

CONTACT

FEBRUARY 1955

A FEARFUL SILENCE

A DANGEROUS silence is threatening to settle over the Union. It is a silence which is enveloping us almost unnoticed. Its insidious approach was highlighted by a recent event in Johannesburg.

On February 7th an exhibition of photographs on the Western Areas Removal Scheme was opened in that city. The exhibition was centrally situated. The speakers were Patrick Duncan, Alan Paton and Father Trevor Huddleston. The photographs were well chosen and skilfully arranged. They told the story of the removal dispassionately and more clearly than any number of words could have done. In fact, the occasion gave the European public of Johannesburg, which is largely anti-Nationalist, the opportunity to protest against this immoral scheme in the easiest possible way — by attending an exhibition so sited as to cause anyone wishing to visit it the minimum of inconvenience and effort, by hearing three very good speakers speak briefly and pointedly and by taking a quiet stroll round the photographs themselves. Yet, out of the whole, vast, white population of Johannesburg only about a hundred people came. Why was this ?

One reason was, without doubt, the silence of the local Press which consistently refused to give any worthwhile publicity to the exhibition. It has become accepted that the Nationalist papers refuse to give space to the views of those who oppose their policies but one would expect the opposition Press to give full scope to the reasoned views of those who are Nationalism's opponents. Instead, in this instance, this opposition Press gave the minimum of space to those whose views were not the Government's, while publishing in detail the remarks of those who were. This is an unusual way of opposing and may be directly attributable to the fear of many South African editors of having to face a charge of incitement. Does the Press so fear its own suppression that it is no longer prepared to run the risk of outspoken opposition to the Government ? If that is so then the freedom of the Press is no longer a fact in this country and it has been lost, not because the Government has taken it away, but because the Press itself regards its own continued existence as more important than its own continued freedom.

However, it is not only the Press which has had "the fear of God" put into it by the Nationalists. The enveloping silence spreads its tentacles more widely and less conspicuously than that. Many people stayed away from the Western Areas Exhibition because of their present or incipient fear of being associated with proclaimed opponents of Government policies. People excuse themselves from protesting against actions which are morally indefensible on the ground that these actions are "the law of the land" ; others do so because they say their protests will serve no purpose anyway ; others have become so impressed by the range of the Government's that they have begun to seduce themselves into the belief that perhaps, after all, its policies may succeed ; still others know that what the Government does is wrong but do not show their disapproval for fear of the consequences ; a great many more simple don't care.

This silence, of the Press and of the Public, is extremely dangerous. It is incredible that a large number of newspapers, whose function is ostensibly to "oppose" the Nationalists, should be muzzling themselves instead of putting the full onus for any sort of censorship firmly on the Nationalists. The fact that to restrain themselves in this way is to deny everything that is best in the long history of the struggle for a free press, does not seem to carry much weight. A large section of the public, which does not support the Government, no longer opposes it in any real sense of the word. That they are conniving at the destruction of all that is best in Western Civilization does not appear to concern these people unduly. It would be tragic if the rest of us should allow our own fears of the consequences to gag and stifle our opposition to Nationalism. We should then have embraced the silence of fear. We should only be fit for the silence of the grave.

THE GOVERNMENT AND THE COURTS

THE Government's frontal attack on the Courts during the coloured vote crisis has gained world wide notoriety. Few people outside the legal profession realise that there is another attack in progress — a slow, cautious, camouflaged attack but perhaps a deadlier one than that which is so well known.

The appointment of Judges in South Africa is in the hands of the Governor General. This means in practice that it is in the hands of the Minister of Justice, acting in consultation with the rest of the Cabinet. There is no law prescribing the qualifications of judges or the criteria by which they should be chosen ; the Government is trusted to choose the most suitable men.

Until 1948, this trust had never been seriously abused. There were one or two cases under each Government where judicial appointments seemed to have been influenced by some degree of favouritism, but these were rare exceptions and by and large the best men were chosen. In the whole history of South Africa, before and after Union, the only Government which had ever laid itself open to the slightest suspicion of "packing" the Bench was that of President Kruger in 1897. The appointment of judges was never a matter of political controversy ; the Supreme Court was above politics and above suspicion.

