and the conservative magazine *Paris Match* commissioned studies as part of their Greenpeace coverage. Most respondents in each believed that the government had known of the attack from the beginning and had been lying.¹⁴ Because of state monopoly and often heavy-handed censorship, television had never contributed significantly to developing political scandals. In fact, until Greenpeace, television journalism had reported political “affairs” only to the extent that the administration in power deemed expedient.

When Prime Minister Fabius appeared on the evening news September 25, viewers all over France were amazed—not by his answers, which added little to what was already known, but by the interviewer’s *questions*. Suddenly, *60 Minutes*-style confrontation journalism had come to French politics. In 13 minutes, TF-1 reporter Jean Lanzi exposed Fabius to a detached skepticism light-years removed from the traditional politesse of press deference to power:

Who sank the *Rainbow Warrior*?

Who gave the order to these French secret services to sink the vessel?

You can’t give us more details?

Why was the wait [for information] so long? The *Rainbow Warrior* was sunk July 10. The Tricot investigation . . . didn’t begin until August. Why such a long wait?

And you, personally, Laurent Fabius—when did you find out that the secret services were involved?

Where did the money come from for the operation?

The public opinion polls indicated that for the prime minister, in *le Monde*’s phrase, it had been “a bad quarter of an hour.”¹⁵

The letter including Mitterrand’s observations on the press had concluded on a note that could have left no doubt in the prime minister’s mind what had to be done next. The spectacle of journalists appearing to inform government about its own operations, said the president, “cannot go on.” It didn’t. Twenty-four hours later, claiming insubordination had “hidden the truth” from him, Hernu resigned. Admiral

Pierre Lacoste, DGSE director general, was dismissed. Shortly thereafter, Fabius confirmed in a press conference that DGSE agents had indeed sunk the *Warrior*: “They acted on orders; this truth was hidden from Counselor of State Tricot.”¹⁶

That first admission of responsibility came September 22, more than six weeks after the attack. Significantly, however, the government response followed (by a mere five days) definitive accounts of the third team, strongly suggesting that a new pattern had become possible in the relationship between the government and the press. Serious investigative reporting, it seemed, could now produce candid answers rather than evasive dissimulation.

Pinpointing the details of the attack’s planning and personnel became the next journalistic preoccupation. There was great emphasis on who authorized payment for the mission and when Mitterrand and Fabius had been informed. The course of this final investigative phase underlined another unprecedented aspect of press behavior in reporting Greenpeace.

Traditionally, French publications credited one another in tense political situations mostly to disassociate themselves from responsibility for dangerous revelations while supplying the broad outlines of scandals. During Giscard’s diamond affair, for example, other newspapers and magazines had been careful to name *le Canard Enchaîné* as the source of their information, leaving the weekly to develop the story—and defend itself—virtually alone. The form was calculated to imply a certain distance from the named journal and perhaps a suggestion of disapproval. Early Greenpeace reporting followed that tradition. The national press had been only too glad to grant *l’Événement du Jeudi* and *VSD* full recognition for breaking the story—but in ways that stopped far short of applause or even approval.

Mutual Admiration Society

By late August, a new, positive crediting mode had taken hold. *Le Monde* ran an entire 200-word story on the incidental fact that *la Croix*, a conservative Catholic daily, had revealed that “Frederique Bonlieu,” the DGSE agent who infiltrated the Greenpeace crew, had done so aided by

a membership card from Friends of the Earth, another environmental organization.¹⁷ The third team story so intensified the practice that “dear colleagues” (as French journalists call one another, often with profound sarcasm) who had shared nothing but mutual scorn for years began not only citing one another’s work but doing so in open admiration.

Le Monde went out of its way, for example, to award a bouquet to *le Canard* for having “evoked” the third team story a week earlier.¹⁸ A companion piece the same day cited *le Point* for having “revealed” that the “Turenges” had been caught after placing a call to an “emergency” number at DGSE headquarters.¹⁹ Two days after running its story, when the government had championed “solidarity in the search for truth”²⁰ (and therefore presumably would not sue the paper), *le Monde*, though not in danger, went out of its way to state that its sensational story “was not exclusive” because *le Canard* had run “identical revelations” the next day.²¹ A few days later, *le Monde* noted approvingly that the conservative newsweekly *l’Express*, in a “strongly detailed investigation,” had “completed” *le Monde*’s own scoop. It even drew attention to new aspects brought to light by the right-wing picture weekly *Paris Match*.²² Indeed, such stories transformed *le Monde*’s traditional short quotes from the press on major issues to true reports on a subject being developed by French journalists collectively, acting as a profession. By mid-October, its “In the Paris Press” rubric was citing up to a half-dozen publications of every political shading as having contributed to the investigation.

Some mutual love affairs reversed decades of bitter ideological and commercial enmity. For example, *le Figaro* represented nearly everything loathed by *le Monde*, and vice-versa. Not only was it *le Monde*’s chief commercial competitor as France’s “serious” daily and also group-owned. It was also the flagship of right-wing press lord Robert Hersant, a chief villain of the independent, left-leaning paper of record. Yet *Figaro*’s response to *le Monde*’s “third-team” story had been to suggest that the government

transfer the French secret services to rue des Italiens, number 5, the office of *le Monde*, while a branch office could be installed at *le Canard Enchaîné*.²³

When *Figaro* claimed that Mitterrand and Fabius were aware of official involvement a mere week after the *Warrior*'s sinking, *le Monde* ran a separate article headlined "Mr. Mitterrand Knew July 17, Affirms *le Figaro*."²⁴

The single most telling example of the new collegial mutual boosting, however, involved neither *le Monde* nor newspapers. Competition among French dailies, while frequently hot in Paris (the provinces are ruled by monopoly), is almost never head-to-head, one-on-one combat. With 10–12 papers at any one time, each with distinctive appearance and strong political slant, the Paris/national press competes on an indirect, multilateral basis quite different from anything in the US outside New York. Not so, however, the newsmagazines.

The relationship of *le Point* to the slightly more conservative *l'Express* closely resembles *Newsweek*'s to *Time*. In part, this results from the fact that both are direct copies of the American model, unlike the newspapers; it was only natural for them to adopt the US competitive pattern along with tone and layout. But scale and similarity in both packaging and politics are also important. They are highly visible and sensitive to the possibility of readers finding them indistinguishable.

As it is between *Time* and *Newsweek*, the rivalry between France's leading newsmagazines is so fierce that staffers routinely refuse to use the name of the competition even in conversation, calling it "brand X," and under all but the most extraordinary circumstances find means of avoiding putting it in print. Greenpeace brought a temporary pause in hostilities. In its September 23 issue, *le Point* not only broke the traditional pattern but did so with a flourish. Of the *l'Express* story describing the existence of a separate mission for the third team, it said,

The fact is capital: All at once, the entire operation becomes coherent.²⁵

Another important barometer of pressure in the atmosphere of government-press relations during the Greenpeace investigations was the participation of Agence France Presse (AFP). Throughout its history, strong links to government, which include presidential appointment of its director general, have largely precluded initiative on stories embarrassing to central political authority. (See part 2, chapter 2.) But

by late September, AFP was displaying a remarkable transformation, illustrated by a 720-word piece (long, by its standards) labeled “Revelations by the French Press: Chronology” and detailing which publications found out what, and when.

By AFP’s count, six weeklies had scored major scoops, one daily (*le Monde*) one wire service (itself), and a radio station, Europe 1. The latter two were the most significant, not in terms of the actual revelations, but because during Greenpeace these government-controlled organizations showed unprecedented independence. Beyond being willing to run stories embarrassing to central authority, AFP called special attention to its own investigative prowess *against* the government. It credited itself with four of 17 major breaks between July 28 and September 19.²⁶

AFP moved its summary piece September 21. Only a week later, *le Monde*’s front-page banner read “For the Elysée, the Greenpeace Affair Is Over.” The story capsuled the announcement by Mitterrand’s spokesman that “the prime minister has made the statements necessary to shed light on this affair.”²⁷ Greenpeace was over for *le Monde* too. The paper abruptly dropped the Greenpeace graphics package of haloed frogman and Pink Panther spies and did not produce a single additional revelation of significance. Trumpeting banners were replaced with quiet inside headlines such as “Tranquil Days Aboard the *Greenpeace*,”²⁸ filed by its stringer on a replacement Greenpeace boat.

A Curtain Call

For the conservative press, however, there was a curtain call. *Le Figaro*, along with other right-wing publications and politicians, had remained largely silent until the “third-team” story broke. That changed in early October. Building on reports in *le Point* that the decision to protect the nuclear testing program had been made in June, with participation from some of Mitterrand’s closest advisors, *Figaro* reported,

We are in position to reveal that at the beginning of June, during another meeting at the Elysée involving Mitterrand’s top officials . . . the decision was made “to immobilize” the *Rainbow Warrior*.²⁹

On October 28, it went considerably further, reporting that the third team was “a total invention,” designed *not* to cover the “Turenges,” as rumor had it but instead

to definitively compromise the DGSE and its chief, the minister of defense. Immediate results: Hernu resigned. Admiral Lacoste is fired. And we don't hear another word about “The Third Commando.”³⁰

Figaro replaced its early bouquets for *le Monde* with malodorous disdain. The “third-team” scoop became those “famous revelations,” in sneering quotation marks. *Le Monde*, said *le Figaro*, had become “visibly infatuated” with having been a political “instrumentality, to use a euphemism.” *Le Monde*'s sudden change, said an opinion piece by Jean Borothel, who had reported *Figaro*'s proudest Greenpeace breaks, produced “a guilty silence.” The clear implication: France's august paper of record, which just happened to have socialist inclinations, had been helping a Socialist administration get off the hook while appearing to crusade for truth.³¹

The dramatic reversal in *le Figaro*'s attitude, and the tone of its Greenpeace articles, exemplified a phenomenon that swept the press not long after the “third-team” revelations. The spirit of Greenpeace, in which the press functioned as an effective investigative “pack,” had ended.

