

## National Headquarters

Transvaal was again elected Headquarters Region, and Mrs. Jean Sinclair was elected National President for a second year, with Mrs. Jeannette Davidoff and Mrs. Muriel Fisher as National Vice-Presidents. Headquarters Region subsequently appointed Mrs. Roberta Johnston as Hon. National Secretary, and Mrs. Kathleen Fleming and Mrs. Dorothy Grant were again elected to take charge of the National finances and the Magazine, respectively.

## Highlights

Highlights of the three days of Conference were the enjoyable cocktail party given by our Natal Coastal hosts on the Tuesday evening, the lunch-hour demonstration on the Wednesday, and the delightful social evening with the Region's Indian friends on Wednesday night.

More than fifty women took part in the poster demonstration against house arrest, the by-passing of the Courts, and indoctrination by the S.A.B.C. The demonstration, which was held in the City Gardens, was carried out in the greatest comfort, as members were carried to and from the City Hall by bus, and a delicious sandwich lunch was served on the bus by our hostesses. That bus ride will long be remembered by us all — the animated conversation of our fifty women was something to hear, and strongly reminiscent of the school playground!

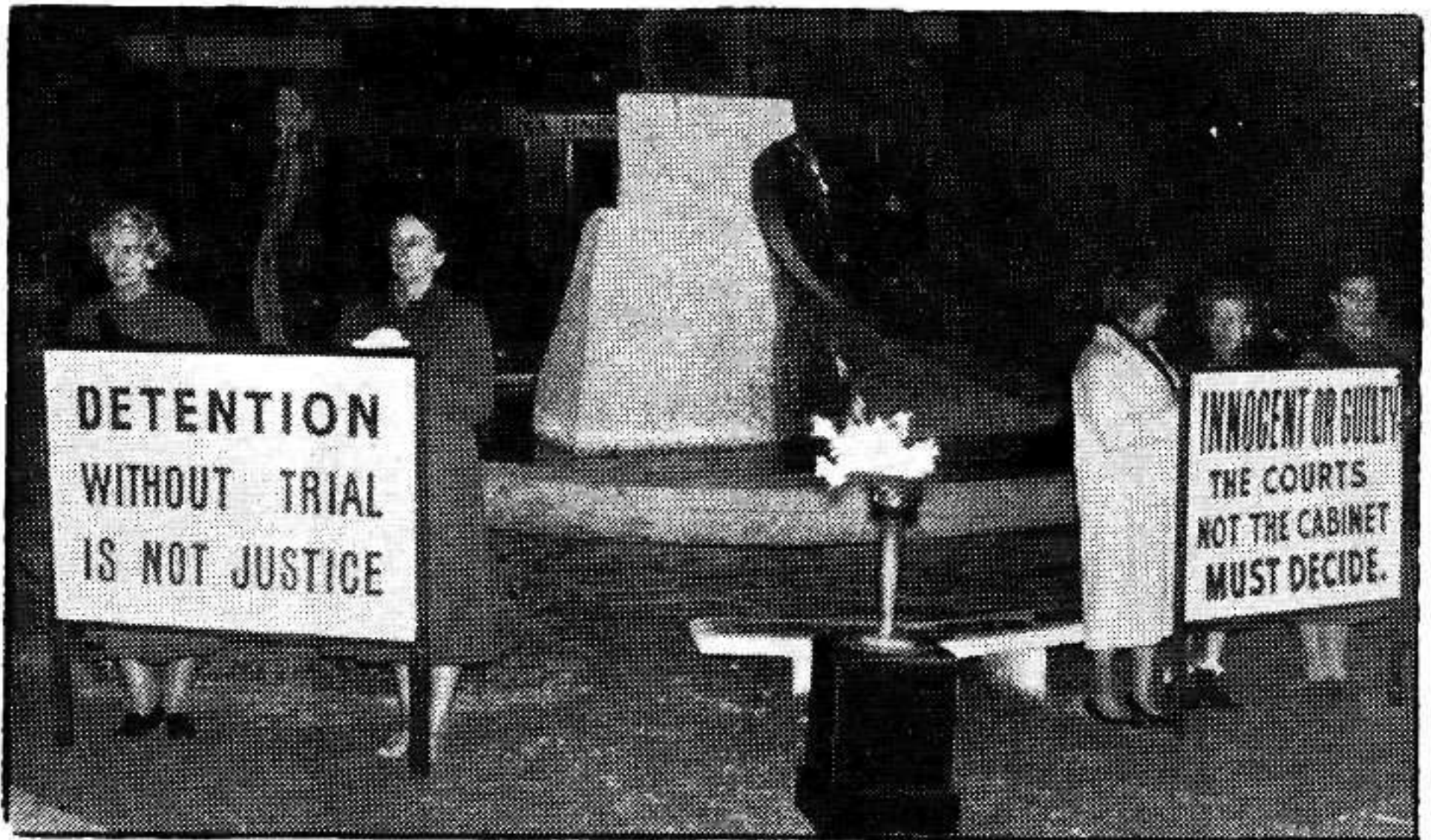
## COVER PICTURE - DURBAN

**The Lunch Hour Demonstration against House Arrest, the By-passing of the Courts and Indoctrination by the S.A.B.C**

At the social evening on the Wednesday, members of the Indian Women's Cultural Association staged a spectacular sari display for our entertainment. The show was compéred by a charming young woman doctor, and a number of lovely Indian girls modelled dozens of beautiful saris and traditional costumes in rich and exotic fabrics and breath-taking colours. There was also a graceful dancer of traditional and symbolic dances.

