

# LIBERAL OPINION

24 JUL 1964

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## FREEDOM TO OPPOSE APARTHEID

**LIBERAL OPINION** Subscription is  
75 cents (7/6) for 6 issues.

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### IN THIS ISSUE:

- 1 Freedom to Oppose Apartheid
  - 3 The Transkei Legislative Assembly
  - 4 Looking back at Snyman
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On 10th June the South African Minister of Justice made the astonishing statement that "no person's movements have been restricted in any way under the powers which I have for being opposed to apartheid". Mr. Vorster said that he wanted to make this statement **emphatically for the record and for the benefit of the outside world.** The whole tenor of his statement was designed to suggest that there was full freedom to oppose apartheid in South Africa. We wish to state emphatically for the record and for the benefit of the outside world that a great many people have been restricted for being opposed to apartheid and that full freedom to oppose apartheid in South Africa does not exist. We will find all the examples we need to substantiate our case from our own experience in the Liberal Party.

In late 1962 Mr. Vorster himself initiated a smear campaign against the Liberal Party which implied that the Party was involved in violence in the Transkei and was no more than a Communist tool. Up to the end of 1962 only two members of the Liberal Party had been banned. But having set his smear campaign in motion, and softened up white South African opinion in advance, a systematic campaign of banning leading Liberal Party members was started by Mr. Vorster in early 1963. Peter Hjul, Cape Chairman of the Party was his first victim. Since then a dozen leading Party

members have been banned. A tribute to the effective non-racial character of the Liberal Party is the fact that the people who have been banned have come from every group which inhabits South Africa. And, whatever the Minister may say, they have been banned for one reason only, and that is because they have opposed apartheid outspokenly and effectively. Not one of them has been banned because he has been found guilty of an offence. Some have been charged with publishing anti-apartheid material, but this has only happened **after** they have been banned, never **before**. Most have never been charged with anything at all. All are restricted to their home areas, prevented from communicating with other banned persons, prevented from attending any gathering, forbidden to make a speech or publish anything at all in a newspaper or anywhere else. One, Elliot Mngadi, who is a preacher in his church, is prevented from attending a religious service unless it is held in his own home and attended by members of his family alone. The only "offence" of importance which Mr. Mngadi, and every other banned Liberal, has committed is to be vigorously opposed to apartheid.

Since early 1963 a large number of Liberals of all races have received magisterial "warnings" to abandon activities Mr. Vorster sees as "furthering the aims of Communism". The activities are, in fact, furthering the aims of the Liberal Party.

**Bans** are designed to silence active opponents of apartheid, but they are also intended to intimidate a much wider circle of people, those who might be organised and led by the banned ones. **Warnings** are aimed at frightening out of political activity actual and potential political leaders; they usually aren't effective, but sometimes they are. But bans and warnings are only part of the intimidatory system which Mr. Vorster and his Security Police bring to bear upon rank-and-file Liberals; the small, visible part of the ice-berg. Most intimidation goes on unseen, away from the eyes of the newspapers and the ordinary white public, known only to those immediately involved in it.

Any active Liberal in present-day South Africa must soon accustom himself to having his car followed when he goes to a meeting in a rural African area, to having a small army of Security Police present at any public meeting he attends and to having his own, and everyone else's, speeches and remarks recorded by an ostentatiously displayed police

tape-recorder. This has been the pattern for a long time now, but recent Liberal Party experience in Natal suggests a much more systematic and widespread campaign of intimidation.

In rural areas, where most party members are Africans, the police show themselves conspicuously at the scene of a meeting before it is due to start. They drive up and down in their jeeps and trucks, stop near the meeting-place, ask people where the meeting is going to be held, and do their best to create the impression that there is something illegal about the meeting and that anyone who goes to it will get into trouble. This was standard police practice at rural meetings before the Party's annual Natal Provincial Conference this year. One Party worker who was visiting outlying branches at this time was twice taken to the local police station and questioned at length. On the second occasion, and no doubt to make the whole operation more spectacular and so spread word of it more widely, the train on which the organiser was travelling was stopped between stations and he was taken off, with his luggage, and loaded on to a police vehicle.