Journalistic mopping up continued, to be sure. Auckland motel proprietors gave their impressions of France's not-so-secret agents at work. The surest of investigative devices—the tracing of money—led reporters to budget documents unpublished in the *Journal Officiel de la République Française*, but bearing the stamps of the prime minister and other top officials. An expenditure of “less than 2 million francs,” according to *le Point*,³² or 3 million, according to *l'Express*,³³ and “routine” in either case, had been authorized by the president's top military aid, General Saulnier. Copious reporting followed the legal and diplomatic maneuverings en route to the trial of the “Turenges,” who pleaded guilty to involuntary manslaughter in Auckland, and were turned over to French authorities, who released them. Commentary,

some of it by a somewhat chastened Philippe Boucher, who had provoked prosecution of *le Monde* during the diamond scandal (see part 3) had quickly reverted to conventional, partisan lines across the political spectrum of the press. *Le Figaro* merely set the tone. By early November, postmortems such as *Libération*'s detailed, 10-page "autopsy" were treating Greenpeace as current history rather than a breaking story.

Chapter 15

WATERGATE OR WATERLOO?

Hunters and the Hunted

As Richard Nixon left office and Gerald Ford prepared “to heal” the nation, Americans harbored no ambiguity about Watergate, nor of the press’s role. Admirers and detractors joined in awarding journalists and journalism full praise or scorn. Greenpeace, which came the closest of any Fifth Republic *affaire* to reaching the scale of Watergate, closed on a dramatically different note.

Few doubted that it had produced singular political shockwaves and even unprecedented results, beginning with the first journalistically induced resignation of a cabinet minister since France returned to republican government a generation before. Yet there remained evidence that the whole investigation had been managed by target-politicians and that while considerable investigative reporting had taken place, it had not produced a single major break in the story, which was developed exclusively through leaks.

Within a month of the last major revelations, the journalists, politicians, and academics interviewed for this study had reached a surprising consensus. Far from pressuring the Mitterrand administration, the press had actually permitted it to terminate an embarrassing international

situation while conducting in public an internal purge that otherwise would have been politically impossible. A side benefit had been to bolster the sagging fortunes of the administration's most important "media asset," *le Monde*.

Olivier Chevrillon, publisher of *le Point*, detected in the government "panic not seen since 1968" at the first revelation of French involvement.¹ But frightened talk of the prime minister or even the president's forced resignation soon faded. Neither top advisors to cabinet ministers nor the reporters who broke the "third-team" story detected the angst expectable within a floundering administration.² As for pressure from the press *forcing* the government to react, Pierre Albert, a leading scholar at the Institut Français de la Presse, scornfully summed up the view that "if New Zealand had not arrested 'the Turenges,' there never would have been a Greenpeace affair."³ Diplomacy triggered it, not journalism.

The Tricot commission *was* a direct result of the August 8 stories in *l'Événement* and *VSD*, but even according to Jean-François Kahn, editor and publisher of the former and a noted self-promoter, they were scoops only in a derivative sense. *L'Événement's* correspondent on the affair recalled,

Everything had been in the New Zealand press for three weeks. We did not need to make any inquiries. Besides, an inquiry requires some means. Our scoop wouldn't have cost the paper one sou. Even the lunch with our informants was paid for by them.⁴

Moreover, even Mitterrand's opponents were forced to concede that the president had made clever use of Tricot. The appointment of a conservative Gaullist of impeccable repute helped disarm the opposition at a critical moment, said Dominique Borde, a conservative, American-educated lawyer who has specialized in press litigation. Mitterrand used Tricot the way cornered holdup men use a hostage when the police arrive. To get to him, the opposition would risk damaging one of their own.⁵ In this view, the administration's only mistake was to succeed too well in making sure Tricot learned nothing. When the hapless

investigator apologized for his own report on national television, the whitewash was so transparent that it backfired, *increasing* suspicion of government cover-up. “The Tricot affair,” scoffed Chevrillon, “was a case of the hunted hunting the hunter.”⁶

The Political Equation

Mitterrand’s Socialist government was left in some discomfort. With legislative elections upcoming in six months, it had a friendly power, New Zealand, holding prisoner two French agents, using them as hostages to extract information, apology, and reparations while furiously attacking Mitterrand for conducting “state terrorism” within its borders. At the same time, world antinuclear opinion rose as never before against the world’s most nuclearized nation. Hostile clamor abroad, however, helped Mitterrand at home. Being under siege triggers an ancient response that seemingly alone unites France. As Borde put it,

We are the most divided of countries: left against right; protestant against Catholic; anti-Nazis against collaborationists; Jews and antisemites. Yet when something touches the army or foreign policy, suddenly, there is consensus. Why?

The flag is sacred. Maybe more so than the cross.

It affects even people like me who normally aren’t conscious of it. A few years ago, I was invited to explain legal aspects of the Socialist nationalization of French banks to American businessmen. I hated the policy and had written papers attacking it. Yet when *foreigners* began criticizing France, I found myself defending her, even though they were making the same arguments I had used at home! It was amazing.⁷

Mitterrand played to that visceral response. He used a political fence-mending trip to French New Caledonia as an occasion to shore up the image of national presence in the South Pacific, reiterating a pledge to interdict “with force if necessary” anyone (i.e., Greenpeace) who threatened nuclear tests at Mururoa. Campaigning in the Morvan region, he

went further, protectively wrapping himself in French nationalism with a reference to Vercingetorix, the first century BC leader who united the Gauls against Julius Caesar.⁸

It worked. Jacques Jacquet-Francillon, who as deputy editor of *le Figaro* was charged with implementing the political stance of the Hersant press, which reached one French newspaper reader in five, explained how the Socialist strategy had stymied the opposition. It above all favored nuclear weaponry as a means to sustain independent French foreign policy. True, the government had selected a “stupid” strategy for ensuring that Greenpeace would not interrupt nuclear testing, but conservatives could not fault the intention to protect national interests.⁹

Since this nationalistic strain ran strong among their constituents, it would have been politically damaging to be perceived as “taking personal advantage” of national embarrassment by attacking a president defending French interests from foreigners. So much for conservative politicians. For conservative journalists, professional imperatives at times outweighed the politics of the moment. *Le Figaro* and *France-Soir* were being clobbered along with the entire right-wing press in a story they normally would be expected to lead. Pride was at stake. At one point, Hersant himself reportedly stormed into the editorial offices to demand his papers “do something” about Greenpeace.¹⁰ *Le Figaro* became much more aggressive, but only briefly. Its audience rebelled, said Jacquet-Francillon.

Readers accused us of being against the army and the prestige of France. French agents had been captured and would be put on trial, maybe for life imprisonment. We got so many angry calls and letters that in the end, we decided we had to cool down.¹¹

Even with the opposition at bay, however, Greenpeace would not go away. French agents were still imprisoned for carrying out a mission ordered by the government. The administration's own staunchest supporters were appalled by the Tricot charade. At this point, an interne-cine struggle took center stage.

Within the Mitterrand administration, defense minister Hernu was blamed for not only bungling the mission but also misleading the president and cabinet—by “catching the Watergate [cover-up] syndrome”¹²—into thinking that the French mission in Auckland harbor had been confined to surveillance. The task of setting the president straight had fallen to interior minister Pierre Joxe. Joxe nurtured another resentment. He controlled the police, the natural focus of angry demands for investigation, which had been blocked by Hernu’s ministry. Following the Tricot uproar, when it seemed possible that Greenpeace might indeed destroy the Mitterrand administration, Joxe (or someone close to him) decided to act. Hernu, though a lifetime friend of Mitterrand’s, was not popular with the cabinet. He became the internal victim of the “third-team” leak, forced to resign 48 hours after two young *le Monde* reporters broke the story.

A French “Woodstein”?

Edwy Plenel, 33, was an excellent example of “the new French journalist.” During the Watergate years, the power and integrity of the American press touched him deeply. Unlike many elder colleagues, he regarded journalism as a profession responsible for bringing to the public facts necessary for making independent judgment rather than a forum for presenting his personal view. Moreover, he considered himself part of “a new generation of journalists who want to know,” a professional with loyalties to a calling as well as a particular newspaper.

By September 1985, Plenel had been at *le Monde* for five and a half years, largely as a police reporter. That was long enough to have earned trust from a cautious institution—and long enough to have developed first-class sources within the Ministry of the Interior. Working with another “new-generation” reporter, Bertrand Le Gendre, 38, he wrote the “third-team” scoop. His narrative of how it happened sheds light on not only the story but also *le Monde* and the French press as a whole:

The French press was very late on the story, which showed how closed France is to the outside world, and how little interested the press is in

foreign news. The effort started only after Fabius ordered the Tricot report.

At about that time, Australian television news crews who had been to New Zealand on the Greenpeace story and knew about DGSE involvement came to Paris. Naturally, they talked to French colleagues. *L'Événement* and *VSD* picked up the story.

At *le Monde*, if we had nothing of our own, we tried to be more careful than the other papers with what we printed. On August 8, we began two weeks of discussing all the hypotheses; two days later we sent [New Caledonia stringer] Frederick Fillioux to Auckland so we could cross-check information.

By the end of August, we had caught up with the rest of the French press. I had met my “Deep Throat,” who was willing to talk because there was so much anger against Hernu.

We knew the government’s explanation of the Auckland mission [surveillance only] wasn’t right, but we couldn’t disprove it. We had been working on the “Turenge” angle. “Deep Throat” told us, “You haven’t found the bombers yet. When you do, you’ll find their signature.” I took that to mean further work on “the Turenge” would be a waste of time.

