

LIBERAL OPINION

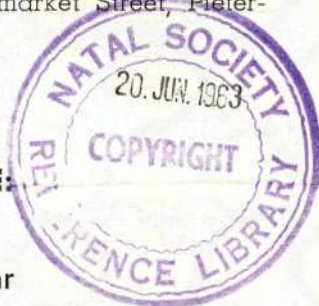
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1963 – So Far

From the Liberal Party point of view the first months of 1963 have been distinguished by a number of Government actions of different natures—administrative, legislative and intimidatory.

In the administrative field the most serious steps taken against the Party have been the bannings of Randolph Vigne, National Vice-Chairman, and of Peter Hjul, Cape Divisional Chairman, and the house-arrest "warning" which has been left hanging over the head of Adelaine Hain, Pretoria Branch Secretary, for five months. At another level, two applications to hold public meetings of the Party at Umtata have been turned down. The Umtata Magistrate's reply to the second of these applications stated that he was "not prepared to authorise the holding of such a meeting on the said date or on any other prior or subsequent date by the Liberal Party of South Africa . . ." Nothing equivocal about that—and coming on top of the persistent refusal of permission to the Party to hold meetings in other Transkei towns, even in the predominantly "white" East Griqualand, it must be taken as the Government's intention to try to prevent the Party from carrying on normal political activities in the Transkei.

Peter Hjul has for long been one of the Government's most energetic opponents in the

Western Cape, but Randolph Vigne's ban was at least partly due to the fact that he had a long association with the Transkei opposition to the Bantustan policy, and had been a most effective worker there. Opposition in the Transkei is something which terrifies the Government, and the Vigne ban must be seen also as an attempt to intimidate that opposition and particularly Liberals who were involved in it. It was not the only step the Government took.

Members of the Party have been held in gaol in the Transkei for over three months and have then been released without being charged. Others have been held on charges so flimsy that their appearance in court, after months in gaol, has led to their immediate discharge. Still others, notably the group headed by the Eastern Cape Chairman of the Party, Terence Beard, have been detained for questioning for up to a week while visiting Umtata on routine Party business.

All this is part of a process of intimidation not confined to the Transkei. Special Branch attendance at meetings is increasing. Police are paying more attention to Party members in isolated areas, confiscating literature and membership lists and generally trying to induce fear and uncertainty. But the intimidation campaign on the grand scale is the one that emanates from the safe precincts of Parliament and from the lips of Cabinet Ministers. Alan Paton had something to say in reply to this campaign in the last Liberal Opinion. It is a campaign based on smears and innuendoes and some details of it are produced elsewhere. Its aim is to isolate the Liberal Party from "respectable" white opinion, so that white South Africans will think twice about joining the Party, but will not think twice about its members being banned or detained. It is also designed to frighten members of all races out of the Party and into an inactivity which will suit the Government very well. Typical of the "smear" technique is the fact that every challenge to Government spokesmen to substantiate their allegations linking the Party with violence, has been met with stony silence.

In the legislative field the present session has plumbed depths lower even than the South African Parliament has previously managed to reach. This is not only the Government's fault. It is perhaps even more the fault of the United Party opposition. Only the heroic stand of Helen Suzman against the General Laws Amendment Act shone out as a beacon through the murk of Government sophistry and United Party equivocation which marked that dismal debate. This Act, which the United Party helped the Government rush through, is indefensible on any grounds. It destroys the rule of law, waives habeas corpus, provides for perpetual detention and makes a punishable offence an act which was committed **legally** as much as ten years ago. It is a Nazi measure, and there is no doubt that, like all Nazi measures, it will be used to the full.

The other two important legislative measures of the session have been the Transkei Constitution Bill and the Bantu Laws Amendment Bill—two sides of the same coin. The first offers to Transkeians limited local self-government (always subject, of course, to Republican veto); the second uses the myth of this Bantustan "independence" to justify taking away every right an African in "white" South Africa at present enjoys. What the Nationalists regard as "white" South Africa comprises some 87% of the surface area of the country and in it lives some 60% of the African population. These people are now to be reduced to rightless serfs, "work units" to be housed, fed and paid by white South Africa for just so long as the Republican Government feels that it is "in the public interest" that they should be. An African in "white" South Africa is to be offered a vote in a subsidiary legislature in a "homeland" which he may never have seen and may never wish to see. In return he must give up all claim to share in the wealth of the industrialised and highly-developed South African economy which he, as much as anyone else, has helped to build.

This has been a grim session, and a grim year so far, but the compensations are there, even if they are not obvious. As far as the

Liberal Party is concerned these come from the refusal of members to be intimidated either by what the Nationalists are saying or by what they are doing. This refusal has been reflected in two excellent Provincial Congresses held in April and May in the Transvaal and Natal—the one just before the General Laws Amendment Act was passed, the other just after. But it is not only members who have not been intimidated. Far from frightening potential members off, the Government's smear campaign has been accompanied by an inflow of members, a surprising number of whom are white.

Detention "This Side of Eternity"

(The General Law Amendment Act, 1963)

1963 has seen the introduction into the South African Parliament of a law which stabs at the very heart of justice in South Africa. Stripped of its obscure title, the General Law Amendment Act is yet another amendment to the Suppression of Communism Act.

The Suppression of Communism Act (No. 44 of 1950) is the piece de resistance in the armour of arbitrary powers steadfastly stockpiled by the Government. The Act does not contain a satisfactory definition of Communism, and on close examination it will be seen that the fact that any definition at all is given is entirely irrelevant as far as a victim of ministerial action is concerned. **Stripped of its legal language, the Act provides that a Communist is a person who is deemed by the Minister to be a Communist.** And courts have held that they will not usually look behind the Minister's decision where a discretion is vested in him. Generally the courts will not independently weigh the facts on which a Minister's decision is based and arrive at their own and perhaps different conclusions. **Unless it can be proved that the Minister did not apply his mind to the facts or was actuated by malice—and in almost all cases this is not possible—the courts will not intervene.**

UNFETTERED POWERS

It was thus true to say, even before this year's law, that the Minister had unfettered, arbitrary powers of an alarming character over an individual in South Africa. He could ban meetings; ban publications; ban individuals from attending gatherings (including social gatherings); restrict an individual to a particular area; cause an individual to resign from an organisation; or house arrest him.

All these things the Minister can do, has done and is doing in South Africa. In doing so he acts on his own say-so. There is no machinery for supervising him, no appeal to a court.

Such powers have a fascination for those who, like Mr. Vorster, rule by them. Their appetite is never satisfied. It is thus not surprising that the Suppression of Communism Act has been regularly amended and that Mr. Vorster has promised that, should he require even more powers, he will introduce further laws. As Mr. Vorster himself is the judge of when more powers are needed, there is little doubt that 1964 will see yet another Bill being introduced.

What are the more obnoxious features of the 1963 law?

A person convicted under the various laws creating political offences—the Suppression of Communism Act, Public Safety Act, Criminal Laws Amendment Act, Riotous Assemblies Act or Unlawful Organisations Act—can be kept in prison by the Minister after he has served his sentence. The Act has been law now since May 2nd. Already Robert Sobukwe, formerly president of the now banned Pan-Africanist Congress, is imprisoned on Robben Island, although his sentence has been served.

Recently three young Indians were sentenced to ten years each for sabotage, being convicted of blowing up a railway shed. In the court argument was addressed to the judge by both the State and the defence on the question of sentence. But under this law, whatever sentence the court imposes, it is still open to the Minister to imprison the accused