

Freedom — the American dream

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Sash's editor writes about her recent six-week stay in the United States as the guest of the State Department.

Six weeks in the United States — what can one say about it? The first paragraph exhausts all the superlatives and one is left with a series of contradictions.

It is a vast country, conscious of its international importance, yet every city and state is strangely parochial.

The countryside is magnificent but in so many varied ways that never can one say "this is rural America." The people are instant friends in personal relationships but tough and aggressive strangers on city streets except of course, there are always exceptions to everything one wants to say.

There is immense wealth but serious poverty. Tremendous efficiency is a first impression of airways, telephones, taxis and trains. Second impressions reveal surprising inefficiencies.

Here is a great democracy but money exercises the real power. Americans are cynical about government and those who govern but blessedly naive in their belief in the inherent goodness and worth of human beings. And all the time, everywhere you go, there is the contrast between here and there.

Americans truly believe in the rule of law. It is this which makes it such a valuable experience for a South African just to be there. The law and the Constitution are not just a beautiful concept. They are alive and treasured.

I arrived in Washington the week after President Ford pardoned Mr Nixon. The widespread outrage was not because mercy had been shown — no one really wants Nixon to go to prison — but because the pardon came before any trial of the accused and was a denial of the principle that no one at all is above the law or entitled to avoid due process of law.

I was in Boston during the week after the riots caused by the bussing of Black children from a poverty-stricken neighbourhood into the schools in South Boston which had been entirely White up to that time.

Many people disagreed with the court ruling that this must be done but were impatient with the Boston Irish who went on the streets in an effort to prevent school integration. The court had ruled that it must be done and what the courts rule must be abided by until overturned by another judgement in a superior court.

Incidentally, one of the most inspiring factors in this whole discouraging episode was the fact that 25 ordained ministers of the church rode on the buses with the children every day in an effort to calm emotions and help reconciliation. These men are ordinary priests and ministers who saw it as their duty to be men of God in a strife-torn situation.

I spent most of my time in the States meeting people who work in the many and varied legal aid programmes which flourish in every city. Most of the attorneys were under 40, nearly all had been involved in the civil rights and anti-Vietnam war struggles. All were earning less than they could have commanded in private practice and all were dedicated to the principles of justice and the use of the law as a weapon to win human rights for individuals.

They took me to lower courts where people were up on charges of drunken driving, assault, carrying guns without licence — all the small everyday crimes and offences which keep courts busy.

The judge (the equivalent of our magistrate) would say "Have you an attorney?" If not the accused would be remanded, usually on his own recognisances, to enable him to consult a lawyer and, if he didn't know how to go about finding one, the judge would appoint one of the attorneys from the local legal aid office to represent him.

In most states a person cannot be tried and convicted of any offence unless he has been offered a lawyer to defend him. Americans

see the provision of legal advice as being an essential part of the administration of justice. What a difference it would make if every offender against the pass laws had to be provided with a defending lawyer!

What a difference it made being in a minor court where nobody at all was up on a charge of being somewhere without an identity document or without a permit.

To all Americans such a concept is beyond comprehension. They asked about the pass laws and met the answers with incredulity.

They cannot conceive of any system such as ours and cannot understand how it survives but, of course, they cannot understand any system where parliament is sovereign and can legislate to deprive people of basic human rights without those people having any recourse to the courts to have such legislation declared null and void.

In the States it is an offence against the Constitution to discriminate against anyone because he or she is Black, Spanish-speaking, female or otherwise different or, indeed, to deprive people of a vote in the central legislature for any reason at all.

Legal aid programmes are very specialised. Apart from the various defender's programmes which provide legal assistance to those accused of criminal offences there are offices which concentrate on public assistance problems, or landlord-tenant disputes, consumer rights, civil rights, the problems of Native Americans (Indians), agricultural migrant workers, women's rights.

One wonderful afternoon was spent with a group of women attorneys in San Francisco who specialise in the rights of women in all fields. Women's liberation comes to have a new and very important meaning.