The lorry carrying African delegates from Northern Natal to this conference was stopped. Names and addresses of delegates were taken and most have since been visited at their homes by Security Police. It was suggested to the lorry-driver that he would be prosecuted if he went farther. With this threat hanging over him he decided to turn back, and a last-minute, hundred-mile shuttle service had to be organised to rescue the stranded delegates.

When a prominent Liberal died in Northern Natal Security Police arrived at the funeral and interrupted it to remove from it for questioning another leading local Party member. The next day would have been good enough for their questioning, but they took the opportunity to show their powers before a crowd.

African Liberals working in rural towns have been visited at their work and removed for questioning, the obvious intention being to plant in the employer's mind the idea that his employee is a dangerous man to have around.

A white Liberal farmer has been raided regularly, and his aged mother, with whom he lives alone, has been terrorised by police suggestions that they might take her son at any time for 90 days . . . if he doesn't give up his Liberal Party activities.

Security Police regularly attend private branch meetings intended only for members.



Sometimes they bring a warrant authorising them to attend the meeting, sometimes they don't bother.

The families of young Party members are visited and told that they should persuade their relatives to give up their political work before they get into trouble.

Rural African members are visited after meetings have been held and are asked questions. Latest device is for the policemen to masquerade as representatives of the Party who have been sent from Headquarters to collect local information.

This is the atmosphere in which a political organisation which actively opposes apartheid must work in South Africa today. Bannings and warnings come spasmodically, but the methodical campaign of police intimidation goes on every day. Mr. Vorster knows all about this campaign. He is its instigator. His object is to make that political opposition which challenges apartheid at its roots impossible. He is not succeeding, because most people refuse to be intimidated, but he is certainly making life difficult—and his indignant claims of June 10th are so much eyewash.

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## THE TRANSKEI LEGISLATIVE ASSEMBLY

From May 5th to June 20th the first full session of the new Transkei Legislative Assembly took place. It revealed some very interesting facts.

Almost the first day the Assembly met it confirmed what everyone already knew, that the Transkei Constitution does not provide for representative government. Chief Poto's Democratic Party had the support of two-thirds of the elected members of the Assembly and claimed to have won some 1,297,440 votes against Kaiser Matanzima's 445,675, yet because the majority of members are Government-appointed Chiefs, Matanzima started the session off with 66 votes to the Democratic Party's 43.

It was soon obvious that the Democratic Party could call on far more ability, brain-power and debating skill than could Chief Matanzima's Transkei National Independence Party. While Matanzima and a handful of his supporters carried the full burden of arguing the apartheid case which his Party supports, the Democrats had a large number of skilful and outspoken debaters to call upon, and did

so very effectively.

The Democrats did not have enough votes to carry the motion of no-confidence with which they opened the session, but they achieved their purpose and made the Matanzima supporters reveal themselves publicly at the very outset of the Assembly meetings. This was a serious embarrassment to some of the Government-appointed Chiefs, who came from areas which had voted solidly for Poto and who now showed themselves to be quite unrepresentative of the views of their people. The effective arguments put up by the Democratic debaters and the high-handed manner in which the "government" handled some of the Assembly debates produced the first cracks in the fronts presented by the two Parties. Two Chiefs, Mzauteti Diko of Eastern Pondoland and Qamarana Zenzile of Gcalekaland left Matanzima and joined Poto. There were rumours of others who were trying to pluck up courage to do the same. Both these Chiefs came from areas in which, before their defection, every single Chief who sat in the Assembly supported Matanzima. In contrast, in Eastern Pondoland, 7 out of 8 elected members supported Poto, and in Gcalekaland the elected members are fairly evenly divided between the two parties. The first Transkei by-election is due to be held in Gcalekaland, and it will be interesting to see whether Chief Qamarana represents a move away from Matanzima in that area. Certainly Matanzima will be throwing everything he has into the election campaign in an effort to show that it does not—and with the resources available to him, and Big Brother Republic in the background, he will start off with a considerable advantage over the Democrats. However, the Democrats will have two important propaganda weapons in their hands for this and subsequent elections.