We spent the next two weeks in the beginning of September talking to sources at all levels of government. We learned it had been Joxe, not Hernu, who had finally told Fabius the truth, who then told Mitterrand July 17. “Deep Throat” was surprised at how much we had found out and opened up to us.¹³

Le Monde’s source, whom Plenel and Le Gendre never named, confirmed the “third-team” hypothesis. Then he identified the agents as military divers. Plenel immediately phoned Jacques Derozy and Jean-Marie Pontaut, who had been working the same angle at *l'Express*. The confirmation enabled them to get the divers’ ranks and unit identification in time for the weekly’s deadline. Neither *le Monde* nor *l'Express*, nor any other news organization, published the agents’ names. For reasons that would be unthinkable in American terms, Plenel said,

Their names were not important. The debate had shifted to establishing who had been responsible, and we didn't want to give the public the idea that we were out to ruin the secret service.¹⁴

That would be the rough equivalent of the *New York* having decided it wasn't important to name Colonel Charles Beckwith, who led the aborted raid to free American hostages in Teheran in 1980.

Big Play

The play of a story can be nearly as important as its content, particularly in a publication like *le Monde*, known for prudence and authority. The "third-team" piece, which Plenel and Le Gendre spent an entire day previewing for publisher Fontaine and editor Daniel Vernet, announced a great deal through "body language." Huge, front-page headlines bespoke conviction that the nation had been lied to and that those responsible had best be identified and dealt with. But to many at *le Monde* and elsewhere in the French press, it didn't have to be that way.

The third team was precisely the kind of story *le Monde* traditionally let others break as a matter of policy. After the dust (and facts) would settle, "the archbishop" would issue a journalistic encyclical. Michel Tatu, a distinguished senior staffer, said flatly that aside from extraneous factors, "it could have been a small piece." Why, then, did *le Monde* cast aside standard procedure for this particular story?

"Fontaine played it big for circulation," noted Tatu.¹⁵ To Plenel, the story seemed to arrive at just the right moment "both commercially and in a political sense." Fontaine had begun bringing his "new look" to the paper in January 1985, but neither readership nor morale had turned around by the summer. Equally damaging, *le Monde* was widely thought to be too close to the Socialist Party. The "third-team" story would be a positive influence on all counts—too valuable to be left to the competition. *L'Express* had at least part of the story and would publish it at the end of the week. *Le Canard*, slightly ahead in developing the facts, had an issue in print that carried the story and would be distributed the next day.¹⁶

The scoop strategy worked. Unsurprisingly, Fontaine denied that the spectacular play had been a grab for readers. But he did nothing to discount its impact on circulation, which he said was “enormous.” It jumped 15 percent the first day and 50 percent when Hernu resigned. Among the staff, the content, timing, and play of the “third-team” story provided evidence that Fontaine was serious about bringing back the relationship with its audience he remembered *le Monde* having enjoyed in the 1960s:

A climate of confidence from readers, great enthusiasm from journalists, the paper as an instrument of consensus on the facts.¹⁷

Americans, learning of the “third-team” disclosures against the background of Watergate, naturally assumed a similar process was at work. Much of the rest of the world agreed. So, for that matter, did most Frenchmen. Those close to the French press, however, unanimously concluded something quite different. The Mitterrand government, acting through the Ministry of the Interior, used the story for its own purposes. What was ostensibly the most sensational revelation of *l'affaire Greenpeace* actually brought it to an end, and on extremely advantageous terms.

A Managed Scoop

To historian Pierre Albert, the “third-team” leak was a political masterstroke:

Everybody was saying, “Great scoop!” about the third team. In fact, it permitted the government to close the affair.¹⁸

By directing additional players onstage in the Greenpeace drama, the Mitterrand administration produced a veritable *coup de théâtre*, in which seemingly disparate and unresolvable actions suddenly formed a coherent, plausible whole.

Because the unnamed new agents had committed the crime in New Zealand, there were strong reasons for New Zealand to release the imprisoned “Turenges.” Because the DGSE—a branch of the military, and not the civilian government—had been responsible, there was every reason to accord it—and only it—the blame. Because the discredited service was headed by Hernu, the man sharply resented for having imperiled the whole Mitterrand team by failing to keep it fully informed, political logic now served demands that he be “sacrificed.” Because the government appeared to have been finally forced into coming completely clean, there was no reason to think anything further would be, nor could be, discovered. Finally, because the Socialists’ most important friendly newspaper had been given a formidable boost in circulation and prestige, it would be better able to serve common interests, less likely to dig beyond the explanation it had presented to the public.

In that light, the third team seemed so pat that it would have had to be invented had it not existed. Some thought it hadn’t. *Le Figaro*’s brief attempt to reopen the scandal on that theme was consistent with something noted by *le Canard* director Fressoz about the efforts of two government-controlled news organizations:

AFP and Europe 1 [radio] pooled their resources and sent a team to New Zealand to interview witnesses about the third team. They found no trace of a third team.¹⁹

Possibly, the “third-team” agents simply covered their tracks better than the bumbling “Turenges.” Or possibly *le Figaro* had been correct. One thing was certain: the “third-team” explanation ended Greenpeace as an *affaire* for the Mitterrand administration, for *le Monde*, and for France.

Nothing remotely like this “government by leak” had happened previously in the Fifth Republic. But if the interpretation seemed improbable on the surface, a considerable depth of evidence gave it credence. The Socialists, long accustomed to attacking governing conservatives in

conjunction with a friendly press, initially had suffered from the intimacy, said Jean-Marcel Bouguereau, editor of *Libération*: “The press is not so respectful of a leftist government.”²⁰ But as Greenpeace wore on and the administration regrouped, old habits and instincts resurfaced. As *le Point*’s Chevrillon noted, “There’s an old tendency to settle scores through the press.”²¹

Chapter 16

WHAT HAD CHANGED?

The Watergate Legacy

Assuming the manipulation theory of the “third-team” story to be correct, what was Greenpeace’s importance?

Watergate left a definite legacy. President Nixon was forced to resign. The Vietnam War, source of the fundamental rift that undercut his presidency, was quickly brought to an end. The US entered a period of self-styled “post-Watergate morality” with sharply delineated parameters. “Noninterventionism” ruled foreign policy so heavily that the covert action wing of the CIA was effectively dismantled. Multinational corporations adopted strict new policies curtailing involvement with government following revelations that the ITT Corporation might have been involved with a CIA-sponsored coup in Chile. Congress and state legislature passed a series of measures, notably the Freedom of Information Act and numerous state “shield laws,” designed to prevent government from concealing its behavior from the public and protecting press use of confidential sources.

The press itself followed suit. The heady days of lionized investigative reporting, symbolized by Bob Woodward and Carl Bernstein cast as matinee idols in the movie version of *All the President’s Men*, were

soon followed by a “post-Watergate reaction” very much in line with what was happening elsewhere in American society. The “new journalism” of the 1960s and 1970s had made extensive use of unnamed and even “composite” sources—names given to nonexistent people in whom the journalist vested traits and/or statements from several sources. Deep Throat was not identified, although Woodward took pains to deny he had been a phantom composite. (Thirty years later, at age 91, former deputy FBI director Mark Felt identified himself as the secret source.) Post-Watergate practices differed markedly. In conjunction with a great deal of introspection, the use of anonymous sources became much more circumscribed. Composites all but disappeared.* Ombudsmen were added to newspaper staffs, and many editors took to writing reader-response columns, both devices designed to open news organizations to the public.

Watergate meant dogged persistence. What caught the nation’s imagination was the spectacle of two young, unknown reporters convincing *their own editors*, then the nation, that their story would “stick,” by keeping their story alive with a seemingly endless series of small “new leads” in their investigation. The progression from the “third-rate burglary” of the Democratic National Committee’s office in the Watergate apartment complex to the complete mosaic revealed in Nixon’s resignation required months of cementing in place hundreds of individual bits of pattern and color. Second, the public was impressed by the courage of a single newspaper, even one as large as the *Washington Post*, taking on “the most powerful man on earth.”

A Lesser Standard

Greenpeace brought no sweeping reforms to either France or the French press. But comparing it to Watergate in journalistic terms ultimately requires deciding whether French journalists met Watergate

* The *Washington Post*’s Janet Cook was forced to relinquish a Pulitzer Prize when it turned out that “Jimmy” in the 1980 series *Jimmy’s World* was a composite.

standards in both the research and publication aspects of investigative reporting.

They did not. The first break came from the realization by *VSD* and *l'Événement du Jeudi* that a fully developed story picked up from foreign journalists was hot news at home. No digging was involved. The second major development—the Tricot report—was straight government-issue. Even the “third-team” revelations failed to meet the Watergate standard, even in the view of Edwy Plenel, Bertrand Le Gendre, and Fontaine, *le Monde*’s counterparts to Woodward, Bernstein, and *Washington Post* editor Ben Bradley. Plenel matter-of-factly pointed out that unlike the *Post*, his paper hadn’t originated the story, directly implicated the president, or worked against a hostile administration:

We weren’t first on Greenpeace, and we couldn’t prove the president was involved. There was no panic against us among the Socialists because Fabius and the others were convinced that the truth was a good thing.¹

To Fontaine, the “third-team” effort was less a matter of digging than “piecing together a puzzle to tell the whole story.”²

The rapid tracing of *le Monde*’s story to leaks from Pierre Joxe’s office,³ and the failure to name the actual authors of the Greenpeace bombing, robbed the “third-team” break of considerable derring-do by indicating that something less than forced extraction had enabled the paper to get the story. Nor did *le Monde*, nor any other news organization, persist in an attempt to exploit the opening for further revelations. Noted historian Albert,

The journalists didn’t discover anything the government didn’t want leaked. And when the leaks stopped, the stories stopped.⁴

Some observers, such as Olivier Todd, former editor of *l’Express* and a well-known Socialist author and commentator, flatly denied that the

“third-team” story had involved investigative reporting.⁵ Snorted centrist *le Point*’s editor Claude Imbert,

Le Monde’s “Deep Throat”? He wasn’t hard to find. He was on the phone every day.⁶

Under those circumstances, comments by Mitterrand and Fabius crediting the press with dredging up “the truth” with the “third-team” story appear to have been disingenuous. They do not, as seemed possible at the time, signify a major change in the attitude of government toward journalistic investigation of its operations.