The Nationalist Government is not respecting this tradition. It is moving cautiously, it is covering its tracks carefully, but it is moving in the direction of a "packed" Bench.

Not all the judges appointed or promoted since 1948 have been Nationalists. Whether for purposes of camouflage or for some worthier motive, the Government has, every now and then, appointed a man who has no politics or is a mild U. P. supporter. In Natal, there are no Nationalists available for appointment and the Government has not yet gone so far as to import judges from other provinces into Natal. Mr. Swart thus can, and does, meet criticism with a very righteous air. But no amount of camouflage can conceal the following facts :

Firstly, that the judges appointed since 1948 have been predominantly Nationalists.

Secondly, that a number of Nationalists have been appointed who did not deserve appointment by the standards which were applied in the past.

Thirdly, that a number of non-Nationalists have been passed over who have deserved appointment by any reasonable criterion.

Fourthly, that there has been a complete exclusion of Jewish candidates and of everyone whose political views are even mildly liberal.

To give individual examples would be too invidious a task, but a few statistics will show the general picture clearly enough. Of four Transvaal advocates recently made judges, three were Nationalists and none of the three had more than sixteen years of professional experience. The one who was not a Nationalist had thirty-two years' experience. At least six non-Nationalists of more than thirty years' experience and of great professional reputation were passed over. For promotion to the Appeal Court, a judge of two years' standing was selected in preference to several most distinguished men of ten to twenty years standing.

Experience, of course, is not everything. It is often a good idea to appoint a young man of exceptional ability rather than one whose only claim is based on seniority. But it is difficult to believe that all the outstanding young lawyers in the Transvaal, the Cape and the Free State just happen to be Nationalists. Furthermore, it must bluntly be said that some of the young Nationalists who have been appointed are, in the general opinion of the profession, not above average in ability, and that some of them are proving to be unsatisfactory judges.

The legal profession has been very worried about this trend for some years. Its leaders have been unwilling to speak out, partly because they dislike the idea of involving the Supreme Court in controversy and partly because they fear that motives of personal ambition would be ascribed to them. It is time, however, that the public knew what was happening. This is an issue upon which the Government is sensitive to criticism and fears that many of its own followers will disapprove if it goes too far. If a vigilant public opinion can be created, the insidious process may yet be checked.

LETTER TO THE EDITOR

Sir,

I am writing in answer to your invitation to define my concept of the term "Liberal" as it applies to our Party.

The word "liberal" comes from the Latin word "liber"—free, and in its political sense has been defined as "advocating democratic reforms." It also means, *inter alia* (according to the Oxford Dictionary) unprejudiced, open-minded.

Our South African society is built on the axiom of the white person's superiority. Through the logical and practical consequences of this assumption an economic condition has been created in which the Non-European *ipso facto* form the Proletariat. The political rights of non-white people are virtually non-existent. Furthermore—and this is possibly the most painful injustice—the human dignities and privileges are to a very great extent denied to the Non-European.

For reasons historical, economical and—most importantly—ethical, we of the Liberal Party of S.A. feel that democratic reforms must be brought to bear upon these conditions. We believe that if we can educate public opinion away from the heavy and tragic prejudices which imprison it now, if instead of having so many sharply defined sections of our community, we have one common society—we shall become a much stronger and more prosperous country.

As for the argument that the Non-European masses are too far behind our civilization it is an accepted fact that security—emotional and practical—as well as a loving acceptance of the pupil are an incomparably better ground for education than an assumed superiority.

To conclude, I feel that our Liberalism stands for the right of all the peoples of this country, and of course in a wider sense of the world, to be free to have **all** the means whereby each human being can develop to his own greatest fulfilment, thereby rendering the maximum service to the community as a whole.

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Further letters, defining "Liberal" as it may apply to our Party, are invited.

