

# CIVIL

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# RIGHTS



Cape Town

News Letter

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### Keep this date free!

Our annual general meeting this year is to be on October 7, in Electricity House, Strand Street. Formal notice will be enclosed with our September news letter, but we are pleased to announce that our guest speaker will be Mr René Marquard de Villiers, M.P. for Parktown and former editor of The Star. His subject will be announced later, but will probably relate to the Press, a live issue at present. Bring your friends!

### New Patrons

The following have honoured the League by agreeing to be Patrons: His Grace the Archbishop-elect of Cape Town, Most Rev. B.B. Burnett; Dr Ellen Hellmann and Rev. C.F. Beyers Naudé, of the Transvaal; and Professor A.S. Mathews and Dr Alan Paton, of Natal. This is appropriate, as though the League was founded in Cape Town and has always drawn its membership largely from the Mother City, it has a small but staunch membership in the other Provinces also. We hope this may be the first step in extending our membership and influence all over South Africa.

In this connection we are glad to report that from the 90 or so names to whom our members asked us to send copies of our news letter some months ago we have so far obtained about a dozen new members. Please note that we are glad at any time to send our material to any of your interested friends if you will let us have their names and addresses. It's an easy way to grow!

### Losses to liberalism

We extend our sympathy to our Patron, Mrs Margaret Ballinger, on the death of her husband, ex-Senator W.G. Ballinger, recently. Mr Ballinger lived a life of dedicated service to the less fortunate, and in particular in South Africa to the African people he represented in the Senate until their representation was abolished, and he will not be forgotten.

We also record with regret the deaths of two of our long-standing and loyal supporters, Mrs Irene Conybeare and Mr

Joseph Weis. We shall miss them, and extend our particular sympathy to Mrs Weis, whose husband died as a result of an attack by burglars in which she was also injured.

#### The unbanning of Peter Brown

Mr J. Kruger, Minister of Justice, is reported as saying (Cape Times 20/7/74) that he "went into the matter" and was "satisfied that the ban should now be lifted". This, after ten years. We wonder if the Minister reached the tardy conclusion that the ban should never have been imposed. It savours of the petty that he should have decided not to lift the ban on Mr Brown's being quoted or reported until he receives a request for this in writing. Peter Brown's thoughts are undoubtedly of value to South Africa and we hope that the Minister decides to make them available to us all.

There can be few more blatant examples of the injustice of this method of punishment for actions which the Government knows would not be condemned in the courts. As Mr Vorster said of the banned NUSAS students, it's the only way ...

#### Justice and precedent in Natal (Cape Times, 12-13/7/74)

In Maritzburg recently a full bench of the Supreme Court awarded R200 damages to Mr Mandlakise Zikalala against the Minister of Police for unlawful arrest and false imprisonment when his request to be allowed to fetch his passbook (asked for by an African constable) was refused. It was further said that when he tried to explain the situation in court he was not allowed by the interpreting policeman to do so.

Mr Justice Kriek said that all the judgment really decided was that Africans did not have to carry their passes at all times, and the magistrate in each case would have to go into the question of whether they were given an opportunity of fetching them. Under the Pass Laws Act, an offence was committed only if the African concerned failed to produce this document "within such time as is reasonable". This judgment has been hailed by Chief Gatsha Buthelezi as a "breakthrough against racial persecution", and would "do a lot to remove the animosity between the races". "It is good", he said, "to have a legal basis to work from."

#### Legal aid? (Cape Times, 15/7/74)

There has been a call in Johannesburg for an organisation to help Africans fight appeals against pass-law convictions. Professor Barend van Niekerk (Natal) commented:

"Hundreds and thousands of Africans may have gone to jail or paid hard-earned money into State coffers because they did not know any better." He considered that at least 70 per cent of pass-laws offenders would be acquitted if they had legal advice or representation when they appeared in Bantu Affairs Commissioner's courts.

The Afrikaans Sunday newspaper, Rapport, commented editorially on the first award of R7 to Mr Zikalala for wrongful arrest and imprisonment: "To attach such a value to a man's dignity and freedom is unbelievable beyond words ...

"It shows a disturbing lack of feeling that the Department of Police saw fit to oppose the Black man's claim right up to Supreme Court level ..."

The police in Cape Town informed the Cape Times (18/7/74) that the police are instructed to "make every effort" to give an African the chance to produce his reference book, though the At-lone Advice reports that in their experiences, in most cases Africans are not given such a chance.

#### Change the law? (Cape Times 19/7/74)

Predictably, the Minister of Justice's reaction is that "more stringent legislation" may be necessary so that "the police know exactly what their rights are when they ask a man to produce his reference book". One possibility would be to make it an offence for an African not to have his reference book on his person at all times, but his department was looking into other possibilities as well. "You can't expect the police to go five miles" to see the book, he said.

It is reported from Natal that the Deputy State Attorney is to apply for leave to appeal against the Supreme Court's decision.

Mr Janson, Deputy Minister, talks of an "intensive investigation" being undertaken by his department into the working of the pass law system. Points of irritation, he says, must be removed. He has said on more than one occasion that the laws must be "humanized" or applied humanely. The Cape Times suggests for his consideration (16/7/74) a proposal by a former Director of Bantu Administration at Langa: that Africans be issued with the same identity documents as all other citizens of this country, with the same conditions. "Whites and Coloured people", says the paper, "are not expected to carry their identity documents with them wherever they go. Why should Africans be treated any differently?" Why, indeed?

As the paper says, "The Supreme Court decision was a heaven-

sent opportunity for the Government to relax the pressure on urban Africans without loss of face. (22/7/74) If it reacts "by simply hardening its attitude", "what hope can there be for ultimate inter-race harmony at this rate?"

### The immovable post and ...

The crisis in the Coloured Representative Council and its proroguing by the Minister of Coloured Affairs brings the Government face to face with the determination of the Coloured community to be content with nothing less than full South African citizenship, including representation in Parliament. It is the more depressing that, without waiting for the report of the Theron Commission (apparently not to be expected for at least eighteen months), Dr Connie Mulder has seen fit to announce in Windhoek at a Nationalist congress that the Coloured people will never, now or at any future time, have representation in the "white" parliament. As the Cape Times commented (26/7/74), the chairman of the Theron Commission might as well resign now, because it has been "hopelessly compromised" by the Minister's speech. In reply to criticism from Rapport, the Minister said that his speech was in accord with Nationalist policy and had been made with the knowledge and approval of the Prime Minister.

Meanwhile the Minister might well ponder on the episode recently reported in Parliament when a spectator, a well-known and prominent citizen, interrupted a speech to interject from the gallery, "We're not Coloured people, man: we are citizens of South Africa":

### Press Freedom Year

It is 150 years since Pringle and Fairbairn made their historic stand for the freedom of the press in South Africa, and it is good to know that the present generation of newspaper men are apparently equally determined. It seems that the Government have persuaded newspaper proprietors to agree to introduce "teeth" into the functioning of their press council, but the journalists were not consulted about the new formula. Not having all the details before us, we cannot comment in detail, but we support wholeheartedly the statement of Mr O'Connor, editor of the Eastern Province Herald (Sunday Times, 20/7/74). "If Press freedom is to be curtailed," he said, "it must be done not by ourselves but by the authorities. If we go down, we should go down fighting as champions of democratic principles."