Yet that widely held opinion showed more about French misperceptions about US-style investigative reporting than about the Greenpeace affair itself.

The Demonstrable Change

Manipulated journalism is not necessarily bad journalism. This is particularly true of investigative reporting, which unlike news reporting, characteristically *sets* an information agenda by introducing a new topic rather than following breaking events. Sources often seek to accomplish goals through the media; in the process, they often reveal valuable data. Woodward and Bernstein clearly acted as instruments through which Deep Throat made public information, calculated to serve desired ends. In the same light, the *New York Times* was clearly manipulated by Daniel Ellsberg, who in his passion to cripple support for the Vietnam War, furnished the Pentagon Papers.

If investigative reporting may involve manipulation—and indeed, even *require* it to get a story—the key condition is that the journalist know the source’s motive so as to be able to evaluate the information and ultimately present it in balanced form. As Steve Weinberg, director of Investigative Reporters and Editors, put it in 1984, “You sometimes play a source’s tune, but you make sure you do the interpretation.”⁷ *Le Monde*’s team clearly met the test of conscious manipulation. Deep Throat, as described by Woodward and Bernstein, wanted to rein in the

Nixon administration's political chicanery. Daniel Ellsberg thought the Pentagon Papers would help end the Vietnam War by demonstrating that the Nixon administration escalated the war while telling the public it was being wound down.

While Imbert and others were skeptical about whether *le Monde's* third team represented investigative reporting, they did not deny that overall, the Greenpeace affair had demonstrated an important change. For whatever reason, and despite limits on how far they went, the Greenpeace stories had not only been published by the complete political spectrum of the French press; they had been avidly sought. Scoops with obvious and potentially dangerous political implications were proudly proclaimed, credits accorded rival publications to render due respect rather than escape blame. At the very least, suddenly and startlingly, the French press proved itself eager to give readers political information of a kind traditionally withheld from fear of government repression, "reasons of state," or both.

Much of the effort didn't show. Each of Paris's eight dailies and the three national newsmagazines put whole teams of reporters on the story, but only a few of them came up with new leads. *Libération*, for example, the only paper that had judged the arrest of the "Turenges" front-page news, sent investigative reporter Lionel Duroy to New Zealand for six weeks. A half-dozen others backed him up in Paris. Yet while the paper's summaries put the story in sharp perspective for a readership accustomed to aggressive reporting, *Libération* produced not a single break. "We weren't chosen for leaks," said editor Jean-Marcel Bouguereau somewhat lamely but adding with satisfaction, "We weren't manipulated either."⁸

That attitude of fierce pride in evaluating politics independently—whether or not it produces splashy results—underlies all investigative reporting and was the fundamental change Greenpeace initiated in the French press. Editor Fressoz reported that the flow of anonymous tips from inside government, long a *le Canard* monopoly, had been cut by competition.⁹ Jean-Louis Servan-Schreiber—publisher of *l'Expansion* and author of *The Power to Inform*, a definitive press study—noted that

investigative reporting, which used to be a privilege of *le Canard*, is spreading throughout the press.¹⁰

But if there was general agreement about the spread of enterprise journalism throughout the French press, interpretations of the phenomenon varied widely.

Albert, the historian, saw Greenpeace as a temporary aberration in a “monarchist system, in which information descends from above.”¹¹ Within the press, however, most saw more lasting trends at work. Jean-Marcel Bouguereau pointed to a “progression toward more independence vis-à-vis government,” which had been extended by the Mitterrand administration:

The Socialists changed the relationship between the press and government. It is most evident in the tone of television news, but it’s important for us in print too. When the opposition returns to power, it will have trouble turning back the clock.¹²

Imbert extended the idea. The monarchical information structure, he said, was weakening, allowing publications, *le Point* among them, to practice something more like American-style journalism.

There’s a new, US-like relationship developing in which readers are demanding for a service in factual information instead of putting up with opinions and supercilious condescension.¹³

A new generation of French journalists nurtured on Watergate and its possibilities has taken line responsibilities—a generation that also happens to include the first academically trained cadre in French history. Journalism schools took hold in France only in the 1960s. The new attitudes are being welcomed at traditional publications such as *le Point* (editor Imbert says flatly, “By far the best journalists around here are the young ones”¹⁴) and even *le Monde*, where, by Director Fontaine’s own admission, staff had become “too self-satisfied” and had failed to, as he put it, “pay attention to the changing world around us.”¹⁵

But the fresh outlook has become most evident in new publications. It was no accident that new magazines headed by young journalists broke the Greenpeace story. In turn, the way for *VSD* and *l'Événement du Jeudi* was paved by *Libération*, the first French paper to demonstrate the possibility of building credibility *and* profitability by taking a non-ideological position on the news. As editor Bouguereau put it, "We surprise people because they can't predict us; we *love* contradictions."¹⁶ So does a new generation of French readers. Circulation rose 500 percent from 1981 to 1985, to 160,000.

The French press fell far short of making Greenpeace into a Watergate. But neither did government manipulation make the *affaire* a Waterloo for French journalists. Instead of either, Greenpeace was a showcase for a decade of dramatic evolution in their relationship to one another. The return of conservatives to power, even in "cohabitation" with a Socialist president, would test the future direction of the development.

No speculation is necessary, however, in judging the path traveled. Greenpeace demonstrated the profoundly increased interest within and ability of the French press to conduct serious investigative research, together with a desire to publish the results. Although the controlled leaks of the "third-team" story discounted Mitterrand's and Fabius's praise of journalistic investigation, government had still displayed a new willingness to let it take its course. In a broader sense, the Greenpeace experience also indicated that the French public had accepted a new, more serious role for journalism and would support it not only in the ringing principles of the Declaration of the Rights of Man and Citizen but also in the purchase of periodicals more interested in fact than opinion.

Notes

Introduction

- 1 Interview with Robert Escarpit, director of Institute for Mass Communications Studies at University of Bordeaux, Bordeaux, May 23, 1978.
- 2 Auby, J-M & Ducos-Ader, R., *Droit de l'Information*, Dalloz, Paris, 1976.
- 3 Interview with Philip Power, Ann Arbor, MI, November 1980.
- 4 Sieyès, A., speech to the National Assembly, January 20, 1790, cited in Billington, J. H., *Fire in the Minds of Men*, Basic, New York, 1980, 33.
- 5 Op. cit. Billington, 33.
- 6 Ibid., 26.
- 7 Ibid., 33.
- 8 Ibid., 35.
- 9 Bretonne, R. de la, *Monsieur Nicolas, ou Le Coeur Humain Devoilé*, 1794–97, cited in *ibid.*, 52.
- 10 Jefferson, T., letter to Col. Edward Carrington, January 16, 1787, cited in Bartlett, J., *Familiar Quotations*, Little, Brown, Boston, 1955, 373.
- 11 Op. cit. Billington, 33–43 *passim*.
- 12 Ibid., 73.
- 13 Citizen Guiboust, speech to the Section of the Republic, cited in Ozouf, M., *La Fête révolutionnaire 1789–90*, 1976, 301–2, as cited in *ibid.*, 74.
- 14 Ibid., 104.
- 15 Faucher, L., “La Presse en Angleterre,” *Revue des Deux Mondes*, September 15, 1826, 692, cited in *ibid.*, 310.
- 16 Marrast, A., *Paris révolutionnaire*, 306, cited in op. cit. Billington, 310.
- 17 Op. cit. Billington, 314.
- 18 Ibid., 312.

- 19 Alletz, E., *De la Démocratie nouvelle*, 1838, cited in *ibid.*, 314.
- 20 *Op. cit.* Billington, 306.
- 21 *Ibid.*, 319.
- 22 Zastenker, N., "Marx et Proudhon aujourd'hui," *Cahiers du Communisme*, February–March 1969, cited in *ibid.*, 305.
- 23 *Ibid.*, 425.
- 24 *Ibid.*, 338.
- 25 *Guide du droit de la presse*, Centre de Formation et de Perfectionnement des Journalistes, Paris, 1976, 21.

Chapter 1

- 1 *Op. cit.* Auby & Ducos-Ader, 299.
- 2 Interview with Pierre Albert, professor at Institut Français de la Presse, Paris, May 1982.
- 3 Loi du 29 Juillet 1881 [Law of July 29, 1881], *Journal Officiel de la République Française*, Direction des Journaux Officiels, Paris, article 42.
- 4 *Op. cit.* Auby & Ducos-Ader, 299–300.
- 5 *Ibid.*, 285–315 *passim*.
- 6 *Op. cit.* Code Penal, articles 368 & 370.
- 7 Loi du 17 Juillet 1970 [Law of July 17, 1970], *Journal Officiel de la République Française*, Direction des Journaux Officiels, Paris.
- 8 *Op. cit.* Auby & Ducos-Ader, 286–99 *passim*.
- 9 *Ibid.*, 278–84 *passim*.
- 10 *Ibid.*, 286.
- 11 *Ibid.*, 299–310 *passim*.
- 12 *Ibid.*, 310–17.
- 13 *Op. cit.* Loi du 29 Juillet 1881, article 2.
- 14 *Ibid.*, article 13.
- 15 Interview with André Fontaine, Paris, May 30, 1978.
- 16 Interview with Jean-Louis Servan-Schreiber, publisher of *l'Expansion*, Paris, June 6, 1978.
- 17 *Op. cit.* Escarpit interview, May 23, 1978.
- 18 Interview with Olivier Chevrillon, Paris, June 2, 1978.
- 19 Interview with Jean-Louis Servan-Schreiber, publisher of *l'Expansion*, Paris, June 12, 1978.
- 20 Interview with Robert Escarpit, 1981.
- 21 *Ibid.*
- 22 Interview with Olivier Chevrillon, Paris, June 15, 1978.
- 23 Interview with Jacques Fauvet, editor of *le Monde*, Paris, June 2, 1978.
- 24 Interview with Olivier Todd, editor of *l'Express* and commentator, Paris, June 7, 1978.
- 25 Interview with Denis Baudoin, Paris, November 1982.