Last year the Republican Government appointed the Cingo Commission to study the question of mother-tongue instruction in the Transkei. The Commission did what the Nationalists wanted it to do and came out in favour of mother-tongue instruction. When education policy was discussed in the Transkei Assembly the Cingo Report was submitted to it. At the same time Chief Poto's supporters submitted a whole series of motions fiercely critical of Bantu Education. The Transkei Minister of Education proposed a Select Committee of both Parties, which would consider the Cingo Report and the Democrat Resolutions. The Select Committee, in its report, recommended that the Bantu Education syllabus be abandoned in the Primary and Second-

ary schools and that instruction be through the official language (Afrikaans or English) of the parents' choice from Standard III onwards. The parents' choice will almost certainly be English. The syllabus recommended is that used by white schools in the Cape Province. Is this the end of Bantu Education in the Transkei? In late June, having remained silent since the Select Committee reported, Kaiser Matanzima made a statement strenuously denying that it was. It is difficult to see what else it is. Certainly any backsliding by Matanzima on this question will give the Democrats an even more effective education platform than they have at present—and at present their known rejection of Bantu Education is very popular with Transkeians.

Perhaps the most important point scored by the Democrats during the session was when they introduced a motion calling for rehabilitation schemes to be introduced in the Transkei only with the consent of the local people. "Rehabilitation" means soil conservation in one respect, but in another it means demolition and removal of homes without compensation, compulsory "tribal" labour and, in some cases, the reduction or loss of fields. It is very unpopular. Matanzima supporters know this and, when the Democratic motion was put, a large number of them managed to be absent from the hall or to abstain, and the motion was carried by one vote. The winning of the vote did not mean much at the time, but the fact is that Chief Poto has come down four-square for rehabilitation schemes only being introduced when the people want them, and Chief Matanzima has come down as firmly against him.

Many Matanzima Assembly supporters are going to have some awkward explanations to make when word gets around in their home areas that they voted against voluntary "rehabilitation". This will be particularly the case where there is already a conflict between people who support Chief Poto and a Chief who supports Matanzima. But even in pro-Matanzima areas rehabilitation is hated. This vote could stand Victor Poto in very good stead in the future.

## LOOKING BACK AT SNYMAN

BY A LAWYER

(Mr. Vorster, South Africa's Minister of Justice, has just extended the 90-Day "Detention Without Trial" Clause into its second year. The original justification for the Clause was

**said to rest on the findings of the Snyman Commission which was appointed to investigate the causes of the Paarl Riots of late 1962. With the extension of the 90-Days Clause it seems worthwhile to examine the Snyman Report again to see if it does provide such justification.—Editor.)**

Mr. Vorster has still not let go of his 90-day powers. He has promised to drop this power if circumstances permit during the Parliamentary recess. The appetite for such powers once savoured is not easily lost. It takes an authoritarian personality to acquire such tastes in the first place. That is why public pressure on Mr. Vorster to forfeit these powers must not cease until he does so.

The Snyman report into the Paarl riots has been used to justify these extraordinary Executive powers. It will probably be used in the future to support Mr. Vorster's request for yet more dictatorial powers. To what extent can such use be made of the Snyman Report?

It will be recalled that, in November, 1962, a group of Africans engaged in an attack on the Paarl Police Station, and after being beaten off by the police, went on an expedition of rampage, in which R37,250 damage was done to property and two white people were killed and four wounded by the attackers. Five Africans were killed and fourteen wounded. Judge Snyman was appointed as a Commission of Inquiry into these events. He heard evidence for some months, including confidential information in private from the Security Police.

