

PC 16/2/1/4/16

ANNUAL REPORT



OF THE CIVIL RIGHTS LEAGUE, CAPE TOWN FOR THE YEAR 1957-1958

(presented at the Annual General Meeting, October 9, 1958)

Ladies and Gentlemen:

It is almost exactly ten years since, after the great protest meeting in the City Hall on September 14, 1948, the Civil Rights League came into being. Its aim, as you know, was not only to continue the protest against tampering with the coloured franchise but to defend, and work for the extension of, the rights of every individual South African. But I think not even the most pessimistic of us at that time dreamed of the magnitude the task would assume, or the inroads upon liberty that would be made during these ten years.

It is not possible within the limits of this report to give a summary of all the infringements of civil rights that have taken place during that period, and I must confine myself to mentioning briefly those that have occurred since our last annual general meeting.

Legislation

The measures that stand out are the Criminal Procedure Amendment Act, the Special Criminal Courts Amendment Act, and more recently the Electoral Law Amendment Act, and the Extension of University Education Bill (at the time of writing, not yet passed).

The Criminal Procedure Amendment Act has three retrogressive features. The first is the provision for the death penalty in cases of armed robbery - whereas in most civilised countries the death penalty is becoming more and more rare. The second is the provision that the finding of a person's name on a list found in the office of any organisation shall be taken as evidence of the person's membership of that organisation unless he can prove the contrary - infringing the rule, generally accepted in the Courts, against the acceptance of hearsay evidence and opening the door to the "planting" of faked or out-of-date lists (the prosecution is not required to prove their authenticity). The third is the provision that after a man has served any sentence imposed on him he may still, at the sole discretion of the Minister, be deported from his area for any period the Minister deems desirable - with, of course, no appeal to the Courts against this second punishment.

The Special Criminal Courts Amendment Act was introduced during this session to legalise the constitution of a special court with three judges for the Treason Trial, which the Minister had set up before it became legal. This type of retrospective legislation has

become increasingly common in the last ten years. The Bill also extends the right of the Minister to nominate judges to sit in a particular case, a function which should be that of the judiciary itself.

The Electoral Law Amendment Act gives the vote to all white persons over eighteen, which of course still further emphasises the voteless condition of Africans and Indians and the restricted franchise of coloured persons.

The Extension of University Education Bill provides for the exclusion of non-white students from the "open" Universities, as well as for the establishment of "tribal" colleges.

This Bill is in no way an improvement over the measure introduced and withdrawn last year, and the representations made to the Commission set up by the Government not only by the "open" Universities but by representatives of Pretoria and Potchefstroom in favour of university autonomy, control of new colleges by established universities, and independent multi-racial councils and senates have been ignored. Moreover, the "conscience clause" included in the previous Bill has now been dropped.

Censorship

The report of the Commission on Undesirable Literature called forth considerable comment, and even the Nationalist press criticised such features as the suggestion of a Censorship Board with no appeal to the Courts and the restriction of criticism of government and other bodies. It is to be hoped that some notice will be taken of these criticisms before legislation is introduced.

We hope that the suggestion made by the Secretary for Social Welfare some months ago regarding the censorship of films "foreign to our national characteristics" will not be pursued.

During the year I was privileged to lecture to various groups on this subject, and the subject aroused considerable interest.

We also dealt during the year with an inquiry from a South African advocate practising in London, on behalf of one of his clients, regarding the implications of actual and proposed legislation to control the Press in South Africa.

Population Registration

Race classification inquiries in the Peninsula have aroused considerable public interest and concern during recent months. The League wrote to the Department of the Interior asking for information about the working of these inquiries, but received only a very

vague reply, with less information than appeared in the Press.

The Act has already caused much misery and uncertainty, especially in Johannesburg and Cape Town. One of its most serious features is the fact that if a person is alleged to be non-white (or if a coloured person is alleged to be an African), the onus of proving otherwise rests on that person - contrary to the fundamental principle that the onus of proof rests with those alleging a fact.