- 26 Interview with Serge de Beketch, Paris, June 6, 1978.
- 27 Gramont, S. de, *The French*, Hodder & Stoughton, London, 1969, 234.
- 28 Interview with Claude Angeli, Paris, May 18, 1978.
- 29 Interview with François Giroud, Paris, May 25, 1978. Hersant's success is particularly resented because of his alleged collaboration with the Nazis.
- 30 Op. cit. Servan-Schreiber interview, June 12, 1978.
- 31 Interview with Jean-François Lemoine, publisher of *Sud-Ouest*, Bordeaux, May 23, 1978.
- 32 Interview with François-Xavier Alix, deputy editor of *Ouest-France*, Rennes, June 8, 1978.
- 33 Ibid.
- 34 Interview with Michel Tatu, foreign staff editor of *le Monde*, Washington, DC, May 13, 1978.
- 35 Op. cit. Servan-Schreiber interview, June 12, 1978.
- 36 Interview with André Mouche, Lille, June 1, 1978.
- 37 Op. cit. Chevrillon interview, June 15, 1978.
- 38 Op. cit. Albert interview, May 1982.
- 39 "Le Métier de Journaliste," *la Presse Quotidienne*, Les Cahiers Française, Paris, October–December 1976.

Chapter 2

- 1 Smith, Anthony, *Subsidies and the Press in Europe*, Policy Studies Institute, London, 1977, 7.
- 2 Centre d'études des supports de publicité, Paris, 1978.
- 3 Interview with Pierre Deyon, Sorbonne historian, Paris, June 1978.
- 4 Interview with Jacques Sauvageot, publisher of *le Monde*, Paris, June 1978.
- 5 Toussaint, N., "Les Organismes de 'Contrôle' de la Presse," *Supplement aux Cahiers Français*, no. 178, October–November 1976, La Documentation Française, Paris, 1976, 1.
- 6 Papon, M., "Rapport fait au nom de la commission des finances, de l'économie générale et du plan (1) sur le projet de loi de finances pour 1978 (no. 3120)," National Assembly, Paris, 1977, 7–10 passim.
- 7 Interview with Robert-André Vivien, chairman of the National Assembly subcommittee on aid to the press, Paris, June 1978; Pierret, C., "Rapport etc. . . . pour 1986," no. 2951, Paris, 1985, 49–53 passim.
- 8 Ibid.
- 9 Serisé, J., "Pourquoi l'Etat doit-il aider la Presse?," *Rapport due groupe de travail sur les aides publiques aux entreprises de presse*, Les Cahiers Français, Paris, 1972, 28.
- 10 Ibid., 6.

- 11 Dowell, W. & Gauchey, J., "SAC: The Right's Last Resort," *Paris Métro*, Paris, April 27, 1977, 9.
- 12 Ajchenbaum, Y. & Monet, J., "The deBroglie Affair: A Case Study," *Paris Métro*, Paris, July 5, 1978, 1.
- 13 Interview with Thomas Moore, publisher of *Paris Métro*, New York, December 1979.
- 14 Interview with Boris Troyan, former publisher of *Look*, New York, December 1979.
- 15 Ibid.
- 16 Op. cit. Pierret, 49–53 passim.
- 17 Interview with Nadine Toussaint, Paris, June 1978.
- 18 Deveney, F., "L'Aide de l'Etat," *la Presse Quotidienne*, Les Cahiers Français, Paris, 1976, 4.
- 19 Op. cit. Serisé, 43.
- 20 Op. cit. Papon, 10; Pierret, 53.
- 21 Ibid., 7–10 passim.
- 22 Op. cit. Vivien interview, June 1978.
- 23 Op. cit. Papon, 9.
- 24 Ibid., 8.
- 25 Interview with spokesman for US Postmaster, Ann Arbor, MI, January 1980.
- 26 Op. cit. Serisé, 5.
- 27 Toussaint, N., *l'Economie de l'Information*, Presses Universitaires de France, Paris, 1978, 27.
- 28 Interview with Francois Giroud, Paris, June 1978.
- 29 Interview with Xavier Alix, deputy editor of *Ouest-France*, Rennes, June 8, 1978.
- 30 Op. cit. Giroud interview, May 25, 1978.
- 31 Op. cit. Alix interview, June 8, 1978.
- 32 Op. cit. Servan-Schreiber interview, June 12, 1978.
- 33 Op. cit. Alix interview, June 8, 1978.
- 34 Op. cit. Escarpit interview, May 23, 1978.
- 35 Op. cit. Servan-Schreiber interview, June 12, 1978.
- 36 Interview with Georges Kiejman, attorney, Paris, June 1978.
- 37 Toussaint, N., "La Concentration," *la Presse Quotidienne*, Les Cahiers Français, Paris, 1976, 50.
- 38 Op. cit. Alix interview, June 8, 1978.
- 39 Op. cit. Lemoine interview, May 23, 1978.
- 40 Interview with Daniel Gentot, president of le Syndicat National des Journalistes, Paris, June 1978.
- 41 "Citoyen Hersant," *le Dossier Hersant*, François Maspero, Paris, 1977, 28.
- 42 Brimo, N., *Le Dossier Hersant*, François Maspero, Paris, 1977, 28.
- 43 Op. cit. Kiejman interview, June 1978.
- 44 Op. cit. Gentot interview, June 1978.
- 45 Op. cit. Kiejman interview, June 1978.

- 46 Op. cit. Servan-Schreiber interview, June 12, 1978.
- 47 "L'Agence France-Presse," *Notes et Etudes Documentaires*, La Documentation Française, Paris, November 23, 1976, 11.
- 48 Ibid., 15.
- 49 Op. cit. Giroud interview, May 25, 1978.
- 50 Interview with Claude Imbert, editor of *le Point*, Paris, June 1978.
- 51 Op. cit. Giroud interview, May 25, 1978.
- 52 Op. cit. "L'Agence France-Presse," 17.
- 53 Ibid.
- 54 Op. cit. Papon, 6.
- 55 Ibid., 28.
- 56 Op. cit. Alix interview, June 8, 1978.
- 57 Op. cit. Giroud interview, May 25, 1978.
- 58 Pierier-Daville, D., "Le Pouvoir a l'A.F.P.," *le Nouvel Observateur*, Paris, June 5, 1978, 41.
- 59 "M. Bouzinac est élu Président de l'A.F.P.," *le Monde*, Paris, May 31, 1978, 20.

Chapter 3

- 1 Interview with Pierre Albert, professor at Institut Français de la Presse, Paris, November 1982.
- 2 *Nouvel Observateur*, Paris, 1978.
- 3 Annual report, Le Monde Publishing Co., June 17, 1982.
- 4 Jeanneney, J-N & Julliard, J., *Le Monde de Beuve-Mery*, Seuil, Paris, 1979, 54.
- 5 Ibid., 57.
- 6 *L'Express*, Paris, April 13, 1956.
- 7 Op. cit. Jeanneney & Julliard, 127.
- 8 Ibid., 152.
- 9 Ibid., 212.
- 10 Ibid., 275.

Chapter 4

- 1 *Chancellery Letter*, Paris, December 1, 1980.
- 2 *Le Canard Enchaîné*, Paris, April 17, 1980, 3.
- 3 Passeron, A., "M. Peyrefitte: Affaiblir M. Jacques Chirac," *le Monde*, Paris, April 17, 1980, 10.
- 4 Fauvet, J., "Le regne de silence," *le Monde*, Paris, April 17, 1980, 9.
- 5 *Le Monde*, Paris, May 2, 1980, 11.
- 6 Interview with Dominique Borde, Paris, November 1982.
- 7 Op. cit. *Guide du droit de la presse*, 67.
- 8 Ibid., 49.
- 9 *Le Monde*, Paris, May 22, 1980, 11.

- 10 Boucher, P., "Des aleas de la 'rectification,'" *le Monde*, Paris, May 22, 1980.
- 11 Fauvet, J., "Une note de M. Beteille et la reponse du *Monde*," *le Monde*, Paris, May 22, 1980.
- 12 "M. Alain Peyrefitte assigné *le Monde* en référé," *le Monde*, Paris, May 24, 1980.
- 13 Op. cit. Borde interview, November 1982.
- 14 Interview with Simone Rozes, Luxembourg, November 1982.
- 15 *Le Monde*, Paris, May 24, 1980.
- 16 "Une lettre du Ministre," *le Monde*, Paris, June 5–6, 1980, 1.
- 17 *Les dossiers du Canard*, Canard Enchaîné, Paris, April 1981, 49.
- 18 Op. cit. Rozes interview, November 1982.
- 19 Fauvet, J., "Trop tot . . .," *le Monde*, Paris, June 5–6, 14.
- 20 Code Penal [Penal code], article 226, ordinance nos. 58–1298, passed December 23, 1958.
- 21 Interview with Phillippe Boucher, *le Monde* columnist, Paris, November 1982.
- 22 Interview with Jacques Fauvet, former editor of *le Monde*, Paris, November 1982.
- 23 Op. cit. Boucher interview, November 1982.
- 24 "Le communiqué de la chancellerie," *le Monde*, Paris, November 9–10, 1980, 12.
- 25 Boucher, P., "Blind Men of the Law," *le Monde*, Paris, December 12, 1980.
- 26 Ibid.
- 27 Boucher, P., "Klaus, George et Eldridge," *le Monde*, Paris, July 11, 1978, 1, 9.
- 28 Boucher, P., "Scandale, scandale," *le Monde*, Paris, May 24, 1979, 12.
- 29 Op. cit. Boucher interview, November 1982.
- 30 "L'affaire Delpéy' ou la serpillière et le seau," *le Monde*, Paris, September 18, 1980, 10.
- 31 Ibid.
- 32 Ibid.
- 33 "Les qualités de la Cour de sûreté," *le Monde*, Paris, October 7, 1980, 1.