His report traces the history of Poqo, the terrorist organisation, which it equates with the P.A.C. The P.A.C. is in turn seen as a development out of the A.N.C. As far as the A.N.C. is concerned, the Report says that "in its earliest days" it expressed and promoted its aims on a non-violent basis. It is suggested that Communists infiltrated the A.N.C. and "ultimately captured its organisation". The Snyman Report considers that its 1949 Programme of Action is a sign of Communist influence in the A.N.C.

It is difficult to speculate on what has happened to the A.N.C. since its ban in 1960, but at least, until then, there were many leaders of the A.N.C., including its President, Chief Luthuli, who were certainly not Communist. Furthermore in the Treason Trial, after a hearing lasting some years, the Court found that "it has not been proved that the African National Congress had become a Communist organisation".

At least until its ban in 1960, it would seem more accurate to say of the A.N.C. that it was an organisation in which several of the leading members were Communist, but that the organisation itself did not become a Communist one because of their membership.

In discussing the P.A.C., the Report says: "The P.A.C., like the A.N.C., aimed at the violent overthrow of the Government in South Africa . . . (it) . . . at one time paid lip service to non-violence, but it has been firmly established before me that it is in fact an organisation set on the achievement of its aims by the violent means of sabotage and murder."

This may be true of Poqo, but what of the P.A.C. prior to its ban in 1960? The Report of Judge Snyman says that the Sharpeville and Langa reports corroborate the view that "whilst the P.A.C. purported to be non-violent it indulged in activities which its leaders must have known would result in violence. Subsequent events have demonstrated not only that they must have known, but violence, in fact, was the method deliberately chosen by the P.A.C. for the achievement of its aims."

There is much that is controversial in this view. Firstly, the Sharpeville Commission found no evidence to justify the conclusion that violence was to form any part of the P.A.C.'s anti-pass campaign or that violence was contemplated against the Police. Secondly, the reasoning behind Judge Snyman's conclusion is very much **post hoc, propter hoc** and ignores the impact of banning on a hitherto lawful body.

The Snyman Report says that "it was obviously with a realisation of the violent aims of the A.N.C. and P.A.C. that Parliament" banned them. This is by no means obvious, and it can be strenuously disputed whether there is any reliable evidence that either the A.N.C. or P.A.C. adopted a programme of violence prior to their banning. If Parliament indeed was so motivated one wonders why they were initially only banned for one year.

Furthermore the Treason Trial Courts found: "That the Prosecution has failed to prove that the accused had personal knowledge of the Communist doctrine of violent revolution or that the accused propagated this doctrine as such." The Court found an overwhelming emphasis on non-violence in A.N.C. propaganda and speeches and held that "It is impossible for this Court to come to the conclusion that the A.N.C. had acquired or

adopted a policy to overthrow the State by violence."

Judge Snyman says that the P.A.C. prior to 1860 relied mainly on winning the willing support of Africans, but the riots which it organised in 1960, though extensive . . . failed in their purpose "and the P.A.C., having received an inadequate response from the people, turned to violence". Here again the Report is very controversial. The P.A.C. organised demonstrations at Police Stations in 1960, but not "riots". In the Sharpeville Report it was found that there was no P.A.C. plan to organise violence. It is as well to remember that at Sharpeville on 21st March, 1960, some 69 Africans were killed and 180 wounded, while no Policeman suffered anything more than a minor injury.

Surely it is more accurate to suggest that the P.A.C.—like the A.N.C.—had a programme of non-violence, but that the bans imposed in 1960 made some P.A.C. leaders turn to violence? Violence should thus be seen as a plot hatched in the darkness of underground activities and responsibility for it must be laid at the door of the Government, which made overt, non-violent tactics impossible for the A.N.C. and P.A.C.

The Report found "no noteworthy antagonism to the central white government" and considered that rank and file Africans were compelled to assist Poqo out of fear. Again this view cannot go unchallenged. If there was "no noteworthy antagonism" how did Poqo achieve a significance sufficient to enable it to terrorise Africans? And why has it been necessary to take such extraordinary power to suppress it? Our experience leads us to believe quite the contrary—that there is a growing opposition to this Government from Africans in all walks of life. If there were indeed 250-300 Poqo members of a total population of 5,000 in Paarl this would seem a very significant proportion if allowance is made for women and children.

