

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

for whatever period he likes after that accused has served the sentence imposed by the court.

The new law also provides that, whenever a commissioned police officer suspects a person upon reasonable grounds of having committed, or intending, or having intended to commit, any offence under the Suppression of Communism Act or the Unlawful Organisations Act, or that such person has information about the commission of such an offence, or the intention to commit such an offence, then such officer may have that suspect arrested and detained for 90 days at a time. There is no limit on the number of occasions on which the person may be detained. He is detained until, in the opinion of the police, he has replied satisfactorily to all questions put to him.

The jurisdiction of the courts is totally removed.

The person in custody is visited weekly by a magistrate in private.

This provision has already been used and a number of persons have been detained.

PARLIAMENTARY OPPOSITION

The response of the United Party's opposition in Parliament must have whetted Mr. Vorster's appetite for 1964. Unlike the lone Progressive M.P., Mrs. Helen Suzman, who fought the law courageously, the United Party lent the Government its support for the passage of the Bill and voted for both the second and third readings. In the Senate, Col. Pilkington Jordan, of the United Party, was extravagant in his praise of Mr. Vorster. Senator Jordan apparently wore spats to the debate—perhaps to keep his political cold feet warm!

The correspondence columns of the English press seem to show a preponderance of letters in support of the United Party's action. It seems that there is a good majority of English-speaking white South Africans who support Mr. Vorster's new measures. The muted protests against the law suggest that the Nationalists have correctly gauged the temperature of white South African opinion. The "Poqo threat" has thrown white South Africa into a panic.

INTO THE LAAGER

When Mr. Leballo announced from Maseru that he had established a movement in South Africa, organised into cells and totalling thousands of members, the S.A. police were quick to respond. It is believed that a parcel of letters carried by a messenger from Mr. Leballo to members of his movement in South Africa was intercepted by the S.A. police. As a result of this and other information, there have been widespread arrests and thousands of Poqo suspects have been imprisoned. Mr. Leballo has apparently vanished.

This threat, together with the killing of white people at Paarl and at the Bashee River, has tended to shift a body of white opinion even further to the right and into the Nationalist laager. Nationalist propaganda has been skilful in playing on white fears, and the United Party in Parliament—ever a faithful mirror, never a leader, of white opinion—confirms that there is this trend among the white people.

Many white people see Poqo as a real terrorist threat to their position, and they are prepared to support the Government in the measures that it is taking to crush it. They regard the rule of law as an academic theory, possibly suitable for homogeneous societies like Britain, but quite irrelevant to South Africa. The fact that these laws can be used against any South African and the fact that there is no safeguard against abuse has been ignored in the panic of the moment. The Government's own responsibility for any crisis that may exist has similarly been ignored.

There is a crisis in South Africa today because all normal means of political expression for non-white people have been abolished. Responsible leaders have been banned and restricted, and in desperation a growing number of non-white people are listening to the violent counsels of new leaders.

While white Nationalist South Africa and its hangers-on continues to be determined to hold its position of privilege by force, it will, of