Chapter 5

- 1 *Le Monde*, Paris, November 13, 1980, 12.
- 2 Ibid.
- 3 Ibid.
- 4 Ibid.
- 5 *Chancellery Letter*, Paris, December 1, 1980.
- 6 *Le Monde*, Paris, November 9–10, 1.
- 7 Fauvet, J., "Questions," *le Monde*, Paris, November 11, 1980, 1.
- 8 "Dans la Presse Parisienne," *le Monde*, Paris, November 13, 1980, 12.
- 9 Ibid.

- 10 Ibid.
- 11 Ibid.
- 12 Ibid.
- 13 Ibid.
- 14 *Le Monde*, Paris, November 9–10, 1980, 6.
- 15 *Le Figaro*, Paris, November 12, 1980, 6.
- 16 *Le Monde*, Paris, November 14, 1980, 10.
- 17 Ibid.
- 18 *Le Monde*, Paris, November 13, 1980, 12.
- 19 Ibid.
- 20 Ibid.
- 21 *Le Monde*, Paris, November 14, 1980, 10.
- 22 Ibid.
- 23 Ibid.
- 24 *Le Monde*, Paris, November 13, 1980, 12.
- 25 Ibid.
- 26 Ibid.
- 27 Ibid.
- 28 Letter from Pierre Sargos, director of the Syndicated Union of Magistrates, *le Monde*, Paris, November 14, 1980, 10.
- 29 *Le Monde*, Paris, November 14, 1980, 10.

Chapter 6

- 1 Interview with Hervé de Carmoy, Paris, November 1982.
- 2 Op. cit. Fauvet interview, November 1982.
- 3 Interview with Alain Peyrefitte, justice minister under President Valéry Giscard d'Estaing, Paris, November 1982.
- 4 Ibid.
- 5 Ibid.
- 6 Ibid.
- 7 Ibid.
- 8 Ibid.
- 9 Ibid.
- 10 Ibid.
- 11 Ibid.
- 12 Ibid.
- 13 Ibid.
- 14 Ibid.
- 15 Ibid.
- 16 Interview with Serge July, publisher of *Libération*, Paris, November 1982.
- 17 Eder, R., "Le Monde Staff, Fraternity Is Giving Way to Fratricide," Week in Review, *New York Times*, December 6, 1981, 4.

- 18 Ibid.
- 19 Interview with Claude Imbert, editor of *le Point*, Paris, 1982.
- 20 Op. cit. Annual report, Le Monde Publishing Co.
- 21 Ibid.
- 22 Op. cit. July interview, November 1982.
- 23 Op. cit. Fauvet interview, November 1982.
- 24 Op. cit. Peyrefitte interview, November 1982.
- 25 Op. cit. Fauvet interview, November 1982.
- 26 Interview with Claude Durieux, Paris, March 9, 1983.
- 27 Op. cit. Boucher interview, November 1982.
- 28 Interview with Yves Baudelot, lawyer for *le Monde*, November 1982.
- 29 Op. cit. Peyrefitte interview, November 1982.
- 30 Interview with Jean-François Probst, Paris, November 1982.
- 31 Interview with off-record Elysée Palace source, Paris, 1982.
- 32 Interview with Jacques Serisé, Paris, November 1982.
- 33 Op. cit. Fauvet interview, November 1982.
- 34 Op. cit. Albert interview, November 1982.
- 35 Op. cit. Imbert interview, November 1982.
- 36 Op. cit. Probst interview, November 1982.

Chapter 7

- 1 Op. cit. Imbert interview, November 1982.
- 2 "Les Démenteurs du Président," *le Canard Enchaîné*, Paris, December 14, 1978, 3.
- 3 Interview with Nicholas Wahl, 1978.
- 4 Op. cit. Imbert interview, November 1982.
- 5 Interview with Henri Vignale, November 1986.
- 6 Op. cit. Probst interview, November 1982.
- 7 Interview with Olivier Todd, former editor of *l'Express* and commentator, Paris, November 1982.
- 8 Op. cit. Serisé interview, November 1982.
- 9 Op. cit. Probst interview, November 1982.
- 10 Virieux, F. H. de, "L'Heure de Verité," Radio Television Française, Antenne 2, September 16, 1982, (transcript).
- 11 Op. cit. Todd interview, June 7, 1978.
- 12 Interview with Olivier Chevrillon, Paris, November 1982.
- 13 Op. cit. July interview, November 1982.
- 14 Op. cit. Albert interview, November 1982.
- 15 Ibid.
- 16 Ibid.
- 17 Op. cit. Borde interview, November 1982.
- 18 Interview with Roger Lecante, Paris, November 1982.

- 19 Ibid.
- 20 Ibid.
- 21 Ibid.
- 22 Op. cit. Albert interview, November 1982.
- 23 Op. cit. Imbert interview, November 1982.
- 24 Op. cit. Albert interview, November 1982.
- 25 Ibid.
- 26 Ibid.

Chapter 8

- 1 Egen, Jean, *Messieurs du Canard*, Stock, Paris, 1973, 24.
- 2 Interview with Roger Fressoz, editor of *le Canard Enchaîné*, Paris, March 1983.
- 3 *Le Canard Enchaîné*, Paris, November 3, 1971.
- 4 *Le Soir*, Paris, March 7, 1975.
- 5 Interview with André Laurence, editor of *le Monde*, Paris, November 1982.
- 6 *Le Canard Enchaîné*, Paris, January 19, 1972.
- 7 Ibid.
- 8 "Les Privilèges du Fisc," *le Canard Enchaîné*, Paris, February 9, 1972, 1.
- 9 *Le Canard Enchaîné*, Paris, February 9, 1972, 1.
- 10 "Michel Debre gentil membre du Club Méditerranée," *le Canard Enchaîné*, Paris, February 23, 1972, 4.
- 11 "Chirac: Non contribuable, mais chatelain," *le Canard Enchaîné*, Paris, January 26, 1972, 3.
- 12 "Le grand coeur de la 'presse du coeur,'" *le Canard Enchaîné*, Paris, February 2, 1972, 1.
- 13 "Chaban a présenté sa subversion de l'Affaire," *le Canard Enchaîné*, Paris, February 16, 1972, 1.

Chapter 9

- 1 *Nouvel Observateur*, Paris, March 7, 1973.
- 2 *Le Canard Enchaîné*, Paris, June 13, 1973.
- 3 Op. cit. Fressoz interview, March 1983.
- 4 Ibid.
- 5 *Le Point*, Paris, December 10, 1973, 52–53.
- 6 Interview with Robert Escarpit, Paris, March 1983.
- 7 Interview with Olivier Chevrillon, Paris, March 1983.
- 8 *Le Point*, December 10, 1973, 52.
- 9 Ibid.
- 10 Ibid.

- 11 Ibid.
- 12 Op. cit. Fressoz interview, March 1983.
- 13 "Oh Marcellin quelle Watergaffe," *le Canard Enchaîné*, Paris, December 4, 1973, 1.
- 14 Ibid.
- 15 Ibid.
- 16 Ibid.
- 17 *Le Point*, December 10, 1973, 53.
- 18 *International Herald Tribune*, Paris, January 7, 1973, 1.
- 19 *Le Parisien Libéré*, Paris, December 7, 1973.
- 20 *Le Canard Enchaîné*, Paris, December 4, 1973, 1.
- 21 Op. cit. Fressoz interview, March 1983.
- 22 Op. cit. Baudoin interview, November 1982.
- 23 *Le Canard Enchaîné*, Paris, March 21, 1973.
- 24 *Le Canard Enchaîné*, Paris, June 6, 1973, 2.
- 25 *Le Canard Enchaîné*, Paris, March 21, 1973, 2.
- 26 *Le Canard Enchaîné*, Paris, May 23, 1973, 2.
- 27 *Le Canard Enchaîné*, Paris, June 6, 1973, 2.
- 28 *Le Canard Enchaîné*, Paris, March 20, 1973, 1.

Chapter 10

- 1 *Le Monde*, Paris, June 23, 1973.
- 2 Op. cit. *Les dossiers du Canard*, 57.
- 3 *Le Point*, Paris, January 3, 1977.
- 4 *Le Canard Enchaîné*, Paris, January 12, 1977.
- 5 Leroy, Patricia, *Paris Métro*, Paris, July 5, 1978, 16.
- 6 Ajchenbaum, Y. & Monet, J., *Paris Métro*, Paris, July 5, 1978, 14–15.
- 7 *Le Canard Enchaîné*, Paris, April 2, 1980.
- 8 Op. cit. *Les dossiers du Canard*, 60.
- 9 "Ces Hommes Exemplaires Qui Nous Gouvernent," *le Canard Enchaîné*, Paris, October 24, 1979, 4.
- 10 "La version de Boulin," *le Canard Enchaîné*, Paris, October 24, 1979, 4.
- 11 *Le Monde*, Paris, October 26, 1979.
- 12 Op. cit. *Les dossiers du Canard*, 63.
- 13 Ibid.
- 14 Barre, Raymond, *La Lettre de l'Expansion*, November 5, 1979.
- 15 "Laissons les morts enterrer les morts . . .," *le Canard Enchaîné*, Paris, November 14, 1979, 1.
- 16 "Les tireurs d'élite à la chasse au Canard," *le Canard Enchaîné*, Paris, November 7, 1979, 5.
- 17 *Sud-Ouest*, Bordeaux, November 1, 1979.
- 18 "La presse jusqu'hallali," *le Canard Enchaîné*, Paris, November 7, 1979, 2.

