

THE CAPE TIMES

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By-passing the courts

THE Government's action against Nusas leaders, announced by the Prime Minister yesterday, was predictable. But this does not mean that Mr. Vorster's decision to ban students is wise or in the national interest. Detailed comment will have to await study and analysis of the two interim reports of the commission which were tabled in the Assembly yesterday.

Some preliminary observations can be made, however. On the subject of student unrest, it has been obvious for some time that Mr. Vorster's Government has been seeking a confrontation with protesting students. The truncheon attack on students at St. George's Cathedral last year set the scene. The students, whose right to peaceful assembly and freedom of speech was subsequently upheld by the courts, at that stage enjoyed a substantial measure of public sympathy and support. The Nusas leadership, sensing that action against them was in the wind, then forfeited a considerable measure of support by adopting a crass resolution which said that they would defy any legislation which restricted their right of lawful action. At the time, this newspaper expressed the view that this was a major blunder which would harm the student organization and the cause it seeks to serve. We believe that events have vindicated this view, as the Government is citing this resolution as one of the principal reasons for acting against the Nusas leadership. And, with the apparent support of the official Opposition, Mr. Vorster now feels free to restrict eight members of the Nusas leadership, eliminating them from the political scene. We are told that Nusas is led by a clique of political activists whose object is creating a climate for revolution, or words to that effect. But the one item of information which we have not been given is where, when and how the young people in question have broken the law of the land. As their affairs have been pretty rigorously investigated, and no prosecutions have resulted, we must assume that no crimes have in fact been committed. If this were not so and

crimes had been committed, there would surely have been a grave dereliction of duty by the security police, whose task it is to apprehend offenders against the security of the State. The Nusas leaders have been restricted on the grounds of what the authorities believe they are likely to do in the future. The Republic is not in a state of emergency. We do not have an Ulster situation on our hands. As long as this is so, this newspaper has yet to be convinced that the national interest is served by radical departure from the sound juridical practice in which charges are laid and properly tested in a public court of law.

Stifling protest

With the information at our disposal, we cannot escape the fear that Mr. Vorster's action is as much designed to stifle legitimate protest as to safeguard the safety of the State. There is a grave danger that the action could precipitate the very situation that Mr. Vorster professes to be seeking to avoid. Making in general terms, it must be said that arbitrary restrictions of this kind, by-passing the courts, engender frustrations and resentment. The result can be tragic. Once again, we would urge students generally to obey the law of the land and to keep reasonable public opinion on the side of freedom of speech and assembly. There is reason to believe that Mr. Vorster's Government would welcome a confrontation. Such a confrontation would be to the advantage of none but the Nationalist Government itself and would polarize opinion on the side of the forces of repression.

There were many matters of vital public importance raised in the two interim reports tabled yesterday. Our first impression is that the proposal to create a permanent security commission is repugnant. The American experience of McCarthyism and a permanent committee on "Un-American Activities" should serve as a warning. Why cannot this job be left to the SA Police? There is reason for grave concern. South Africa cannot afford a silencing of legitimate protest against injustice or inhibition of lively, probing, public debate of the country's problems and its future. If the events of yesterday are going to lead to a slackening of debate, a blunting of compassion and a further alienation of idealistic youth, it was an evil day indeed.

Nusas bannings condemned

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WELL-KNOWN PUBLIC FIGURES in South Africa last night condemned the banning of the eight Nusas officials.

Sir Richard Luyt, vice-chancellor and principal of the University of Cape Town, said: "I deplore the nature of the action taken. Young people have had draconian measures taken against their freedom and rights as members of universities and as citizens — measures which are not the outcome of normal judicial process.

"If students are believed to have acted unlawfully, they should be prosecuted in the courts of the land. If, however, in spite of many months of close investigation, there has emerged sufficient evidence to sustain prosecutions, and if their alleged offences are nevertheless believed to be 'endangering internal security', let there at least be a full judicial inquiry."

DOUBLE SHOCK

Mr. Colin Eglin, leader of the Progressive Party, said: "The Government and the official Opposition have combined to administer a double shock to those South Africans who still believed in the rule of law and who subscribed to the tenets of Western democracy.

"The first shock was the unanimous recommendation of Nationalist and United Party MPs serving on the select committee that a permanent body consisting of MPs should be set up to continue examining the activities of organizations like the Institute of Race Relations, Nusas, the Christian Institute and other organizations of a similar nature which may be established in future.