—Editor

PARTY NEWS

NATIONAL AND CAPE

At its meeting in Cape Town at the end of January the National Executive Committee confined itself largely to the discussion of questions of reorganisation. Mr. R. F. Spence and Mrs. J. Boerne, who have served the Party so well as National Treasurer and National Secretary respectively, have both been forced to resign from these positions. Mr. Spence will be away from South Africa for most of the next 18 months and Mrs. Boerne will be leaving for South West Africa in the near future. Both of them take with them the Party's best wishes. Their loss, however, is a very serious one, especially as far as the National Office is concerned. In the meantime arrangements have been made which will be reviewed at the next Executive meeting, early in March.

At the March meeting the final recommendations of a number of Continuation Commissions, which have been busy on various policy statements since the National Congress, will be considered by the Executive. The meeting will also provide Mrs. Ballinger and other parliamentary representatives with an opportunity to report on developments during the present session.

TRANSVAAL

The first Provincial Congress of the Liberal Party in the Transvaal will take place in Johannesburg during the Easter Parliamentary recess. Senator and Mrs. Ballinger will attend and it is hoped that other prominent members of the Party will be present.

There has been a considerable expansion in membership in the Johannesburg area during the last year, with the result that many branches have grown too large to be able to

function efficiently. It has now been decided to divide some of the larger branches and, from the seven existing branches, to create eleven or twelve which will be based on Parliamentary constituencies.

An extremely successful meeting of Party members and a number of non-member Africans was held during January at the Party's Johannesburg Office. A number of new members were enrolled at the meeting and it was agreed that such meetings should become a regular feature of activities in Johannesburg. The success of the meeting was largely due to the work of Mr. A. Mhlungu who was responsible for its organisation.

During March it is intended to hold a special Olive Schreiner Centenary meeting for the benefit of members.

NATAL

The first public meeting of the Party in 1955 was held at Stanger on the afternoon of Saturday, February 5th. In spite of the fact that the Province was in the middle of its recent deluge the meeting was very well attended. There were about a hundred people present to hear Alan Paton, Leo Kuper and Paul Phillips speak. Of these the vast majority were Indians but it was good to see a sprinkling of Africans and Europeans in the audience. The speeches were followed by a number of questions and, judging by the distribution of membership forms which took place, it should be possible to establish a strong Branch in this area. This will be done at a later meeting to be held during the coming month.

LIBERAL BALANCE SHEET

DEBIT

1. Sir Harold MacMichael, one time Governor of Tanganyika, has written to The Times in support of the principle of apartheid.
2. Representatives of the European Mine-workers' Union of Northern Rhodesia and South Africa decided in Salisbury that any undue inroads by Africans into jobs normally performed by Europeans on the Northern Rhodesian Copperbelt would be resisted to the utmost.
3. Mr. F. D. Conradie, chairman of the Uitenhage Native Affairs Committee, addressing the recent Advisory Boards Congress, said that "in His wisdom God had seen fit not to endow all human beings with the same talents, the same privileges, the same potentialities or the same opportunities." The Africans should be prepared to make the best of the opportunities that life did offer them in the country today.
4. Speaking at the S.A.B.R.A. Conference, Ds. W. A. Landman said he sometimes wondered whether South Africa realised how little time it had to get its affairs right. The world was moving at a disturbing tempo. Sabra's ideal of territorial separation must be propagated as much as possible.

CREDIT

1. The New York Times, commenting on the visit of the U.S. Carrier "Midway" to Cape Town and the discriminatory laws which non-white sailors would meet, said "South African law is one thing, but elementary morality is another."
2. Commenting on the findings of the Commission of Inquiry into separate training facilities for Non-Europeans at S.A. Universities, N.U.S.A.S. says that the findings have clearly shown the impracticability of University apartheid "and as such the report is welcomed by N.U.S.A.S."
3. Mr. L. H. Samuels, senior lecturer in Economics at the Witwatersrand University, in an address to the Institute of Race Relations, said "The bulk of the African and Coloured peoples are so thoroughly incorporated in the industries of the Union that to exclude them and require them to live in certain areas would produce a catastrophic fall in living standards of all groups."
4. Speaking at the same meeting and referring particularly to the reserves, Prof. Hobart Houghton of Rhodes University said, "I would like to see the whole pattern of segregation destroyed throughout the country because it inhibits the economic development of all sections."