- 19 Ibid.
- 20 *France-Soir*, Paris, November 3, 1979.
- 21 "Le repli de Giscard à Chanonat-les-deux-Chapelles," *le Canard Enchaîné*, Paris, November 7, 1979, 1.
- 22 *Le Canard Enchaîné*, Paris, October 31, 1979, 5.
- 23 *Le Canard Enchaîné*, Paris, November 7, 1979, 6.
- 24 Op. cit. *Les dossiers du Canard*, 63.
- 25 Ibid., 64.
- 26 "L'honneur du 'Figaro-Magazine,'" *le Canard Enchaîné*, Paris, November 7, 1979, 3.
- 27 *Le Canard Enchaîné*, Paris, October 10, 1979.
- 28 Op. cit. *Les dossiers du Canard*, 44.
- 29 Ibid.
- 30 Ibid., 45.
- 31 Ibid.
- 32 "La Brocante a Giscard," *le Canard Enchaîné*, Paris, October 17, 1979, 2.
- 33 "Dernier Safari a Bangui," *le Canard Enchaîné*, Paris, October 17, 1979, 3.
- 34 Ibid.
- 35 Ibid.
- 36 Op. cit. *Les dossiers du Canard*, 45.
- 37 "Une presse malade de la pierre," *le Canard Enchaîné*, Paris, October 17, 1979, 4.
- 38 Ibid.
- 39 "Un raffut de tous les diams," *le Canard Enchaîné*, Paris, October 17, 1979, 4.
- 40 "Les tempêtes de la Bourse," *le Canard Enchaîné*, Paris, October 17, 1979.
- 41 "Ou y a de la gemme y a pa de plaisir," *le Canard Enchaîné*, Paris, October 17, 1979, 5.
- 42 "Jusqu'au dernier carat . . .," *le Canard Enchaîné*, Paris, October 17, 1979, 8.
- 43 Op. cit. *Les dossiers du Canard*, 45.
- 44 Ibid., 46.
- 45 Ibid.
- 46 *Le Canard Enchaîné*, Paris, December 12, 1979, 4.
- 47 Ibid., 3.
- 48 Op. cit. *Les dossiers du Canard*, 48.
- 49 *Le Canard Enchaîné*, Paris, December 12, 1979, 3.
- 50 Op. cit. *Les dossiers du Canard*, 49.
- 51 Ibid.
- 52 Ibid.
- 53 Ibid., 50.
- 54 Ibid.
- 55 Ibid.
- 56 Ibid., 51.
- 57 Ibid.

Chapter 11

- 1 Op. cit. Peyrefitte interview, November 1982.
- 2 Interview with Roger Fressoz, editor of *le Canard Enchaîné*, Paris, November 1982.
- 3 Op. cit. Angeli interview, May 18, 1978.
- 4 Interview with Roger Fressoz, editor of *le Canard Enchaîné*, November 1985.
- 5 Interview with Roland Dumas, Paris, November 1982.
- 6 Ibid.
- 7 Op. cit. Angeli interview, May 18, 1978.
- 8 Op. cit. Dumas interview, November 1982.
- 9 Op. cit. Egen, 17.
- 10 Ibid., 14.
- 11 Ibid.
- 12 Ibid.
- 13 Ibid.
- 14 Ibid.
- 15 Ibid., 36.
- 16 Ibid., 38.
- 17 "Foolosophy of Flower Children," *Other Scenes*, New York, December 28, 1968, 24.
- 18 Rudnick, S. B., "A Fifth Estate," *Orpheus*, New York, August 1968, 23.

Chapter 12

- 1 Op. cit. Fressoz interview, November 1985.
- 2 La Société Française de Gardiennage & de Surveillance, leaflet posted in *le Monde* lobby, November 1985.
- 3 "Sabotage le sabotage."

Chapter 13

- 1 Largeau, A., "L'affaire Greenpeace," *VSD*, Paris, August 8–14, 1985, 13.
- 2 Krop, P., "Le Bateau de Greenpeace Sabote par la France?," *l'Événement du Jeudi*, Paris, August 8–14, 1985, 16.
- 3 "Les Secrets d'Une Affaire d'état," *l'Express*, Paris, August 16–22, 1985.
- 4 Cuau, Y., "La Débâcle," *l'Express*, Paris, August 16–22, 1985, 25.
- 5 Op. cit. Chevrillon interview, June 2, 1978.
- 6 "Du SDECE a la DGSE," *l'Express*, Paris, August 16–22, 1985, 27.
- 7 Plenel, E., "La DGSE est bien responsable de l'attentat contre le *Rainbow Warrior*," *le Monde*, Paris, August 17, 1985, 22.
- 8 "Une accumulation d'incompétences," *le Monde*, Paris, August 17, 1985, 22.
- 9 "L'affaire Greenpeace," *le Monde*, Paris, September 11, 1985, 2.

- 10 Ibid.
- 11 "Le Rapport De M. Bernard Tricot Sur l'Attentat Contre le Bateau de Greenpeace," *le Monde*, Paris, August 27, 1985, 6–7.
- 12 Le Gendre, B., "Fragile Consensus," *le Monde*, Paris, August 21, 1985, 6.
- 13 C. F. M., "L'Opposition estime que la responsabilité politique du gouvernement est engagée," *le Monde*, Paris, August 21, 1985, 16.
- 14 Cuau, Y., "Le Vrai Scandale," *l'Express*, Paris, August 23–29, 1985, 31.
- 15 Chevrillon, O., "Pouvoir: silence, on flotte," *le Point*, Paris, September 30, 1985, 69.
- 16 Le Gendre, B. & Plenel, E., "Le premier ministre neo-Zelandais qualifie d' 'Incroyable' le rapport Tricot," *le Monde*, Paris, August 28, 1985, 1.
- 17 Plenel, E., "De la mission de Frederique Bonlieu," *le Monde*, Paris, August 28, 1985, 7.
- 18 "Dans la Presse Parisienne," *le Monde*, Paris, August 28, 1985, 8.
- 19 Ibid.
- 20 Ibid.
- 21 "Les réactions en France," *le Monde*, Paris, August 29, 1985, 6.
- 22 Fontaine, A., "Extravagances," *le Monde*, Paris, August 30, 1985, 1.
- 23 "Plouf," *le Canard Enchaîné*, Paris, October 18, 1985, 29.
- 24 "L'affaire Greenpeace," *le Monde*, Paris, October 29, 1985, 6.

Chapter 14

- 1 "Greenpeace: La Piscine est en réfection," *le Canard Enchaîné*, Paris, September 11, 1985.
- 2 Le Gendre, B. & Plenel, E., "Le Rainbow Warrior Aurait Été Coulé Par Une Troisième Équipe de Militaires Français," *le Monde*, Paris, September 18, 1985, 1.
- 3 Plenel, E., "Le chainon manquant," *le Monde*, Paris, September 18, 1985, 1.
- 4 Le Gendre, B., "L'engrenage du Silence," *le Monde*, Paris, September 18, 1985, 7.
- 5 Angeli, C., "Dans le Dossier de Mitterrand," *le Canard Enchaîné*, Paris, September 18, 1985.
- 6 Derogy, J. & Pontaut, J-M, "Troisième Command: Un Officier et un Sous-Officier d'Aspretto," *l'Express*, Paris, September 20–26, 1985, 24.
- 7 *Le Monde*, Paris, September 4, 1985.
- 8 Le Gendre, B., "Après les révélations du *Monde* sur le sabotage du Rainbow Warrior," *le Monde*, Paris, September 19, 1985, 6.
- 9 "Mensonges," *le Monde*, Paris, September 19, 1985, 8.
- 10 Fauvet-Mycia, C. & Brehier, T., "Le triomphe des adversaires de la cohabitations," *le Monde*, Paris, September 19, 1985, 8.
- 11 Plenel, E., "Deux Silences," *le Monde*, Paris, September 27, 1985, 6.
- 12 "Le text du chef de l'état," *le Monde*, Paris, September 21, 1985, 8.

- 13 L'Homeau, J-Y, "Le pouvoir et les 'affaires' sous la Ve République," *le Monde*, Paris, September 27, 1985, 6.
- 14 *Le Figaro*, Paris, September 25, 1985.
- 15 L'Homeau, J-Y, "Le réquisitoire de M. Fabius contre M. Hernun'a pas convaincu l'opposition," *le Monde*, Paris, September 27, 1985, 1.
- 16 Op. cit. "Le text."
- 17 "La 'taupe' de la DGSE avait adhere aux Amis de la Terre," *le Monde*, Paris, August 29, 1985, 7.
- 18 Op. cit. Le Gendre & Plenel, 1.
- 19 Op. cit. Plenel, "Le chainon manquant," 7.
- 20 "Le gouvernement se declare 'solidaire' dans la recherche de la verité," *le Monde*, Paris, September 19, 1985, 6.
- 21 Plenel, E., "La mis au point de M. Hernu ne leve pas les contradictions officielles," *le Monde*, Paris, September 19, 1985, 6.
- 22 Le Gendre, B. & Plenel, E., "De nouvelles précisions contredisent les affirmations de M. Hernu," *le Monde*, Paris, September 20, 1985, 8.
- 23 Op. cit. "Mensonges."
- 24 "'M. Mitterrand sait depuis le 17 juillet,' affirme le Fig," *le Monde*, Paris, September 27, 1985, 6.
- 25 Jeambar, D., "Greenpeace: La Purge," *le Point*, Paris, September 23, 1985, 61.
- 26 "Les Révélations de la Presse Française: Chronologie," Agence France Presse, Paris, September 21, 1985.
- 27 Colombani, J-M, "Pour l'Elysée, l'affaire Greenpeace est closé," *le Monde*, Paris, September 28, 1985, 1.
- 28 Cans, R., "Jours tranquils a board du 'Greenpeace,'" *le Monde*, Paris, October 1, 1985.
- 29 Borothel, J., "La décision 'd'immobiliser' le 'rainbow warrior' est prise debut juin, avec l'aval de l'Elysée," *le Figaro*, Paris, October 1, 1985, 1.
- 30 Borothel, J., "La verité sur l'affaire du *Rainbow Warrior*," *le Figaro*, Paris, October 18, 1985, 1.
- 31 Borothel, J., "A longsigne de silence," *le Figaro*, Paris, October 5, 1985, 5.
- 32 "Révélations et Questions en 12 Fiches," *le Point*, Paris, September 30, 1985, 66.
- 33 Pontaut, J-M, "Les documents secrets n'ont pas été détruits," *l'Express*, Paris, September 27–October 3, 1985, 25.