The Snyman Report claims that "the use of petrol bombs and firearms is usually a sign of activity by the communist-controlled A.N.C." The Commission believes that there is fairly certainly a link between Poqo and Communism. Here again many political observers would seriously question the existence of such a link.

Coming down to the conditions under which Africans lived at Paarl, the Commission found "extensive corruption" in the adminis-



tration of influx control. Judge Snyman found that influx control was necessary, but much resented by African. There was an "estrangement between the Bantu inhabitants of Paarl and the authorities charged with preserving law and order." As early as 1960 the acting Location Superintendent advised that there was unprecedented hostility to the location staff.

Paarl's pattern of night raids, squatter removals, permit problems and the like is not unique. The Commission, in fact, holds that "some resistance to policy is to be expected". The problem is what is to be done. Here the Report is disappointing. Judge Snyman believes that there is no need for a change in basic policy if the attitude of those who administer the laws is sound and sympathetic. "The restrictions on the movements of the Bantu and the interference with his mode of living, however much they may be intended for his benefit, are not understood by the bulk of the Bantu people, who are still undeveloped and primitive . . . it requires special effort to persuade them that these schemes and regulations are not intended to be oppressive, but are based on social and economic needs."

The lesson of Paarl as seen by Judge Snyman is essentially prosaic, despite its lyrical expression. Judge Snyman proposes that those who administer African affairs should have "a kindly and human approach". Furthermore, he says, white people in general must abandon their impersonal and sometimes impatient attitude to Africans. The attitude of both White and African in the field of interracial relations should be reformed.

It is here that the limitations of a judicial commission appointed to investigate a socio-economic situation are glaringly revealed. In matters of this kind a judge's expertise need not be unquestioned. His opinions on political matters merit respect. This, however, does not put the commission necessarily in any better position to make political assessments than those who—unlike a judge, who should keep aloof from politics—have made a careful study over many years of this country's political complexities.

The Commission's views, far from being sacrosanct, are most disappointing. Judge Snyman has accepted apartheid and rejected

criticism of it. He seems to believe that sympathetic administrators can wipe away the tears caused by influx control. He does not see that the essential unity of the theory and practice of apartheid makes his plea for a change of heart a naive one. To most white people apartheid is and will remain a policy of racial supremacy designed for their privilege and it suffers from all the inhumanity associated with **baasskap**. Thus anyone who knows the way of life of urban Africans will know of the misery caused by passes. In every outbreak of unrest the twins of poverty and passes are in evidence. Can it seriously be suggested—as the Report suggests—that all this pass misery is for the benefit of Africans?

If the Snyman Report is disappointing in its analysis of the socio-political background, it is positively distressing when it deals with action to be taken against Poqo.

Mr. Vorster invited Judge Snyman to comment on his then-proposed General Laws Amendment Act. Judge Snyman approved of "special courts". He commented that imprisonment is only a "temporary check" on political offenders. The Report mentions that the fact that the State must prove guilt beyond reasonable doubt may make it impossible to deal with those who "in all probability" are engaged in subversion. Judge Snyman proposes a mechanism "outside the normal criminal procedure" for dealing with subversion. In commenting on the 90-day Clause, Judge Snyman apparently approves it because of the circumstances found by the Commission, and the cold war.

It is the proud tradition of the judiciary to uphold the rule of law. It is a sad day when one of our Judges believes that to preserve the safety of the State is more important than to preserve the rule of law.

In reading the Snyman Report, one is forced to some simple conclusions. The first is that apartheid appears as the villain of the piece. Furthermore, that the answer to apartheid is not to patch it up but to demolish it and give all South Africans a square deal based on political, social and economic equality. Thirdly, that repression breeds Poqo and violence and that more repression will bring more violence.

Another year of 90-Days holds no promise for our future.