



CIVIL



RIGHTS

News Letter

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Cape Town

After the Referendum—what?

The tumult and the shouting have died. By a majority of 74,580 votes, White South Africa has decided in favour of a republic. This has been described by various supporters of the Government as a "convincing majority" and an "unqualified acceptance". It is, of course, neither, even as regards the White electorate. Still less is it a democratic decision in a country of fifteen million people. Approximately fifty-two per cent of the White electorate have voted in favour of the republic and approximately forty-eight per cent have voted against it. It is as well to remember that the decision would have been no more truly democratic had the positions been reversed. But it would have been less irrevocable, and would have left the door open for a genuinely democratic test of opinion in the future. It would also have encouraged those who are fighting to extend and restore civil and human rights in this country.

But the fundamental issues before us remain precisely the same, and are, as the *Cape Times* has pointed out, vastly more important than republicanism. The paper has summed them up much as we would do ourselves:

1. The right of the individual to life, liberty, security of the person and enjoyment of property, and the right not to be deprived thereof except by due process of law;
2. The right of the individual to protection of the law without discrimination by reason of race, national origin, colour, religion or sex;
3. Freedom of religion;
4. Freedom of assembly and association;
5. Freedom of the Press.

These are the principles for which the League has stood for twelve years. Unlike the major political parties, we are in the fortunate position of not having to look for new battle-cries.

It is interesting that both supporters and opponents of the Government are affirming their belief in the need for change. We

would commend to all of them these principles as the irreducible minimum which should be guaranteed in what Dr. Dönges promised was to be a Christian and democratic republic.

What we offer . . .

The issue was admirably summed up in a statement by Dr. Edgar Brookes, President of the Institute of Race Relations, which concluded as follows:

"We offer the victorious republicans our caring, our patriotism, for our common land, courtesy and friendship, where this is possible, but we cannot and do not offer them those things on which we make our stand.

"They cannot have our consciences, our ideals, our obedience to what is right, our deep consciousness of the real issues at stake in South Africa, in Africa, in the world.

"Let all who care for these real issues unite in a lifelong stand for freedom and justice in South Africa, whatever its outward form of government."

Which?

Dr. Verwoerd, addressing students in Pretoria: "If there are people who differ from the government (on the colour question) . . . the government certainly grants them the right to differ and speak up for their point of view. Nobody need fear suppression as long as he conducts his campaign in a civilised, decent and democratic way. . . ." (Oct. 11.)

Dr. Carel de Wet, addressing students in Johannesburg: "Anybody who threatens equality between the White and the Black man in South Africa will not be wanted in a republic." (Sept. 29.)

Is there any significance in the fact that Dr. de Wet spoke before the referendum, and Dr. Verwoerd after it?

Censorship

The South African Society of Journalists has expressed its alarm at what it says appears to be a pattern of intimidation of journalists and of threats to the freedom of the Press. In particular it refers to the fact that two journalists were sent to prison for refusing to disclose sources of information demanded by the police in terms of the Criminal Procedure Act.

Dr. Carel de Wet envisages the appointment of a Press commissioner to investigate the publication of "untrue, distorted or inciting reports", and punish "offenders", who will have no recourse to the courts, as "by this means costs from protracted litigation will be eliminated". It is not much consolation that "the function of the Press commissioner must be so strictly defined that the freedom of a decent Press will not be affected": safeguards can easily be amended out of existence. Dr. de Wet also advocated a register of overseas journalists who are to be allowed the usual facilities. He

expressed gratitude to the Prime Minister for his "warning" to the Press in his broadcast speech of October 7.

It is clear that the freedom of speech and publication is one of those issues on which the utmost vigilance is called for in the immediate future. Watch for the Publications and Entertainments Bill!

Are we asleep?

In the last issue of CONTACT it was stated that the Government is to introduce into the next session of Parliament a Bill which will make it possible for the Minister of Justice to imprison the Government's political opponents without trial for as long as the Minister pleases.

"As the law stands at the moment," says the paper, "the Government can only detain people without trial during a state of emergency, that is, under the Public Safety Act.

"The new law will make it unnecessary for the Government to declare a state of emergency when it wants to keep in prison without trial those whom it regards as politically dangerous.

"Although it will probably be given a nice name, the new law will be in effect a Preventive Detention Act.

"Detention will be *secret* and *indefinite*.

- * "Persons will be removed from their homes to secret places.
- * "No one will be allowed to know that the person has been removed; it will be a serious crime carrying severe penalties for any person or newspaper to reveal that a person has been put in detention.
- * "No one will know where the person has been taken; he will be moved in secret from one part of the country to another so that no one will be able to establish his whereabouts.
- * "He will be kept in detention for as long as the Government pleases.
- * "He will have no contact with the outside world.
- * "He will have no access to the courts."

CONTACT comments: "With both the censorship law and the preventive detention Act, the Government will have as much power as it had under the emergency regulations, and will be able to exercise it without the embarrassment of having to declare a state of emergency."

At our recent annual general meeting, concern was expressed at the way in which even those who believe in civil rights are being conditioned to accept as "normal" the actions of the Government during the past twelve years. Our Chairman has pointed out in the Press that even ten years ago it is incredible that there would have been no public protest over such things as the long detention without trial of thousands of our citizens. It is a matter for concern also that in no other newspaper, as far as we know, has public attention been drawn to this latest threat to our liberties. We are sure that

no one would be more pleased than the Editor of CONTACT if it could be proved that his information was inaccurate. BUT IS IT?

The infection spreads

By contrast, it is heartening to know that, in Rhodesia, where the Minister of Law has decided that the present law for dealing with the activities of subversive elements is "inadequate" and has introduced a new law into Parliament, protests have been made by five churches, the guild of journalists, the Law Society and Bar Association and a leading publishing magnate. Newspapers which normally support the Government have attacked the Bill as a "hasty and ill-considered measure", and have stated that its passing would transform Southern Rhodesia into a "totalitarian state with plenary powers given to the police and government to interfere with the liberty of the subject".

Under this Bill, the right of appeal is restricted, and the prosecution can appeal against sentences. Police are given powers to arrest at their discretion and to enter premises on suspicion. They can ban or break up processions, demonstrations or meetings, and the Government can ban any publication at their discretion. The terms "subversive", "contrary to the public interest" and "likely to cause hostility between one section of the public and another" are capable of such wide interpretation as to include genuine expressions of opinion and fair criticism of the Government. And there is no limitation on the life of the Bill. Critics regard it as even harsher than similar legislation in South Africa and Ghana.

The essentials

There seem to us to be three points which are of importance here. The first is that when ill-considered legislation is brought forward, there must be vigorous public protest. We in South Africa must not allow ourselves to accept infringements of rights (for however good a reason) as "normal". We must demand that anyone accused of an offence shall have a fair trial in open court, and we must work for the repeal of any law that precludes such trial. And we must convince our citizens that for any government to maintain its authority by force is a policy of despair, not only undemocratic but ultimately foredoomed to failure.

Where do we begin?

At our annual general meeting it was urged that members who can should join ratepayers' associations, and so have a voice in decisions on municipal policy. Vital decisions are often taken at poorly attended meetings, and it is important that the principles of human justice and civil rights should be upheld in this field. This is part of our civic duty, and well worth doing. What about it?