INQUISITION

"The setting up of this permanent kind of political inquisition is completely incompatible with the functioning of parliamentary democracy. If this joint recommendation is accepted, South

Africa will be entering an era of McCarthyism with all its heartaches and miscarriages of justice.

"The second shock was that a committee consisting of politicians and not judges, sitting behind closed doors and not in open court, confronting citizens without giving them the opportunity to lead evidence in their own defence, should pronounce these citizens guilty of doing things which are dangerous to the public safety and may tend to subvert good order in South Africa and even our State.

ALACRITY

"In making this pronouncement, the official Opposition and the Government MPs have combined to prepare the ground for Mr. Vorster's Government to act against student leaders. Mr. Vorster has acted with alacrity by banning them and stripping them of their ordinary civic rights.

"Just as with gaol without trial, so banning without trial has no place in a country which claims to live by the rule of law."

If the select committee believed that these young people were dangerous to public safety or were subverting good order, it should have recommended that they be charged in the courts.

If the committee was not prepared to make such a recommendation, it should have exonerated these young people.

NOT LEFTIST

Speaking from his Kimberley home, Mr. Sonny Leon, leader of the Labour Party — the official Opposition in the CRC — said: "During my association with Nusas, I have never found them inclined to be leftist, and all their efforts were based on striving to find a common basis for people in South Africa to live as free people. All their efforts were for the upliftment of oppressed and under-privileged people.

"What has taken place now will harm South Africa more than ever because these young people were trying to find a solution to the problems that the Prime Minister himself left in their hands. (The Prime Minister had said he was leaving the problems of the Coloured people to coming generations.) The Nusas leaders were trying to solve his problem."

The chairman of the Cape Western Region of the Black Sash, Mrs. Diana Andrews, said: "This is a vicious act. Eight young people who have fought the evils of totalitarianism and communism, and who have tried to live according to their convictions, have been

silenced and relegated to a limbo of semi-existence.

"They can make no plea, nor are they able to answer any charges. They are the victims of a force that dare not allow questions to be asked.

"We reiterate that, for whatever reason people are banned, let justice be seen to be done in an open court of law."

APPALLING

The Anglican Dean of Cape Town, the Very Rev. E. L. King, said last night that the banning was quite appalling.

His personal feeling was that the students, if in the wrong, should be told so and tried in a court.

"The banning is an example of a miserable and frightened government."

He was not in the slightest bit surprised. "What more can one expect from this ludicrous regime?"

Mr. Tom Swartz, leader of the Coloured Federal Party, last night declined to comment on the bannings.

Nusas plans will go on

-ACTING PRESIDENT

THE NATIONAL UNION of South African Students will continue to implement plans for Freedom and Unity Year in spite of attempts to cripple the organization, Mr. Roy Ainslee, acting president of Nusas, said last night.

Mr. Ainslee and Mr. Steve Jooste, president of the University of Cape Town Students' Representative Council, last night issued the following statement:

"The Minister of Justice, Mr. Pelsler, may think that by taking arbitrary action against office-bearers or past office-bearers of Nusas he will be able to cripple the National Union. It was clearly his intention to do so.

WARN

"That this is not so will become clear as Nusas continues with the implementation of its plans for Freedom and Unity Year as formulated by its December congress.

"We must, however, warn the South African public, as we did earlier this month, that these actions against student leaders represent another at-

Bannings

seen as

provocation

THE GOVERNMENT'S banning of Nusas leaders yesterday, was a "deliberate provocation" to students to over-react and pave the way for further curbs, Mr. Robert Dirk Kemp, a member of the University of Cape Town Students' Representative Council, said last night.

Commenting on the announcement of the banning of the organization's key people yesterday, Mr. Kemp said that the Government wanted the students to over-react.

"We were expecting action against Nusas, with the banning of the leaders at least, and the banning of the whole organization as the ultimate," he said.

"It is only the timing of the report and the bannings which has come as a shock.

"The timing, with the beginning of the student year, is a deliberate provocation. They are asking for over-reaction on the part of the students so they can take more drastic action against students and student bodies."

tempt by the Nationalist Government to distract attention from the real issues facing our nation — labour and education.

"We are tired of a government hiding behind administrative actions like bannings. If Mr. Vorster and his Cabinet have any proof that these students have broken the law let him take them to court and prove their guilt there.

"We know that these students have committed no offence. Nusas office-bearers have never operated as a clique, as alleged in the Schibusch Commission's interior reports, but in terms of constitutional mandates given them by congresses and national council meetings of the National Union.

"We support them unequivocally."