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CIVIL RIGHTS



News Letter

(Box 3807, CAPE TOWN)

January, 1960

Finance

Once again we extend our sincere thanks to those who have sent in their subscriptions (and in many cases, donations) since our last issue. In some cases the senders have not specified the period their payment was meant to cover, and in such cases we have issued receipts in accordance with what we thought was probably the sender's intention. If we have guessed wrong, please let us know, and we will adjust our records.

Later in the year the League's Committee hopes to launch a membership drive. But the best way to enlist more members is for our present members to draw in their friends. PLEASE MAKE THIS A NEW YEAR RESOLUTION FOR 1960 - and carry it out throughout the year. We will send the News Letter, free, to any of your friends if you let us have their names and addresses. This would help us greatly to make the League more effective.

"Preventive Justice"

We are indebted to the Indian Civil Liberties Bulletin for an apt quotation from the "Times of India" which we think applies to South Africa as well and which is worth our attention. It reads:

"The very concept of preventive laws is obnoxious to democracy. It is not as if other democratic countries are idyllic places of harmony; they, too, have strikes, demonstrations and so on. There, too, meetings at times end with the breaking of heads. They, too, have their criminal gangs. But they never think of imposing restrictive orders which are preventive in nature and based not on offences actually committed but on the executive's suspicion that they may be committed.

History teaches us that democratic rights have to be won and that democracy presupposes certain material standards and moral values. We in this country may be said to have begun to win these rights when the Constitution ceases to be disfigured by the Article on preventive detention. Meanwhile the danger remains that a ruling party can impose a dictatorial régime by working strictly within the four corners of the Constitution as it exists."

The writer adds that when these laws were first proposed, "the public outcry against them was considerable, but the people

have lost the battle and their democratic sensitivities have not advanced to a stage where they will keep up the fight."

Its effects

The Civil Liberties Bulletin lists the powers which the proposed legislation gives the Government:

"It empowers the Government to impose restrictions on the movements of suspected persons; to control publication of newspapers and periodicals; to impose collective fines on the inhabitants in any area; to control meetings or processions; to requisition private property; to institute special courts for the trial of crimes in disturbed regions; etc. Each of these special powers to be brought into use at the sole discretion of the Executive should cause profound concern to all who have any feeling for civil liberties; and the cumulative effect of all these numerous powers together is to place the day-to-day life at the mercy of the officials. It is true that the measure is aimed only at the subversive elements of the population, but since misapplication of the Act cannot be checked by recourse to courts of law, no citizen can feel secure in the enjoyment of the civil rights to which he is entitled.

Readers who have studied Mr Donald Molteno's booklet, "The Assault on our Liberties" (Institute of Race Relations) will know that almost every power mentioned for the Government of India can be paralleled by powers possessed by our Government in South Africa - indeed, they might be able to add a few more to the list. And the Indian Bulletin goes on to mention certain mitigating features of the Indian legislation which do not apply to our South African Acts.

Our Aim

If the Civil Rights League can be said to have one particular aim in 1960 it is to work unceasingly for the right of any accused individual to be heard in the courts of the land and for the abolition of those excessive ministerial powers which, in so many spheres of life, preclude appeal to the Courts. We must educate public opinion to demand a new Constitution which will enshrine the individual's right of appeal so that it can never again be tampered with.

Our new Banner

No, we do not mean a flag: we mean Mr Erasmus, recently promoted from the portfolio of Defence to that of Justice. Any hopes that

might have been cherished that the new Minister would use his powers more reasonably and democratically than his predecessor have been dispelled by his banning of eight persons in less than a month from his assumption of office. By doing so, as the "Cape Times" points out, he has brought the total of banned South Africans to at least 168 since 1954 - and it is believed that the number is far higher, because not every person who has been banned has notified the Press. During 1959 at least seventeen people, including ex-Chief Luthuli, and prominent individuals in ^{such} organisations as the African National Congress, the Congress of Democrats, the Anti Coloured Affairs Department and the A.N.C. Youth League, as well as trade union officials and private individuals like Mr Ronald Segal and the late Mr Lionel Forman, have received banning notices.

Whether we agree with the views of these people or not is not important. If they have committed any crime, they should be tried before the courts of the land and given an opportunity of defending themselves. If this is not done, the conclusion is almost irresistible that their guilt could not be satisfactorily proved. Justice must not only be done, but it must be seen to be done. It is well to remember the words of Voltaire: "I disagree with everything you say, but I will fight to the death for your right to say it."

Views on "Immorality"

It is a sign of the growing concern among supporters of the Government about the Immorality Act that the "Transvaler" has held a public opinion poll on the subject. From the replies it concludes that its readers fall into three groups. The first group - a small minority - realise that "a problem like miscegenation cannot be solved merely by legislation". The second group advocate repeal of the Act "because the family of the offenders are also affected" - but do not explain what should replace the Act. The third group - the great majority - are in favour of maintaining the Act with more severe penalties. The paper comments: "Two facts emerged from the discussion. The first is that many people still proceed from the point of view that everything can be put in order merely by legislating and that further steps are unnecessary ... The second is that any government is obliged to take account of the fact that a large section of the public has not yet arrived at a proper understanding of the gravity and extent of the race problem and therefore is not prepared to do what the circumstances demand."

The real issue

We welcome the frank admission of the Acting Editor of "Die

Korkbode", who said recently that "increasing immorality was a danger to Western civilisation and had brought the church to its knees ...It was no good calling on the State or the police to fight immorality where the church appeared to have failed." If a reform against it must start in society, he said, it must start in the church.

The head of the City's "vice squad" has confirmed that immorality cases are increasing in number. Between 1950 and 1957, more than 2,500 South Africans were convicted under the Act. Spokesmen for the United Party have said they would repeal the Act, and government spokesmen have hinted at "changes".

We suggest that the most harmful effect on the country's moral standards has come from the fact that the Act (obviously ineffective in any case and of negligible moral value) penalises only cases where the parties belong to different racial groups.

One could hardly find a stronger condemnation of apartheid than the recent statement of a government Senator that "the Government had to introduce the Act because it formed part of official apartheid policy".

Bantu "Education" ?

"The World" asked recently in an editorial what happens to the money levied from urban Africans for education. "For years now", it says, "the Denoni people have paid into a Bantu education building fund, at the rate of 2/- per family per month. The sum collected must run into thousands of pounds. But the money has not been used so far to put up buildings. Numbers of children are roaming the streets. There is no room for them in the schools. This is tragic. Bantu Education, we were told, was specially designed to meet the needs of the African child. The reality, in Denoni, at any rate, is no education at all for many children; and overcrowding in disgraceful shanties for many others."

Comment seems superfluous. We hope our members in Johannesburg will follow up this matter vigorously.

Why only "Summit" meetings?

At the recent Ecumenical Conference in Johannesburg Mr A.H. Broeksmā, Q.C., suggested "the formation of an advisory council to the Cabinet consisting of persons of achievement and integrity irrespective of colour, creed or race", saying that "the whites' philosophy of guardianship in South Africa had become outmoded".

We couldn't agree more: but why not a common voters' roll?