

# This law is a danger

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*The Black Sash organised a public meeting in Johannesburg in protest against the State Security Bill, later renamed the Internal Security Bill (now an Act). Advocate Wentzel was one of four speakers at the meeting.*

**W**HAT is the law aimed at? Who are its targets? The Suppression of Communism Act had at least this theoretical limitation: it defined Communism by reference to unlawful acts. This law has no such limitations.

It can be used against anyone — however lawful his actions — who, in the Minister's opinion, is a danger to the security of the state or law and order.

Can we trust *any* Minister with such powers? Can we trust anyone in a Government which even suggests that the Progressives are disloyal and unpatriotic?

The law empowers the Minister to arrest and imprison anyone at his say-so. There is no limit to how long and no definition of the conditions of detention.

Is the reviewing committee a safeguard? Here again the power of words — it is not even called a court or a tribunal. This parody of the judicial process will be presided over by a judge or magistrate, but his presence does not make it a court.

If a litigant learns that his case is to be heard by a judge of great eminence he still does not discharge his lawyer. Ours is an adversary legal system in which the two sides battle out a defined dispute with a judge to arbitrate.

This committee will hear what the Minister wishes it to know and he is not bound by its recommendations. It is not bound to hear the prisoner. He has no right to counsel.

It is simply not possible for the Minister to decide. He must rely upon the recommendations of the Police. Like the Minister, the Police are not infallible. We know that not all policemen are intelligent and not all are honest. They often rely upon the reports of informers and there is no mechanism for testing their reports.

This law is a danger. Parliament can make any law. Freedom is in danger when power is concentrated and unchecked. In our system we do not have the checks and balances with which the Americans control their government.

In our system it is dispersal of power and influence which does so. The judiciary, the university, the trade union, the students' union, the professional associations all should have their say.

In a democracy a government must respect and even encourage this. This vigilance has the power to see that laws are just.

The law is either the leash by which we control those in authority over us or the whip by which they tyrannise us. And it is no less a whip because it is handed to the government by Parliament.

The Minister has reassured the public that the powers in the law, which he concedes are extraordinary powers, are not needed at this stage in South Africa. He says that the legislation is being passed on the "just in case" principle. Just in case of what?

As I read the situation, it is just in case detente fails or separate development founders. In such a case the Government will revert to type and endeavour to control the situation by the exercise of power rather than by negotiation, compromise and reason.

Apartheid itself, which was once the cornerstone of the Government's policy, has fallen on evil days. The very word is one too ugly to speak and its name, like the State Security Law, has had to be changed to "separate development", which they hope might be more palatable.

This Government has suddenly discovered, at least for foreign consumption, that discrimination is an evil that must be rooted out. May we be forgiven for having believed that that, too, was the cornerstone of the apartheid policy?

It is this Government, with all its fallibilities, that asks the public of South Africa to commit its destiny into its charge, relying upon its judgment, relying upon its say-so, and not questioning its decisions, even when they may involve imprisonment without trial of our fellow citizens without charge or reasons stated.

The right to protest and the right to dissent, which will be the victims of this law, are fundamental to peaceful change in South Africa. If they are preserved, and if the unwelcome voices are not silenced, we will, whether we wish to or not, be compelled to face our problems and come to terms with them.

The road to peaceful change is paved with dissent and debate and disagreement. This law is that broad autobahn of authoritarian good order and we know where that road leads.

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