To the Black Sash women, tired after two days of Conference and with a third day before them, it was a wonderful and relaxing evening, and we cannot sufficiently thank our Natal Coastal members for their inspiration, or their Indian friends for the enchanting memory they gave us to take away.

## *House Arrest and The Rule of Law*



The Black Sash began its protests against the General Law Amendment Act when the Bill was first placed before Parliament, and continues to show its opposition to the provisions of the Act by frequent demonstrations. In the picture above, the Transvaal Region begins a 48-hour vigil to protest against the principle of House Arrest and the by-passing of the Courts.

# HOUSE ARREST AND THE RULE OF LAW

**"It is oppression to torture laws so that they torture men" — Bacon.**

**I**N OCTOBER, the Minister of Justice, Mr. B. J. Vorster, exercised powers conferred upon him by the General Law Amendment Act and issued the first House Arrest Order, which confined a Johannesburg woman to her home at night and at week-ends and on public holidays for a period of five years. Since then, he has issued a number of orders confining certain people to their homes for twenty-four hours a day for five years. In reply to protests, Mr. Vorster claims that his action in sentencing these people without trial is not arbitrary, and that the punishment meted out to them is not inhumane.

The **Hon. O. D. Schreiner**, former Judge of the Supreme Court of South Africa, and President of the Institute of Race Relations, says, in a statement published in the "Race Relations News":

**"T**HE world is striving to establish the Rule of Law everywhere. It is important to understand what is meant by it.

"It does not mean that laws should not be harsh or unfair. Some harsh and unfair laws infringe the Rule of Law; others, also undesirable, do not.

"The Rule of Law means that law should rule; in other words, that the life, liberty, freedom of speech and movement of the individual should *not be endangered or restricted by State action* save in accordance with a general precept applicable to all persons in circumstances set out in the law, the applicability of the general precept to a particular person being decided by a court of law.

"A law can itself infringe the Rule of Law. That is because whatever will be enforced by the courts is law in form, even though it provides no general precept. So a statute providing that the persons whose names appear in a schedule are to be executed, imprisoned, or restricted in their speech or movement or be deprived of their property would be a law in form and would have to be enforced by the courts; but it would not be a general precept providing that anyone who did certain acts would be liable to suffer certain consequences. Such a statute would be effective law but would infringe the Rule of Law.

"Similarly, if a law provided that a Minister of State or an official could by an order direct the execution, imprisonment or restriction of movement of persons selected by him, this law and *action under it would infringe the Rule of Law*. The infringement would be more flagrant if there were no appeal or other form of control.

"Infringements of the Rule of Law can be excused in cases of emergency, where the safety of the State or the maintenance of peace and good order require immediate action. The temporary nature of the emergency is crucial.

"An order covering a period of years cannot be justified on grounds of emergency. It must be possible within a much shorter period to embody general precepts in a statute and so secure the punishment through the courts of law of persons contravening these precepts.

"House arrest, in which the person in question is, without conviction by a court of law, required for many years to confine himself to his own home, is a clear infringement of the Rule of Law. Where the restriction is for 24 hours in the day, the person is confined as if in a gaol, without being provided with food, services and protection."

## Surrender by Instalment

**A** LEADER page article in the "Star" of the 28th November makes these points:

More than six weeks ago, the Minister of Justice issued his first house arrest order . . . Protest meetings were held, and Opposition leaders issued statements condemning Mr. Vorster's action.

Two weeks later, the first orders were issued confining people to their homes for 24 hours a day for five years. There were more protests . . . and everyone talked of house arrest.

The weeks passed by, and the flimsy slips of white paper beginning, "Whereas I, Balthazar Johannes Vorster, believe . . .", issued steadily from the panelled office in the Union Buildings . . .

The three latest ones were issued last week. **The newspaper headlines were smaller. There were no protests.**

Today, 16 people are leading twilight existences, incarcerated in their houses and flats by Ministerial order. These people have never appeared in a court of law. They have never been given an opportunity to defend themselves.

Whether the people under house arrest are communists or not is irrelevant. The Rule of Law is the very basis of the White civilization which the government says it is so anxious to protect. It is the sacred principle that every man or woman has a right to a defence in court, be he a murderer, a thief — or a communist; that every man is innocent until proved guilty by open and free trial . . .

If he is found guilty of trying to overthrow the State by violent means, few would protest against the severest sentence being imposed . . . A system where a branch of the police prosecutes, the political head of the police judges, and the voice of the defendant is never heard, is inimical to Western civilization . . .

# The High Court of Vorster



THE SUNDAY TIMES

The tragedy is that few people even remember the names of these thus "sentenced". House arrest has become just another aspect of "the South African way of life."

This national amnesia has, of course, been advanced by Mr. Vorster's banning of all gatherings assembled to protest against the arrest, trial or conviction of any person.

But in any event, the initial shock is over: Protests have been made, and, as usual the Government has taken no notice . . .

But perhaps an even greater danger than the system of house arrests itself is that the system is coming to be accepted as the norm by people who pretend to believe in the rule of law.

Now that they have become a habit, are they to become part of "the South African way of life" — just another of those things about which South Africans will say: "People overseas simply don't understand"?

Many South Africans have been so indoctrinated and softened by 14 years of Nationalist rule that they have grown to accept even the most outrageous violations of Western governmental practice as commonplace. The country's ethos has changed.

Separate universities, separate representation of voters, job reservation, segregation in the professions, by-passing of the courts — all these and more have glided into the new South African approach.

A regular pattern is developing. The Government announce a scheme which clashes with the normal concept of freedom. Loud protests follow from a section of the White population. The Government carry out their scheme regardless. The protests peter out, and everyone becomes used to living with the new system.

And so the old South African way of life is changing. It is a process of surrender by instalment.