Group Areas

One of our most valuable activities this year was the co-sponsoring (with the Group Areas Co-ordinating Committee, the Institute of Race Relations and the Black Sash) of a conference on the working of the Group Areas Act in Cape Town, which brought home particularly to the white people present the devastating effects which will follow if the Act is in fact implemented. A continuation committee was set up, and your Committee continues to keep in touch with the Group Areas Co-ordinating Committee.

The valuable surveys issued by the Institute of Race Relations of the Group Areas proposals in Cape Town and Pretoria will, we hope, bring home to the public the injustice and cruelty of these proposals in such a way that something may be done to keep them from being implemented. We are glad that in Pretoria a private commission has been set up (at the suggestion of Professor Pistorius of Pretoria University) to investigate how the proposals to move the Indians will affect their means of livelihood.

So far we have not heard of the enforcing of the regulations drafted in 1955 to control by permit "the mixing of race groups in business", but this may still be done as a result of the Group Areas Amendment Act of 1957, which gives a very elastic definition of "occupation".

Freedom of Association

In addition to these powers under the Group Areas Amendment Act the Government has also taken powers under the Native Laws Amendment Act to control inter-racial association in churches and other organisations, and to eliminate white control and voluntary white influence in African welfare work, though these powers have not yet been used. It has under the same Act increased its powers over local authorities. It has split the nursing profession by the Nursing Act and, in effect, lowered the status and dignity of non-white nurses. It has, in short, as the Institute of Race Relations points out, "sought to undermine or destroy five categories of corporate institutions - the Church, the

local authority, the professional organisation, the voluntary welfare association and the University".

An especially blatant instance during this year of restricting freedom of association is of course the notorious Government Notice No. 526 of April 11, prohibiting the holding of any meeting attended by more than ten Africans - ostensibly to prevent any disturbances during the election period. In most urban areas (though not in Cape Town) this proclamation is still in force, and it has prevented numerous meetings called by such organisations as the Black Sash and the Liberal Party from being held. It operates now to stifle protests against this session's legislation.

Job Reservation

Under the Industrial Conciliation Amendment Act the Minister of Labour tried earlier this year to enforce the reservation of a large proportion of skilled work in the clothing industry for whites (except, as usual, under exemption), but had to issue exemptions on a country-wide scale. The Tribunal is, however, still investigating industries and making recommendations which the Minister will no doubt accept. The latest is the recommendation (already conveyed to the Cape Town City Council) that only whites be employed as municipal firemen and traffic officials. We are glad to know that the City Council is protesting about this.

Municipal Autonomy

Other Ministers have also been making inroads on municipal autonomy during the year. At the end of 1957 Dr Dönges laid before the nine major municipalities at a conference in Pretoria proposals for legislation to compel them to establish townships as provided for under the Group Areas Development Act or, if they refuse, to establish a Townships Board in their area which will do this at their expense, and which will be exempt from the restrictions ordinarily imposed on municipalities in the interests of sound town planning. All the major municipalities except Pretoria are opposed to this proposal, which was described by a Cape Town Councillor as an "Act designed to destroy local government". It has not yet come before Parliament.

More recently Dr Verwoerd has set up a committee to "advise" the Johannesburg City Council on African affairs.

Africans in Urban Areas

As regards the rights and security of Africans in urban areas, the enforcement of passes for African women has caused strong protests

on account of the effect it is having on family life and on the welfare of the children through early morning raids and the arrest and deportation of the mothers.

Taxation

The increase in African general tax from £1 to £1.15. - p.a. (now, for the first time, also applicable to women) has no moral or fiscal justification, and means that Africans are in fact taxed more heavily than any other equivalent income group.

Constitutional Policy

The result of the election has of course ruled out any progress in the direction of constitutional reform, but we are glad to note that the need for the entrenchment of the rights of the individual is being increasingly discussed and emphasised in Opposition circles.