Forget about the burning of the bras and enjoy being able to go anywhere and meet anyone without either being treated like Dresden china or with amusement because the "little woman" must get it off her chest. Enjoy being listened to, argued with, talked to like a person instead of a member of the "weaker" sex.

Then there were the days spent in the Window Rock Indian reservation in Arizona where my Indian host wanted to know whether Blacks were discriminated against in South Africa "the way we are discriminated against here."

This was more like home than anywhere else. Here was the same poverty, the same arguments between tribal traditionalists and young Black power types; the same problems of lack of education; exploitation by White private enterprise; paternalism by the Federal Government.

Here were the same arguments between those who want independent Indian States and those who believe the future must lie in integration into the common society; tribal courts and arguments about the power to fine "White" traffic offenders in the reservations.

Here were dedicated people fighting malnutrition and ignorance; bitterness over ancient defeats and sacred places like the Grand Canyon grabbed by Whites for their tourist potential; overgrazing, soil erosion and disputes about grazing rights; beadwork and pottery and missionaries trying to encourage the growth of cottage industries.

There was even a sawmill, deafening and dusty and shown with pride as an example of industrial development. BUT no one has to remain in a reservation. No one has to go away as a migrant leaving family behind. These are Americans, free to move around their country at will, to seek employment, to settle, entitled to the full protection of the law and to the rights and obligations of all American citizens.

The United States has problems. The system of lobbying seems foreign to people brought up in the Westminster tradition because lobbying means the use of money by individuals and interest groups to influence the passage or rejection of legislation and to influence the course of events both nationally and internationally.

If you are poor and your interest group commands no financial strength it may seem to you that the only way of exerting any influence is to resort to violent action. With growing fears of recession and millions unemployed another long hot summer is to be feared.

There are large minorities of Spanish-speaking people and Black people whose unequal opportunities cannot be made equal in one generation. They are the first to lose jobs and the first to be convinced that this loss is because of their skin colour or the language they speak, as perhaps it sometimes is.

In such a highly organised society disorg-

anisation rapidly becomes chaos. Two hundred and five million people in a technological society quickly lose the ability to survive when machines cease to function.

Urbanisation is another word which becomes meaningful to a South African to whom it has tended to mean thousands not millions of people adjusting to conditions to which humanity has not yet had time to evolve the necessary biological responses.

South Africans feel very at home in the United States. We share many common experiences. In Massachusetts the public monuments tend to be very familiar. Here is the same brave Huguenot mother in her large-brimmed bonnet, a child cradled at her breast with her folk-hero nine-year-old son standing at her shoulder, her intrepid husband with rifle at her back.

The only difference is that the threatened danger is skulking behind a tree with a bow and arrow instead of behind a thorn bush with an assegai.

Puritanism has a strong influence. Whiteness and Protestantism assume a superiority over Blackness, Catholicism, Jewishness which is an accident of time and place, not a fact of life.

But, when all is said and done, our differences are greater than our similarities and, if I were to choose to live where I could live more free, South Africa would not be the place. We do not begin to understand what freedom is all about as it is understood in the United States.

America's gift to the 20th Century is the dream of human freedom. She may not have achieved it yet but we have not begun to try.

CHARTER FOR WOMEN

The rights enumerated in this Charter might appear to be so fundamental as not to need stating at all. All women should have them, but in South Africa the majority of women do not. In fact, African women do not enjoy any of them, because the whole policy of apartheid, which entrenches discrimination on the basis of colour, has caused the denial of these rights to be written into the laws of the land.

- **Every woman has the right to choose her marriage partner.**
- **Every woman has the right to live with her husband throughout her married life.**
- **Every woman has the right to live with her children, to protect them and to care for them.**
- **Every woman has the right to free education for her children.**
- **Every woman has the right to own or to rent property in her own name.**
- **Every woman has the right to freedom of movement and residence.**
- **Every woman has the right to work, to free choice of employment and to just and favourable conditions of work.**
- **Every woman has the right to live out her declining years with those who wish to care for her.**
- **Every woman has the right to these fundamental rights and freedoms which shall not be violated by any law or administrative action.**