

# CIVIL



# RIGHTS

Box 3807

Cape Town

News Letter

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PC16/2/15/33

## Can you help?

The Institute of Race Relations is holding its annual Street Collection on Saturday, July 14 and has appealed for as many helpers as possible. If you can spare an hour (or more), please phone the Institute immediately (3-2318) and make arrangements.

## The Vorster Act

During the closing stages of the passing of the General Law Amendment Bill through Parliament, the League wrote to the Minister of Justice, pointing out the confusion that apparently existed both inside and outside Parliament between "communism" and legitimate opposition to government policy, and urging him to make a statement clarifying the difference between them. We have not had any acknowledgment of this letter, and as far as we are aware no statement has been made by the Minister.

We hope that the fact that the Act is now on the Statute Book will not lead thinking South Africans to forget about it. Perhaps some of its indirect effects are as disquieting as its actual provisions. For instance

\* Our own City Council, on police advice, has refused two requests from the ad hoc Civil Rights Defence Committee and one from NUSAS to hold processions of protest through the streets of the City. The "Cape Times" commented: "It is tragic that at such a time our councillors have so far lost contact with the real spirit and traditions of the city as to show such feebleness of sympathy for the more vigorous supporters of liberty." We ourselves feel that the Council did "lean over backwards", and should have left banning to the police if it was to be done at all.

\* The police turned up in large numbers to prevent the students from demonstrating, and informed them that "anything you do will be regarded as a procession". Students were arrested and later released without any charge being laid against them. No official explanation, as far as we know, has been given of this police action.

\* The newly appointed head of the police forces has made a

statement thanking the Minister for introducing the Act, which, he says, "gives the police the weapon they need for dealing with the enemies of the Republic".

Who are these enemies?

\* "Die Nataller", reviewing the names of organisations active in the protest campaign (e.g. the Black Sash, National Council of Women, Civil Rights League, Progressive Party, Liberal Party, NUSAS and others), says, "A respectable lot, to be sure. Ah, but where are the spokesmen of revolution?... Of course, they don't figure in the list... Why should they when it is so easy to infiltrate respectable but soft-headed organisations and work from there?"

We mention this line of criticism, which of course is a common one among government supporters, because it is the kind of thing which can affect even those who oppose the Government. One correspondent of a Cape paper, obviously not a Nationalist, wrote recently of "dedicated anti-communists being used by the communists". We do not believe there is an atom of evidence of such a thing, and we are sure that such loose talk can only do harm and make things easier for those who wish to suppress legitimate criticism. It is hardly necessary to add that no one has yet given any evidence that any of the above-named organisations are in the slightest degree controlled by communists or their fellow-travellers.

Government supporters ask indignantly whom we are defending when we oppose such legislation - and imply that we are in sympathy with communists and/or saboteurs. This again is of course a completely false assertion: but it is worth while to quote a comment of the "Natal Witness". Dealing with a statement by Dr L. I. Coertze that if a person is a communist, he "can no longer expect to be treated like other people", and that when people appear on the Minister's list of persons deemed to be communists "they get all the rights they deserve", the paper says: "We ... utterly refuse to accept the view attributed to (Dr Coertze) that for that reason ordinary legal processes should be abrogated in dealing with them. We believe, on the contrary, that the viler the alleged crime, and the more unpopular it is, the more the alleged criminal stands in need of those safeguards of the law which are designed to ensure fair trial and fair protection against possible popular prejudice or possible governmental abuse of power. We believe that this is fundamental to the political principles of civilised Western society - and more

particularly of Christian and civilised Western society."

"Die Transvaler" warns its readers that "the survival of the Republic depends on how the fight against liberalism" (not communism, please note) "is decided ... A severe and inexorable struggle must be launched against liberalism".

#### "On being Ordinary"

Commenting on Mr Vorster's statement that the freedom of the ordinary citizen would not be affected by the Act, the "Natal Witness" says: "If Mr Vorster finds a public so dedicatedly ordinary that neither his flexible imagination nor this new drastically elastic measure can fault it, then he will be pleased. The Bill will have been successful. The Reign of Terrible Ordinarity will have begun."

#### Outside comment

The International Commission of Jurists, a body supported by some 40,000 lawyers and judges in more than sixty countries, has condemned the Act as "not worthy of a civilised jurisprudence".

#### Not the End

Because of the confusion which we are sure exists in the public mind about what the Act does and does not permit, it is worth while quoting a comment from "The Star": The Act, it says, certainly moves in the direction of ending civil liberties: "but it does not stop political protest. It does not prevent advocacy of new policies, provided the advocacy does not take the form of crimes against persons or property. It does not alter the individual's right to prompt and fair trial. With the very important exception regarding statements by proscribed people, it does not change the existing rights of publication and free speech. Mr Vorster may eventually destroy all civil liberties. But he has not done so yet, and there is no reason why the public should help him by not making use of the rights that remain."

(Italics ours)

#### Local Autonomy

While we do not doubt that our City Fathers take the decisions they do in a desire to safeguard the best interests of our citizens, we cannot but feel that government policy and attitudes exercise a somewhat sinister influence, particularly in matters concerned with Africans. Thus, for example, it seems to us deplorable that in adopting draft regulations for its proposed advisory board at Nyanga West the Council should make provision

that the magistrate, the Native Commissioner, the senior police officer of the district and his deputy should be entitled to attend meetings of the board. If these officials wish to attend on any specific occasion, we feel the initiative should be left to them to ask permission.

Again, there is the question of facilities for selling "white" liquor in African townships. At a previously held referendum, the inhabitants voted against such facilities by a large majority. Now the Bantu Affairs Department is bringing pressure to bear on the Council to ignore this vote and take responsibility for providing the facilities - and the Secretary for Bantu Administration and Development even insisted on a letter to the Council from himself being treated as "confidential" and not discussed in open session of the Council. There is still widespread opposition to such facilities being established at all.

The important point to our mind is that when the people of the area have clearly expressed their opposition to any such step, that opposition should not be overridden, and we feel the Council should certainly leave the onus on the Government.

#### Coloured Council and Education

It is interesting that the Council for Coloured Affairs is taking a definite stand on what it regards as the necessary conditions for "Coloured" education - and it will be still more interesting to see the Government's attitude to the Council's proposals. The Council wants

\* the same standard of education throughout the Republic for white and coloured children.

\* Decentralisation of administration to allow more parental say.

\* Compulsory education for coloured children from 6 to 16 or J.C., and free education.

\* Parental choice of language medium, and parallel-medium instruction in all coloured schools.

\* Pay on the same basis as for white teachers.

\* School-feeding for poor children to be re-introduced.

" Training of coloured people for administrative and other posts, including senior posts in the Education Department.

Less admirable, though understandable, is the Council's request that the coloured people be recognised and provided for as a racial group completely separate from Africans and Asians.