

CIVIL



RIGHTS



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Cape Town

News Letter

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"Cannot afford a mistake..."

The Minister of Justice, Police and Prisons is reported in the "Cape Times" (May 17) as saying that "no Minister of Justice in South Africa could, in the face of a threat to the safety of the State, afford to take the risk of making a single mistake".

There speaks a frightened man. And his fear is, or should be, the direct result of the immense powers which he has taken to himself by permission of Parliament - powers too far-reaching to be entrusted to any single, fallible individual. Such a fear, to a man with a conscience, is entirely justified.

Or is it?

For Mr Vorster has a conscience. Are we to picture him lying awake at night, turning over in his mind whether he is "making a mistake" in refraining from banning, say, Alan Paton, Leo Marquard, Oscar Wollheim or the leaders of the Black Sash? Or does he not regard them as "a threat to the safety of the State"?

On the other hand, is Mr Vorster's sleep ever disturbed by the nagging question whether he has not in fact "made a mistake" by banning, say, Peter Brown, Ruth Hayman, Ann Tobias, Adelaine and Walter Hain, Ken and Jean Hill, Ian Robertson - and the hundreds of others, whose names we do not even know, whom he does regard as "a threat to the safety of the State" - but not sufficiently so to be brought to trial?

Mr Vorster, as Uys Krige has reminded us ("Cape Times", May 17), sat at the feet of the learned professors of Law at the University of Stellenbosch. (Is it flippant to suggest that these gentlemen, following his activities, may feel at times like the hen which, unaware, had hatched out a duckling among her brood of chickens?) He therefore knows that the remedy for this fear of "making a mistake" lies in restoring to the Courts the powers which, under our judicial system, they had until Mr Vorster embarked on his present course, and the responsibility which they have in the past proved abundantly capable of shouldering. Or is he afraid that they too may "make mistakes"?

No wonder even the "Burger" has to appeal to its readers

(supporters of the Government) to give the Government the benefit of the doubt in cases of banning. Any reasonable person would be prepared to do this in an isolated case. But to do it in all known cases must strain even Nationalist reasonableness too far.

Is the price too high?

In a statement issued to the press the League said, inter alia:

"The Minister has, as far as we know, banned, to date, some five hundred people. A small number of these have been brought to trial and convicted. In a few cases the banning order has been withdrawn with no charge. The remainder are still either banned, or have left South Africa on exit permits. So many are still banned, without having had their guilt proved, that the League considers the price South Africa is being asked to pay for the Minister's caution is much too high.

"South Africa, in the League's opinion, does not suffer from a threat from Communism in the sense that South Vietnam, Korea or Laos does; nor is the communist threat as great in South Africa as it is, for instance, in France, where there is a Communist Party operating openly with millions of members. As far as we know, France uses no machinery comparable to that under our Suppression of Communism Act....

"The banning machinery which the Minister has used prevents the banned person from access to the courts, and the courts from exercising jurisdiction over the banned person. This seems to the League to be an expression of no confidence in our judges and our whole judicial system, over which the Minister himself presides....

"The Civil Rights League does not support subversion or sabotage in any form whatsoever, because its cardinal principle is the Rule of Law. Similarly, it cannot support any legislation or administrative machinery such as the banning mechanism, which also subverts the rule of law."

Is that all?

The Principal of the University of Cape Town, Mr J. P. Durny, has aroused a storm of student protest by the statement he made regarding the banning of Mr Ian Robertson, President of NUSAS.

Inter alia, he says: "Our differences of opinion with the Government arise from the fact that it steadfastly refuses to

state the cause for its drastic actions. It may have what it deems to be justifiable or reasonable grounds for not stating its charges or producing its evidence..but then it should take the public into its confidence and tell them frankly what those grounds are." The Government's "reticence" in this respect, he says, produces "rumour-mongering, wild speculation and suspicion, thereby inducing a dangerous state of frustration and resentment which prevents calm consideration of the issues involved".

We cannot imagine that such an appeal will move Mr Vorster. But in any event it seems to us irrelevant to the main issue. If Mr Ian Robertson had planned to blow up the Houses of Parliament, he should still have been (if necessary) arrested and brought to trial and not subjected to a banning order outside the jurisdiction of the Courts.

Difficulties of "New Townsmen" and their employers

We are indebted to the Athlone Advice Office for a copy of a circular recently sent out by the Bantu Administration Branch of the Cape Town City Council to employers of African labour. We publish it because it seems to us to throw very practical light on the difficulties of African labourers and their employers.

"Sir/Madam, re: SERVICE CONTRACTS: BANTU EMPLOYEES

"The procedure in connection with leave for your Bantu employees may not be quite clear to you and your attention is drawn to the following when granting leave to your Bantu employees.

(a) Bantu under contract are entitled to the statutory period of leave only and when the contract expires, must be discharged and returned to his (sic) home. Should you desire to extend this contract, you will have to apply to this office at least one month prior to the date of expiration of the contract. An extension will only be granted once and that for a period not exceeding an additional 12 months.

No contract labourer may return to his previous employer unless application is made on Form B.A.403, obtainable at this office, which will only be effective on production of a certificate from the Department of Labour, Cape Town, certifying that no Coloured Labour is available.

Your attention is drawn to the fact that all Bantu recruited under contract must leave for their home town on expiration of such contract, failing which prosecution can be

instituted against the employer.

(b) Bantu employees not under contract may be granted six (6) months' leave. Your co-operation is desired in this matter and you are called upon to endorse the period of leave granted in his (sic) Reference Book and you are requested not to sign him off. You must also endorse the period of leave granted on your portion of the Service Contract Card (B.A. 1004/Annexure "M") return same to this office within three (3) days. Your Bantu employee can then proceed on leave and return to you via this Department, within six (6) months, and on return he should be re-registered in your employ. Should your Bantu employee wish to be allowed a period of leave in excess of 6 months, he should be discharged and informed that he cannot return to your employ unless recruited on Form B.A. 403, which must be completed at this office. No deposit is required from you when a Bantu employee returns to your employ within a period of 12 months of discharge.

(c) In the case of a Bantu employee, other than those granted 6 months' leave, he must report to his hometown Bantu Affairs Commissioner before returning to your employ. This is to enable such Commissioner to endorse his Reference Book accordingly."

No wonder some employers, even those who prefer African labour, say it is not worth all this trouble to keep their staff.

Second Edition

"The New Townsmen" has gone into a second edition. Price still 12 cents per copy, including postage.

Protest S.O.S.

The U.C.T. Protest Committee in connection with Ian Robertson's banning wants volunteers to man tables for stickers and posters in Cape Town from 12 to 2, Monday to Wednesday (May 23-25). This depends on getting permission from the Town Clerk. Any who can help if this is obtained are asked to phone the S.R. C. office (6-8313) on Friday evening or as soon thereafter as possible and make arrangements. The students will provide the tables and all other necessary matter. Any help will be much appreciated.

Useful

The Black Sash in Johannesburg has produced a booklet, "Everyman's Guide to the Pass Laws", sold there for 5c. This is what every employer of African labour wants. MOYA