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CIVIL RIGHTS



News Letter

(Box 3307, CAPE TOWN)

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(Edited by Maggie Rodger, 527 C.T.C. Building)

Embarras de richesse ...?

Never in its history has South Africa had so many controversial issues before it at the same time as it has in its jubilee year. The state of emergency and all its attendant complications, the republican referendum, the proposal to screen lawyers, the Union Education Advisory Council Bill, the Censorship Bill - even the Government must sometimes wonder which it should emphasise next! The newspapers, too, must find it difficult to give each issue its due importance. And for the man in the street, all these issues - with the Union Festival hovering, wraith-like, in the background - have produced a state of mental torpor in which it is difficult to give any one of these matters the serious consideration it deserves. The temptation to succumb to this torpor must be resisted by all good citizens. We must keep alert to what is happening - or to as much of what is happening as our cautious newspapers can publish: for we must realise that a good deal of what is happening may not be reaching the public at all. We must resist the temptation to sit back and wait for the termination of the state of emergency. Such an attitude may even contribute to its prolongation. Above all, we must continually remind ourselves that - in spite of ministerial assurances - South Africa is not "back to normal", and must not allow ourselves to be satisfied with our present situation. Though it may not be disrupting our particular lives, it is certainly doing that to the lives of many of our fellow-countrymen (it was stated Parliament recently that something like twenty thousand people have been detained during the emergency). We must continue to do all we can to bring this state of affairs to an end.

Human Rights in other countries

Mr Roger Baldwin, Chairman of the International League for the Rights of Man, reporting recently on a tour he had made of 21 countries ranging from Europe to the Far East, said, inter alia:

"In government circles in some countries I found an unfortunate attitude which is thought to be pleasing to the United States - presenting a facade of democracy behind which a rigorous suppression of communism goes on. The unfortunate aspect of that is that much besides communism is suppressed. I would think this pretence of

democracy against the reality of police-state measures one of the major dangers to progress towards the goals of those human rights which are the greatest asset of the democratic world....

"One of the aspects of human rights that troubled me most was the prevalence of preventive detention - that is, arrest and imprisonment without trials, often for long periods" (e.g. in Greece, India, Syria, Iran, Thailand, Pakistan and Vietnam).

On the other hand it is encouraging to note how the idea of a Bill of Rights is gaining support, even in Africa, in the emerging independent states. The "Civil Liberties Bulletin" of India quotes Mr Julius Nyerere as saying: "We in Tanganyika believe that only a wicked man can make colour the criterion for human rights. Here we intend to build a country in which the colour of a person's skin or the texture of his hair will be as irrelevant to his rights and duties as a citizen as it is irrelevant to his value in the eyes of God." And Mr Tom Mboya of Kenya is offering to incorporate in the Constitution of Kenya a Bill of Rights which will prevent racial discrimination being practised by the powers that be, apparently with the reservation of a number of parliamentary seats for the European and Asian minorities. "...any individual should have recourse to the courts if it appeared at any future date that the Parliament in Nairobi had passed legislation limiting individual rights and freedom... People would know that there was a sovereign court of appeal beyond (parliament), protecting their civil rights." Nigeria, too, is including a Bill of Rights in its new constitution, and there is a move in the Federation in a similar direction.

Mr Naude and the Indians

The Minister of the Interior said in Parliament recently that he felt the Group Areas Board had been "far too lenient" with the Indians. He was, he said, getting tired of their attitude: they had not been co-operative and had "never come forward with any proposals to facilitate the administration of the Act".

The "Graphic" comments that this "makes us wonder how we Indians would fare were the Group Areas Board not 'far too lenient'... We would have thought the wholesale removal of Indian trading centres ... could scarcely be described as lenient treatment. It happens that so many rights enjoyed by the rest of the population have been denied or withheld from Indians, that the right to trade is about the only right remaining to them; and this, it would seem, is to be restricted by the Group Areas Board, and certainly in places like Pietersburg, in such a way as to make trade impossible... It is equally

clear to us that all Mr Naude expects from us is to co-operate in our own ruin..." The "Times of India" comments: "... as victims of this ruinous measure, it is perhaps a little unrealistic to expect them to facilitate the imposition".

The Pass System

During a recent newspaper inquiry into the real grievances of the urban African, as reported by the "Argus", it was emphasised that the pass laws were the most important of these, not so much in themselves as in the way they are administered, by summary arrests in the streets and midnight raids, which induced a constant state of fear and resentment. It was pointed out that the pass laws also restricted their opportunities of employment. We therefore hope that the Minister of Justice, who has felt it necessary to reintroduce the pass system, will see to it that it is in fact applied "in such a way as to lay more stress on the advantages which the system holds for the Bantu". "Ilanga lase Natal" states that the police have now been instructed to ask for "reference books" only when they suspect crimes by the individuals concerned. This is at least a step in the right direction, and we hope is the first towards a more enlightened system, especially for responsible African citizens.

Censorship

We cannot but agree with the "Cape Times" that the Government could hardly have chosen a worse time to introduce a Censorship Bill, which would undoubtedly increase the suspicion with which we are already regarded by the outside world, in addition to its intrinsic demerits. The one mitigating feature of the Bill as published seems to be that the prosecution of anyone publishing or distributing an "undesirable" newspaper or other publication must be instituted by the Attorney-General and not by the proposed Publications Board. But we hope that the sending of the Bill to a Select Committee before the second reading may lead to the production of a Bill - if we must have one - which does not infringe the traditional liberties of publication. Milton's "fugitive and cloistered virtue" has no place in a democracy.

In the context of the present emergency, the Government would be well advised to remember that, while unrestricted comment may be galling, restrictions on either our own or foreign correspondents will do far more harm to South Africa than any reports could do - again, quite apart from the undesirableness of the restriction of press freedom in itself.

Politics on the air

From recent statements in Parliament it would appear that in our broadcasting we are now to have the worst of both worlds. The Broadcasting Amendment Bill proposes to make it optional for the S.A.B.C. to appoint advisory committees representing the public in the various centres: but at the same time Dr Dönges has declared that the control of the S.A.B.C. is in the hands of the Board of Governors and that the Minister has no power to interfere in the Corporation's domestic affairs if listeners lodge complaints. On the face of it, this sounds like a neat way of preventing public opinion from having any influence on what is in fact a public service.

"Screening" of Lawyers

We are glad that even avowed Nationalists in the legal profession have expressed their disapproval of the suggestion from the Minister of Justice that "in view of the increasing threat of communism", a statutory selection board should control the admission of lawyers (and even suggest the removal of names from the rolls) instead of the traditional system of control by the law societies. We hope that the Minister will, on consideration, give due weight to the widespread legal protests and abandon this idea, and to the recent comment of his predecessor, Mr Swart, that "the best legal system, after all, is that which is based on principles which have stood the test of time".

Control of Education

In less troubled times there would undoubtedly have been a far stronger outcry about the proposed Bill to establish a Union Education Advisory Council which, it has been pointed out, would virtually give the Government complete control over Provincial education systems, including the compulsory inspection of any private schools receiving government subsidies. Protests have been received from all four Provinces, and from church authorities whose private schools would be affected. At the time of writing it is reported that the Bill is being held over. We hope that, when it does come before Parliament, the public will indicate its disapproval in no uncertain manner of this latest - and in some ways most serious - essay in authoritarianism, which would completely undermine the traditional values of our educational system.

"THE PRICE OF LIBERTY IS ETERNAL VIGILANCE."