

CIVIL



RIGHTS



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News Letter

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Annual General Meetings

The time for annual general meetings has come round again. We commend to our readers that of SHAWCO, to be held in the Medical Union, off Anzio Road, Observatory (at the U.C.T. Medical School) on Friday, 25th August next at 3 p.m. The speaker will be the Principal-designate of the University, Sir Richard Luyt. SHAWCO is one of the most worthwhile activities of our students and deserves all possible support.

Next month comes our own annual general meeting, formal notice of which is enclosed with this. We look forward to a most stimulating evening, and hope as many as possible of our members and their friends will be there.

Albert John Luthuli

We are sure that the majority of South Africans, whether they knew him personally or not, shared our grief at the news of the fatal accident to ex-Chief Luthuli. An uncompromising fighter for freedom and justice, he was also a deeply convinced Christian and one who managed to keep free from the bitterness that might so easily have mastered him. Even that "modern Major-General", the head of the Security Branch, claimed to have had his friendship - and if that doesn't indicate the "Chief"'s Christian charity, what would? Said Alan Paton at his funeral, "They took away his freedom, but he never ceased to be free. He was more free than those who bound him ... we shall never reach the solution we need so long as we silence such men." ("Cape Times", 31/7/67)

Bannings and Visas

It would appear that the season for bannings and kindred activities has reopened too. Dr Raymond Hoffenberg, one of our University's outstanding scientists, has been subjected to a particularly drastic five-year ban which specifically forbids him to continue in his university post after the end of this academic year. Mr and Mrs John Daniel have been refused passports for study abroad. Mr

John Sprack has been deprived of his South African nationality because he used a British passport to travel abroad. And Professor Clark Kerr has been refused a visa to come and lecture at the University of Cape Town.

All these actions, of course, are legal. But in no case has any reason been given for them by the Government (except for Mr Vorster's statement at Koffiefontein that 'Mr Pelser believes that Dr Hoffenberg has been furthering the aims and objects of communism'). In none of the South African cases is the Government prepared to bring the people concerned before a court of law (which of course suggests forcibly that there is not adequate evidence to convict them of any crime). And it has been stated in the press that nearly six hundred people are now included in the "banned" category, also without trial.

And this in a country which, we are frequently assured, is as peaceful and orderly as any in the world ...

Even Dr Dennis Worrall, English columnist in "Die Beeld", says: "let applications about restrictions on individuals and organisations only be referred to a clearly impartial body - even if the proceedings have to take place behind closed doors."

We cannot imagine any benefit to South Africa from the "closed doors" procedure - or any harm from fair trial in open court. Are people to be tried only when there is no doubt about their conviction? Even that would be a lesser evil than their subjection to such irksome restrictions when there is such doubt.

Quis custodiet ...?

The political correspondent of the "Argus" recently said that a columnist in "Dagbreek" had stated that the Minister of Education, Senator de Klerk, had promised to introduce a further Bill next session to apply the principles of 'Christian National Education' to training colleges. This had also been mentioned at a congress in Pretoria by a member of a training college staff. The "Dagbreek" columnist had complained that even when the National Education Policy Act passed in the last session of Parliament was put into effect, its intention could not be properly carried out by 'teachers who had been trained in liberal universities', and that a further Bill to apply the policy to training colleges was therefore necessary.

We have seen no other comment on this, but we hope that the teaching profession and the universities will not be taken unawares. When the National Education Policy Bill was before

Parliament, Members complained that its contents were not made public until it was too late for protests to have any effect. We hope this will not be allowed to happen this time. True, the idea of 'indoctrinating' student teachers may seem fantastic in a 'civilised', 'democratic' country: but many other fantastic things have become reality in the past twenty years.

The 'conscience clause' again

Even in Stellenbosch, for instance, opposition to the 'conscience clause' (i.e. the clause included in the constitution of most universities, laying down that university teachers shall not be penalised for their religious beliefs) has reared its head again recently. A certain Dr J.A. Heyns, senior lecturer in theology at that University, told a student leaders' conference recently that the conscience clause at universities 'could not be accepted in the Christian National way of thinking'. When a staff member was appointed at a university, he said, he should be asked about his religious conviction. "As parents we have the right to expect a continuity between the education at home and at the university and I am against the fact that my child might, for instance, be taught Afrikaans by a professor who adheres to the Roman Catholic faith."

One is reminded of Milton's comment on 'fugitive and cloistered virtue'.

State legal aid

Nearly a year ago (September, 1966) 'Race Relations News' carried a report that "persons accused of political offences in South Africa" would in future be assured of free legal defence at State expense, if they were unable to pay. They would qualify for pro deo privileges in the same way as those accused of capital offences. An official decision to this effect, said the paper, conveyed to chief magistrates and law societies throughout the country, has been welcomed by the legal profession.

(In the past, the only political accused entitled to legal aid from the State were those tried for sabotage charges which carried a possible death penalty.)

Applications for such aid must be submitted either to a legal aid bureau or to the local magistrate, and will be granted if the chief magistrate for the area concerned approves. The chief magistrate will request the Bar Council or the Law Society in the area to appoint defence counsel, who will be independent of the

State, though the State will pay the costs.

The 'Rand Daily Mail', in applauding this decision, commented that this step had been repeatedly urged since the banning of the Defence and Aid Fund six months previously, and that it was worth noting that the decision amounted to an admission that 'the much-maligned Defence and Aid Fund did indeed perform a necessary function'.

"Justitia"

But it is not only in political cases that legal aid may be needed. A correspondent signing himself "Justitia" wrote a few months ago to the "Cape Times" (June 15) pointing out that on different occasions within a month the paper had carried reports of 640 people (400+, ±100 and 140) who had been arrested during police raids. "About the fate of these 640 people," he said, "nothing more is ever known. Are they charged individually in some court and does anyone defend them, if defence is merited?" He called the figures "staggering", and wondered what happened in other big centres.

Now it is not, of course, the function of the police to give publicity to such matters. But it would be worth while some of our newspapers giving attention to them. Justice - we repeat at the risk of monotony - should be seen to be done. Probably there was justification for "rounding up" many if not all of them: but what next?

Race Classification Appeals

It is reported ("Cape Times", August 8) that as a result of the Population Registration Amendment Act hundreds of appeals against classification, lodged by relatives on behalf of affected people, may become invalid, though valid when lodged in terms of the 1965 Act. According to the Chairman of the Race Classification Appeal Board, these had to be held over because of "a heavily filled calendar". In terms of the new Act, appeals are valid only if made within 30 days of the issue of an identity card, and by the individual concerned. The issue that arises is whether the rights of an individual can be taken away through retrospective legislation.

Thoughts of Mr Vorster

"My door is not open to people who have played a role in South African history in recent years like that of the Black Sash." (Koffiefontein, 11/8/67 - "Argus" 12/8/67)

"It is not in my make-up to threaten anybody." He obviously prefers the threat accomplished. MOYA