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CIVIL



RIGHTS

News Letter

Box 3807,

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(All comment by Maggie Rodger, 527 C.T.C. Bldg., Cape Town)

Our Annual General Meeting

We hope all our members are remembering that this takes place on Wednesday, October 12 in the Robing Room at 8.15 p.m. Our guest speaker is Dr. Sheila Van der Horst, and her subject will be "Civil Rights and Economic Development". An interesting evening is assured. Tea will be served.

Civil Rights and the State of Emergency

For the benefit of those readers who did not manage to hear Mr. Molteno in person, we give some of the points he made in his very penetrating lecture to the Institute of Citizenship on September 22. He dealt with the following basic civil rights:—

Inviolability of the person: Mr. Molteno pointed out that under the emergency regulations people were arbitrarily arrested, detained without trial, not allowed bail or even to see a lawyer. The Courts were prohibited from examining any complaint about action taken under the regulations. People could be forced to incriminate themselves, because they committed an offence if they did not answer questions put to them by the police—and if they did answer, this information could be used in evidence against them.

Liberty of speech and publication: These were at the mercy of the police under the regulations. Newspapers could be suppressed for the duration of the emergency, not only for "seditious" publications during the emergency, but on the strength of what was considered to be "seditious" matter in their past files.

Assembly and association: The police could stop any gathering, and the Minister could suppress any association if he thought (without trial or inquiry) that its activities were likely to be detrimental to public safety or order.

Privacy of the home: Mr. Molteno described the police powers of summary search of private homes where the police thought they might find "something subversive" as "the worst invasion of civil liberties".

Mr. Molteno compared these regulations with those in force in Britain during the war, where every detainee's case had to be considered by the Secretary of State personally, and where committees, presided over by judges, gave each individual the reasons for his detention and an opportunity of replying to them. "Why", he said, "were not safeguards of the same kind drafted here? Why could not a man be informed of what he was alleged to have done, and why should he not have a hearing? Only for one reason—they (the Government) knew there was no ground for detaining these thousands of people."

Mr. Molteno referred to the condemnation of apartheid by the Assembly of the United Nations and the resolution of the Security Council after Sharpeville and Langa, which had led to the Secretary-General being deputed to investigate the matter with the Union Government. "No doubt", he said, "these (emergency) regulations will provide valuable evidence as to whether or not the basic human rights and liberties are being implemented in South Africa."

Sakekamers and the Press

It is significant that the Sakekamers of Pretoria and Potchefstroom should have brought forward a motion to the congress of the Afrikaanse Handelsinstituut asking the Government "to take steps immediately for permanent disciplining of the South African Press", which action they regard as "necessary in the interests of the national economy", because "the discipline imposed by the emergency regulations" has now fallen away.

Here is another proof of the truth emphasised by Mr. J. P. Duminy in his open letter to the Prime Minister this week, that "our lack of unity does not arise out of considerations of constitutional systems. It arises out of differences of attitude of mind concerning far more fundamental things, such as ethical concepts and basic Christian principles"—and the basic rights discussed by Mr. Molteno.

Real basis for unity

Mr. Duminy's attitude is, we feel, that of all right-minded and thinking South Africans, and is worth quoting:

"I am ready to strive for the highest good of all who share this country with us, and to work with all men of goodwill who are prepared to repudiate the spirit that broods over the tragedies of the past . . .

"To ignore the things that divide us and to strengthen the bonds that unite and reconcile;

"To place a broad, healthy patriotism above a narrow selfish nationalism; to pledge ourselves to reshape our national policies, attitudes and actions in the light of all that we know to be right;

"To strive to make us worthy leaders in Africa and an example in race relations to all the world."

On the question of Commonwealth membership, he says, ". . . I should like to see us remain 'in the club'. But I should hate to be

excluded (or even to have our membership called into question) on account of policies, attitudes and actions I as a citizen of a Christian state cannot defend—much less approve and support . . .