The Republican Issue

Since the election considerable play has been made with the republican question. It is disappointing that, so far, Opposition speakers and press have laid so little stress on what seems to us a fundamental consideration - that the question of a republic is one not for three million South Africans but for fourteen million.

Human Rights

Our survey so far has been a proof of the wide scope of the League's interest. In pursuit of the League's aim we held last year what we hope was the first of regular celebrations of Human Rights Day - the ninth anniversary of the acceptance by the United Nations General Assembly of the Declaration of Human Rights on December 10, 1948. That Declaration, like ourselves, will be ten years old in 1958, and we hope to mark the occasion fittingly. In this connection we may in passing say that we welcome the decision of our Government to resume active participation in the work of the United Nations Assembly, and hope this will lead to its adopting a more favourable attitude towards the human rights of all its citizens.

GROWTH DURING THE YEAR

News Letter

Our news letter continues to go out to a slowly widening readership, including a number of overseas bodies. The latest request for it has come from the Library of Harvard University, which is now

included in our mailing list.

Membership

As a result of a drive at the beginning of this year we have welcomed to our ranks about 130 new members. This is encouraging, and shows that we could be more widely supported than we are. We urge all our members to get their friends to join us, and thus to strengthen our hands in our increasingly necessary work.

Finance

One inevitable result of our increased activity is that we have had greater expenses for secretarial work, postage and other incidentals. We greatly appreciate the generosity of the large proportion of our members who send us more than the minimum of five shillings per annum, but we would again point out that an increased membership would make it possible for us to expand our work.

Pamphlets

Copies of Archbishop Clayton's lecture on "The Citizen and His Right of Association" are still available, and we hope any members who have not yet got their copy (or who want another to pass on to a friend) will get them at the Annual General Meeting or from the Secretary (Box 3807, Cape Town). Price 1/- per copy.

Recently your Committee decided to send copies of Dr Sheila Van der Horst's paper (delivered in 1950), "Control Breeds Subservience", to the larger Chambers of Commerce and Industries all over the country, as its contents are still extremely relevant.

The issuing of pamphlets is one activity we ought to expand but it calls for considerable financial resources. This is a matter which will have to be considered by your incoming Committee.

To those who have not seen it we recommend strongly a pamphlet by Advocate Donald Molteno called "The Assault on our Liberties", which is obtainable from the Institute of Race Relations, price 2/6.

National Conference

Your Committee is still busy with plans for a National Conference, mentioned in last year's report. We wish to fix a date which will coincide with the visit of a suitable overseas speaker, and we are encountering serious difficulty in raising the necessary funds.

We feel the need for bringing these issues before the public is very great.

Pros and Cons

We cannot but feel that the lack of interest in the fundamental rights of the individual citizen - and particularly those of the non-white citizen - is not only deplorable but dangerous, and that it is the task of people like ourselves to encourage support of these principles. While we have no cause for easy optimism, we are glad that the hopeful signs referred to at our last Annual General Meeting are steadily increasing. This is particularly true of the growing concern among Afrikaner intellectuals such as the SABRA leaders. The very vigour with which the Government disowns them shows that it is afraid lest such criticism of its actions may be spreading amongst its own supporters.

Consultation and Consent

Even more important than a conviction for or against apartheid is the willingness to consult with the other man rather than impose a solution on him. The late Professor Hoernlé was, we think, the first who, while admitting that total separation might be just, insisted that it could only be so if adopted by consent. For this reason we are glad that the leaders of SABRA are planning talks with non-white leaders, as we feel this can only lead to a clearer vision on both sides of the issues concerned. An honest facing, together, of these issues can only do good.

I would conclude by quoting to you a saying of the late Elmer Davis, five years ago, when 'McCarthyism' was at its height, and when 'fear of freedom' was abroad in the United States:

"The first and great commandment is: Don't let them scare you. For the men who are trying to do this to us are scared themselves. They are afraid that what they think will not stand critical examination..."

B. BEINART,

Chairman