Chapter 15

- 1 Interview with Olivier Chevrillon, Paris, November 1985.
- 2 Interview with E. Plenel, 1978. Corroborated by a top advisor to the Mitterrand administration who requested anonymity.
- 3 Interview with Pierre Albert, professor at Institut Français de la Press, Paris, November 1985.

- 4 Kahn, J-F, *l'Événement du Jeudi*, Paris, November 7–13, 1985, 53.
- 5 Interview with D. Borde, press attorney, Paris, November 1985.
- 6 Op. cit. Chevrillon interview, November 1985.
- 7 Op. cit. Borde interview, November 1982.
- 8 Chaussebourg, A., "M. Mitterand et Vercingetorix," *le Monde*, Paris, September 19, 1985, 9.
- 9 Interview with Jacques Francillon, deputy editor of *le Figaro*, Paris, November 1985.
- 10 Op. cit. Albert interview, November 1985.
- 11 Op. cit. Jacques-Francillon interview, November 1985.
- 12 Op. cit. Plenel interview, 1978.
- 13 Ibid.
- 14 Ibid.
- 15 Interview with Michel Tatu, foreign staff editor of *le Monde*, Paris, November 1985.
- 16 Op. cit. Fressoz interview, November 1985.
- 17 Interview with André Fontaine, publisher of *le Monde*, Paris, November 1985.
- 18 Op. cit. Albert interview, November 1985.
- 19 Op. cit. Fressoz interview, November 1985.
- 20 Interview with J-M Bouguereau, editor of *Libération*, Paris, November 1985.
- 21 Op. cit. Chevrillon interview, November 1985.

Chapter 16

- 1 Op. cit. Plenel interview, 1978.
- 2 Op. cit. Fontaine interview, November 1985.
- 3 Op. cit. Chevrillon interview, November 1985.
- 4 Op. cit. Albert interview, November 1985.
- 5 Interview with Olivier Todd, former editor of *l'Express* and commentator, Paris, November 1985.
- 6 Interview with Claude Imbert, editor of *le Point*, Paris, November 1985.
- 7 Interview with Stephan Weinberg, director of Investigative Reporters and Editors, Columbia, MO, November 1984.
- 8 Op. cit. Bouguereau interview, November 1985.
- 9 Op. cit. Fressoz interview, November 1985.
- 10 Interview with Jean-Louis Servan-Schreiber, publisher of *l'Expansion* and press critic, Paris, November 1985.
- 11 Op. cit. Albert interview, November 1985.
- 12 Op. cit. Bouguereau interview, November 1985.
- 13 Op. cit. Imbert interview, November 1985.
- 14 Ibid.
- 15 Op. cit. Fontaine interview, November 1985.
- 16 Op. cit. Bouguereau interview, November 1985.

Bibliography

- Agreement, *New York Times* and Newspaper Guild of New York, New York, 1975.
- Albert, P., *La Presse*, Presses Universitaires de France, Paris, 1968.
- Albert, P., *La Presse Française*, La Documentation Française, Paris, 1978.
- Albert, P. & Terrou, F., *Histoire de la Presse*, Presses Universitaires de France, Paris, 1970.
- Auby, J-M & Ducos-Ader, R., *Droit de l'Information*, Dalloz, Paris 1976.
- Bauman, S. & Ecouves, A., *L'Information Manipulée*, Editions de la Revue Politique et Parlementaire, Paris, 1981.
- Bellanger, C., Godechot, J., Guiral, P. & Terrou, F., *Histoire Générale de la Presse Française*, vols. 4-5, Presses Universitaires de France, Paris, 1975.
- Besson, A., *La Presse Locale En Liberté Surveillée*, Les Editions Ouvrières, Paris, 1977.
- Billington, J., *Fire in the Minds of Men*, Basic, New York, 1980.
- Brimo, N., *Le Dossier Hersant*, François Maspero, Paris, 1977.
- Chafee, Z., *Freedom of Speech*, Harcourt, Brace & Howe, New York, 1920.
- Constitution (Fundamental Law) of the Union of Soviet Socialist Republics, Novosti Press Agency, Moscow, 1984.
- "Convention Collective Nationale de Travail des Journalistes," *le Journaliste*, Syndicat National des Journalistes, Paris, 1976.
- Darnton, R., *The Business of Enlightenment*, Belknap Press of Harvard University Press, Cambridge, MA, 1979.
- Daville, D. P., *La Liberté de la Presse N'Est Pas a Vendre*, Seuil, Paris, 1978.
- Daville, D. P., *Main Basse Sur le Figaro*, Tema-Editions, Paris, 1976.
- Dictionnaire Canard*, Canard Enchaîné, Paris, 1972.
- Egen, J., *Le Canard Enchaîné*, Segheurs/Humour, Paris, 1978.

- Egen, J., *Messieurs du Canard*, Stock, Paris, 1973.
- Emerson, T., *The System of Freedom of Expression*, Vintage, New York, 1971.
- Escarpit, R., *Livre Blanc de la Communication*, LASIC, Bordeaux, 1982.
- Escarpit, R., *Theoprie de l'Information et Practique Politique*, Seuil, Paris, 1981.
- "50 Ans de Canard," *le Canard de Poche*, 2 vols., Canard Enchaîné, Paris, 1972.
- Freiberg, J. W., *The French Press*, Praeger, New York, 1981.
- Giroud, F., *La Comédie du Pouvoir*, Fayard, Paris, 1977.
- "Giscard: La Monarchie Contrariée," *Les dossiers du Canard*, Canard Enchaîné, Paris, 1981.
- Glessing, R., *The Underground Press in America*, Indiana University Press, Bloomington, 1971.
- Gramont, S. de, *The French*, Hodder & Stoughton, London, 1969.
- Guide de la Documentation*, Centre de Formation et de Perfectionnement des Journalistes, Paris, 1977.
- Guide de la Rédaction*, Centre de Formation et de Perfectionnement des Journalistes, Paris, 1977.
- Guide du droit de la presse*, Centre de Formation et de Perfectionnement des Journalistes, Paris, 1976.
- Hale, E. & Hale, E., Jr., *Franklin in France*, 2 vols., Burt Franklin, New York, 1969.
- Hentoff, N., *The First Freedom*, Delacorte Press, New York, 1980.
- Lalonde, B., *Quand Vous Voudrez*, Jean-Jacques Pauvert, Paris, 1978.
- Legris, M., "Le Monde" *Tel Qu'il Est*, Plon, Paris, 1976.
- Lepape, P., *La Presse*, E. P. Denoel, Paris, 1972.
- Les Cascadeurs de l'Impot*, Imprimerie S.N.I.L., Paris 1972.
- Lottman, H., *Albert Camus*, Doubleday, Garden City, NY, 1979.
- Manceron, C., *Le Bon Plaisir*, Robert Laffont, Paris, 1976.
- Manceron, C., *Le Vent de l'Amérique*, Robert Laffont, Paris, 1974.
- Manceron, C., *Les Vingt Ans du Roi*, Robert Laffont, Paris, 1972.
- Morris, R., *The Peace Makers*, Harper & Row, New York, 1965.
- Nelson, H. & Teeter, D., *Law of Mass Communications*, Foundation Press, Mineola, NY, 1973.
- Padioleau, J., *Systèmes D'Intéraction et Rhetoriques Journalistiques*, Seuil, Paris, n.d.
- Petit Lexique des Termes Judiciares*, Centre de Formation et de Perfectionnement des Journalistes, Paris, 1975.
- Peyrefitte, A., *Les Chevaux du Lac Ladoga*, Plon, Paris, 1981.
- Pigeat, J-P (ed.), *Comment Va la Presse*, Centre Georges Pompidou / CCI, Paris, 1982.
- Pons, D., *H . . . Comme Hersant*, Allain Moreau, Paris, 1977.
- Rolland, G. & Rolland, M., *Vocabulaire de la Presse*, Centre de Formation et de Perfectionnement des Journalistes, Paris, 1976.
- Sampson, A., *The New Europeans*, Hodder & Stoughton, London, 1968.
- Sanitas, J., *La Liberté a la Parole*, Editions Sociales, Paris, 1978.

- Schwarz, B., *Proceedings of the French-American Journalists Conference*, French-American Foundation, New York, 1976.
- Schwoebel, J., *La Presse, le Pouvoir et l'Argent*, Seuil, Paris, 1968.
- Seale, P. & McConville, M., *Red Flag Black Flag*, Ballantine, New York, 1968.
- Servan-Schreiber, J-L, *The Power to Inform*, McGraw-Hill, New York, 1974.
- Smith, A., *Subsidies and the Press in Europe*, PEP, London, 1977.
- Tisserand, A. (ed.), *Les Journalistes*, Centre d'Etudes et de Recherches sur les Qualifications, Paris, 1974.
- Toussaint, N., *La Presse Quotidienne*, Cahiers Français, La Documentation Française, Paris, 1976.
- Toussaint, N., *L'Economie de l'Information*, Presses Universitaires de France, Paris, 1978.
- World Press Freedom Committee*, Media Crisis, Washington, DC, 1982.