“On the other hand, give me policies which I can help you to justify in the eyes of my fellow-men and let us implement them in a manner of which we need in no way feel ashamed, and I shall be prepared to defend them against the world.

“I am convinced that these are the things that should command our urgent and immediate attention before all else.

“In the light of these considerations I deem it to be my duty as a South African citizen to vote against a republic in this referendum, and I shall do my duty as I see it.”

“Christian” democracy . . .

The *Cape Times* recently replied briefly but cogently to the assertion of Dr. Dönges that the proposed republic would be Christian and democratic. “A profound respect for Christianity”, says the paper, “has hardly marked our pro-republican Government’s actions in the last five years, or even weeks.” It lists examples of “actions against dedicated Christians and people of religion”: the deportation of Bishop Reeves; the deportation of a Jewish rabbi and a Christian missionary; the gaoling of a Christian minister (during the emergency) without charge; the prevention of one of the best-known African ministers from going to an overseas conference; the blocking of African churchmen from the Federation from entering the Union to attend a Presbyterian General Assembly. It refers to the “constant campaigning against Christian missionaries (except those of the DRC)” and the “infamous ‘church clause’”, which “was only part of the Nationalist campaign to minimize the influence of certain Christian churches in this country when every bit of Christian effort was vitally necessary”.

Regarding democracy, the paper says, “The spirit of freedom has never been so low in this country as it is to-day. Even as we await the results of the Government’s greatest effort to bring in a republic a bill for the censorship of literature is on the stocks, another bill to bait-jacket and standardise all education in this country is circulating, a campaign to limit the freedom of the Press rises from one crescendo to another, and 1,700 people still wait to know why they were flung into gaol for five months—and the odds are they will never know . . .”

We hope that those well-meaning people who are in favour of “giving the Nationalists their republic” for the sake of harmony will consider these points earnestly. What harmony can we have on such a basis?

“The end of a freedom . . .”

Professor D. V. Cowen recently addressed a student audience at our University on the implications of the Censorship Bill, saying that

he "could not recall any more sinister and dangerous threat" to liberty than the Bill contained. It would, he said, deal a crippling blow to science, art, the humanities and the entire pursuit and discovery of truth in South Africa. It would destroy the liberty of the Press. Whereas at present men may still print and publish without prior state approval, and if it is alleged that they have abused their liberty they can be made answerable to the courts, the Bill proposes instead to set up a system of pre-publications censorship and licensing by a Publications Board appointed by the Minister of the Interior, together with an Appeal Board also appointed by him. No appeal to the courts will be possible from the decisions of these Boards: they will be "the final arbiters of what the South African public may and may not read". It is laid down that the Board "shall not approve any book or periodical which in its opinion is indecent, obscene or on any ground objectionable". No wonder Professor Cowen commented: "It is difficult to resist the conclusion that this Bill is either designed or calculated to suppress everything which the Government does not like." He did not suggest that the present legal provisions for post-publications control were perfect, but "pre-publication censorship stands condemned by the experience and best convictions of the two great sections of the White peoples of this country, and it has been rejected too by the majority of the freedom-loving peoples of the world". Ultimately, he said, "the only effective censor must be an educated understanding, a rational conscience and an enlightened public opinion."

"Who can doubt", said Professor Cowen, "that if the Bill becomes law, it will act like a blight on learning and research in this country and place scholars under thralldom? . . . If this country is to win back and maintain a place in the forefront of African States, we will need bold and unfettered thinking, not slavish conformity to sterile doctrines or, what is worse, a cowardly evasion of thought."

Coming events . . .

Already during the last month there have been reports of the editors of two South African papers being summoned to court, the one for the publication of an alleged subversive document during the recent emergency, and the other for refusing to divulge, without the permission of the person concerned, the source of his information for an article dealing with communism. It must be emphasised that in both cases the actions of the police are legal: that does not make them just or democratic.

More than ever, these days, "the price of liberty is eternal vigilance."