

JUSTICE TRIUMPHS

All our hearts were full of joy and gratitude when we heard that Dean French-Beytagh had won his appeal. Joy in the first place, because an honourable, humane and deeply respected Priest was freed from the danger of passing five years in prison. Joy, secondly, because the impartiality of our courts had been vindicated to South Africans and to the wider world. Joy, finally, because it seemed that this judgement might be the turning-point in a long process of persecution, and that, in the words of Lord Macaulay, "the innocent might begin to breathe freely and false accusers to tremble."

We do not think that this rejoicing was misplaced or naive. We continue to rejoice; we have reason for rejoicing.

In the Dean's case immense pains had been taken to assemble from every possible quarter every conceivable bit of evidence. This mass of exaggerated, inapplicable and sometimes tainted evidence has not convinced the highest Court in the land. It is clear that the Security Police have not unlimited power to twist the law which our Courts so justly administer.

EXTREME PERSECUTION

The persecution which the Churches, and perhaps particularly the Dean's own Anglican Church, have experienced is extreme. There may be Anglican law-breakers, as there may be Dutch Reformed law-breakers, but the seizure of papers and the invasion of Bishop's houses in the early dawn have not furnished material for prosecutions. We submit that it is high time that the Government left the Anglican Church alone.

When the Dean left this country, the crowd at the airport sang "Onward, Christian Soldiers." It was a just comment.

For all these reasons we are not willing to follow the example of some overseas critics who have tried to tell us that we have nothing special to be thankful for, and that we have been

a bit simple-minded in rejoicing over the righteousness and impartiality of our country's final Court of Appeal.

NO REMEDY FOR BANNING

But of course all is not well just because Dean French-Beytagh has escaped imprisonment. Had the Government chosen to ban the Dean instead of bringing him before the Courts he and we would have had no remedy. How many banned South Africans would have been acquitted by our impartial tribunals if they had been tried instead of punished without trial! The Dean's action in leaving South Africa may well have been necessary to prevent his having to suffer banning even though acquitted by the Courts.

Finally, let us suppose that the Court had not been able to uphold the Dean's appeal. Let us suppose that he had been technically guilty of an offence. This would have meant a sentence of five year's imprisonment. It would have meant a Christian Priest being sent to jail in a professedly Christian country for having been a Good Samaritan. That our Judges who we justly respected should have been so far deprived of the free exercise of their judicial functions as to be compelled to impose a *minimum* sentence of five years for what they may feel a minor offence is incredibly bad. One result of Dean French-Beytagh's case should be an appropriate amendment to the Act under which he was charged and the dropping of this new and pernicious tendency of binding the hands of the Courts by the imposition of ferocious minimum sentences. □

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