

PC 16/2/1/4/30

CIVIL RIGHTS



News Letter

(Box 3807, CAPE TOWN)

March, 1959

Vigilance and Action

In order to focus and strengthen its activity, the Committee of the League has for some months been considering the setting up of Vigilance and Action Sub-committees to deal with specific fields of civil rights. In addition to a standing organisational sub-committee on membership and finance, the following have now been agreed upon:-

- Group Areas
- Franchise
- Local Autonomy and Ministerial Powers
- Freedom of Association and Movement
- Freedom of Speech (and Censorship)
- Industrial Relations and Economics
- Constitutional

It is not proposed that these sub-committees should necessarily have regular meetings, but that their members should keep a special eye on developments in their particular sphere, and report to the Chairman or Secretary of the League any matter of importance which may need the League's attention. In this way we hope gradually to build up a more effective machinery for one of our main tasks - vigilance about the infringements of civil rights.

While each of these sub-committees will include some members of the League's central Committee, membership is not limited to them. There must be many of our members who have a special knowledge of, or interest in, the matters to be handled by one or more of the sub-committees. Such knowledge and interest are of the utmost value to the League. Any such members are urged to send their names to the Secretary, who will gladly put them in touch with the Committee concerned. A slip for this purpose is enclosed.

It should be added that the Committee will be glad to consider the setting up of further sub-committees should this prove necessary, and will welcome suggestions from members about these.

Here, too, is a way of introducing your interested friends to the work of the League - or of making them interested - another of our main tasks!

But aren't they careless?

Under the heading "Bill to Black Out News of Gaol Happenings" the "Cape Times" on February 27 carried a report which seems to us important enough to reproduce in full, as follows.

"A total ban on the publication of information about prisons, prisoners or former prisoners is contained in the Prisons Bill which has been introduced in the House of Assembly by the Minister of Justice.

"Section 44 of the Bill adds a new clause to Section 31 of the original Act of 1911:

"Any person who, without the authority in writing of the Commissioner of Prisons, publishes or divulges any information concerning any prisoner, ex-prisoner or the administration of any prison, shall be guilty of an offence and liable to a fine of £100 with the alternative of imprisonment for one year or one year's imprisonment without the option.

"'Prisoner' is defined as 'any person, whether convicted or not, who is detained in custody in any prison'.

"The definition of 'prison' is wide. It is any place established for the reception, detention, confinement or treatment of persons liable to detention in custody.

"It includes all land, camps, premises or places to which such persons have been sent for imprisonment, detention, labour, treatment or otherwise; and it further includes every place used as a police cell or lock-up.

"'Prison' also seems to include a 'farm colony', which is defined as 'a prison of the type (provided for in the Urban Areas Act)'.

"The section also creates the offences of sketching or photographing any prison, prisoner or group of prisoners inside or outside any prison; and causing any such sketch or photograph to be published. Sketches, photographs and negatives involved may be forfeited to the State on conviction of the offender."

By way of showing the implications of this proposed legislation the "Cape Times" gives examples of the kind of reporting that has appeared in the press in the past and would, under this Bill, be punishable, including alleged ill-treatment of prisoners in gaols and farm prisons.

The paper comments: "The plain meaning of this is that nothing that remotely has to do with anything which can remotely be

called a prison can be reported to the public. From time to time in our history conditions in prisons have been matters of parliamentary and public debate. Information concerning prisoners and ex-prisoners has been freely and necessarily published. The scandalous conditions at Bethal recently are an example. Can a prisoner 'divulge' to his lawyer or a court or a member of Parliament that he has been 'beaten up' or otherwise improperly treated? ... The section is drafted in ludicrously wide terms. It is to be hoped that the wideness is the consequence of amateurish drafting..."

We are relieved that the Director of Prisons promptly announced the following day that the offending clause in the Bill is to be re-vised and that "it had never been the intention that it should be so widely interpreted" as it had been in the press reports. There was no intention, he said, "in any way to impose restrictions on criticism of the administration of the Department of Prisons."

Well, it will need some re-drafting! As the "Cape Times" justly points out, the interpretation was based on the actual wording of the Bill. Naturally we accept the explanation of the Director of Prisons; but we draw readers' attention to the matter because it seems to us of the utmost seriousness that those who draft Bills should apparently be allowed to think that such provisions could be acceptable to Parliament and the country - and that, once drafted, such Bills should actually be laid before Parliament by the Minister of Justice without his realising (apparently) their implications.

It seems to us that it is high time Mr Swart retired. In the meantime, we hope that our readers will take careful note of the re-drafting of the clause and be sure that no other dangerous implications remain in it.

Legislation and "Intention"

This Bill is worthy of notice not only for its actual content, but as an example of two methods by which the Government during its term of office has increasingly infringed the liberties of all South African citizens.

The first is that of banning anything which the Government does not approve of. We are still waiting to see what proposals are to come from its long-drawn-out Press Commission.

The second is that of introducing into Parliament Bills which contain outrageously drastic provisions, and when protests are made, declaring that of course the Government's intentions are being mis-

interpreted and that the law would never be applied as drastically as that. We are completely opposed to the granting to any Minister of powers which he does not mean to apply - even if we are sure that neither he nor his successors will do so.

Africans and Cinemas

Another example of those shortcomings recently has been the announcement by Mr De Wet Nel of the banning of Africans from all cinemas except those at Langa (or rather, he did not announce it; it was done administratively and he merely admitted it when it became known!). We are glad that the Minister has now apparently reconsidered the matter and declared that cinemas may apply for permits to admit Africans (though he still apparently considers that 'the continued issue of such permits may not be in the interests' of the Africans!).

Again, we are sure of the Minister's good intentions. He wants to justify his Department's new name of Development as well as Administration! He wants the Africans to have their own cinemas. But he doesn't seem to have realised yet that Africans have not the capital to run cinemas - and of course it would violate apartheid to have anyone else do it for them in "their own areas"!

And again - why permits? The system of banning things and then issuing exemptions by grace of the Minister is a pernicious one - and it is becoming so common that we are in danger of being reconciled to it as a normal method of government!

Coloured Education

We hope that our readers took due note of the staggering figures for school-leaving of Coloured children as compared with European (not that we are by any means satisfied with the position for the White children either). Those who talk airily of the Coloured children outnumbering the White in schools in the Cape do not realise that, whereas out of 16,386 White children in Sub A in 1946, 5,186 had reached Std X in 1957, out of the 47,915 Coloured children, only 8,021 reached Std VI and 735 reached Std X. Compulsory Coloured education is the Province's moral duty.

This is Apartheid

We commend to our readers the handy pamphlet by Senator Leslie Rubin (published by Gollancz, price 1/4) which we should all read - and give away to our friends who do not realise the facts.