

ADDRESS ON : PROMOTION OF STATE SECURITY ACT

25 AUGUST 1976

Mr. Chairman, Ladies and Gentlemen, a word of explanation may be in order as to why I have accepted the invitation to appear before this audience tonight. There is a school of thought that maintains that someone in a position such as mine is not able to separate his official persona from his private persona. If therefore he expresses publically his views as a private citizen on matters political or religious, particularly if an element of controversy exists, or is thought to exist, it is averred that he somehow by association implicates the institution he represents.

I wish to state categorically that the views I express tonight are my own views, for which I personally accept full responsibility. I do not speak with any official mandate whatever, and what I say has no official status, nor does it implicate Rhodes University qua institution in any way.

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I am most definitely not speaking ex cathedra. I do not subscribe to the doctrine that a university principal must be a political or religious eunuch. My political and religious affiliations are well known: I have never made a secret of them. I am proud of them: if I were not I should seriously re-examine them and possibly change or abandon them.

What is required of me in my Office is that I treat all people alike, on an equal footing, without fear or favour, regardless of their political or religious affiliations, race or sex. This I am obliged to do, and have always striven to observe, but that is another matter altogether.

In spite of my explanation, some present tonight may insist on seeing before them Dr. D.S. Henderson, Principal and Vice-Chancellor of Rhodes University. Wrapped in the same mortal frame, however, is Derek Henderson, private citizen, whose conscience does not permit him to remain silent when his civil liberties are being stripped from him layer by layer. Other Vice-Chancellors or Rectors at other times and under other regimes, elected

to remain silent, cloaked in official anonymity. The time for silence in South Africa is past. As a fourth generation South African I yield to no-one in my sense of commitment to our country, to its safety, good name and long term security. I choose to speak, while there is yet opportunity to speak.

Mr. Chairman, Senator Worrall has put the case for the measures enshrined in this Act with all the logic and rhetoric that one has come to anticipate of that band of English-speaking Senators who support this kind of philosophy. They have either not been able, or mostly they have not been willing, to convince the electorate of the rightness of their cause. The arguments are well-known and insidiously reasonable. After all, who wants to be blown up or mown down by rioters, terrorists, provocateurs or foreign infiltrators when all of that ilk, along with a few unfortunate innocents, can so conveniently be rounded up by our efficient security force, and tucked away before the event.

None of us wants to detain people without trial, or even prospect of

trial, and submit them to solitary confinement, interrogation, maybe a touch of the rough stuff if they prove particularly obstinate, for trivia such as murder, robbery or rape. NO, the whole of our future must allegedly be at stake, not just some ordinary criminal affair. In such circumstances even our most cherished ideals and principles must yield a little. So the argument goes. You have heard over thirty minutes of it, delivered by an expert.

Are we to be seduced as easily as that? Principles and ideals have a very uncomfortable logic when once breached. It's like putting up a temporary building: one finds one's self living with the consequences of the compromise for a very long time, long after the immediate accommodation crisis has passed. One is reminded of Bernard Shaw's celebrated dialogue with his neighbour at a smart banquet:



Shaw: "Madam, would you be unfaithful to your husband for 1 000 000?"

Lady: (after a pause) "Yes".

Shaw: "Would you for 10?"

Lady: "Good heavens, no. What do you take me for, a prostitute?"

Shaw: "That, madam, has already been established. We are now merely determining the fee."

Mr. Chairman, I wish to base my opposition to this Act, and all that it implies, and is implied by it, on two grounds. Firstly, I oppose it at the level of principle. After I have looked at principles I hope to convince you that all this expensive and distasteful apparatus of internment, detention, interrogation and intimidation does not even work at the practical level - in that it fails lamentably to achieve the objectives it purports to serve.

Firstly, as to principles. I can hardly do better than begin with a

quotation - all the more effective for its being so well known - from one of Britain's greatest Prime Ministers, William Pitt the Elder, Earl of Chatham:

"The poorest man may in his cottage bid defiance to all the forces of the Crown. It may be frail - its roof may shake - the wind may blow through it - the storm may enter - the rain may enter - but the King of England cannot enter - all his force dares not cross the threshold of that ruined tenement."

Even today in South Africa, (when over 140 people have recently been rounded up, reportedly nearly sixty under the provisions of the new Act, and Minister Kruger threatens to introduce further legislation to muzzle the Press from even attempting to establish who the unfortunate individuals are) what heart even remotely attuned to the British heritage does not thrill to such a graphic depiction of English respect for individual liberty. Today, however, as we contemplate the possibility of the 4 a.m. knock at the door,

such words, even in fair Grahamstown, have something of the remote dreamlike quality of a Paradise Lost. What would Pringle or Fairbairn, even in the midst of Frontier trials and tribulations, have made of this Act? Surely, the same as what they made of some of Lord Charles Somerset's grosser proclamations!

One calls to mind the story of the Frenchman, the Englishman and the Russian, when asked to describe the most pleasurable thing they could anticipate if there were an unexpected knock at the door:

Frenchman: "Brigitte Bardot".

Englishman: "The postman with a telegram announcing a huge win in the Pools."

Russian: "It is the K.G.B. They say 'Ivan Ivanovich, we want you for interrogation'. I say 'Ivan Ivanovich lives next door.'"

Did I detect a note of anxiety, even hysteria, in your laughter? How comforting it would be to be able to say: "Koos van der Merwe, or Philemon Dhlamini, lives next door."

It is comforting also to know that the human spirit, in the form of a Solzenitsyn or a Cardinal Mindzenty, is able to resist the worst excesses of the world's most brutal and efficient security forces and survive. I was fortunate once to have attended a Mass presided over by Mindzenty and afterwards he processed amongst the congregation and blessed us. I have never experienced more spiritual authority or power at such close quarters. Thank God that the world has been able to produce such men.

We are asked to accept the abrogation of our most fundamental liberties in times of crisis and stress, in the interests of national security. How much value do we put on these liberties and how great is the danger? How many more people would be killed if we as people faced our dangers, both



internal and external, just as resolutely, not sacrificing these liberties but relying rather on proper Court convictions against sabotage, treason, conspiracy, riot and naked terrorism?

Let us recall that in over ten years in Northern Ireland not many more than 1 000 people have been killed, and let us concede that our kind of legislation might have saved them all. In Rhodesia, too, the figures are of the same order. We will not sacrifice a far lesser freedom, that of travelling at choice on our highways, even at a price of 8 000 deaths per annum, just as grisly as those of the victims of any terrorism. If you or I travel by road we risk a 1:3 000 chance per annum of a sudden and horrible death. Do we value the freedom of habeas corpus, won by our forefathers at so great a price, so low that we are not prepared to risk a 1:3 000 or even a 1:30 000 chance of a terrorist death to preserve it? If that is the case, we are not and were not worthy of the freedoms we have so lightly cast aside for such a mess of pottage. Tiny Israel faces at least as great dangers as we do. Do they resort to such draconian measures? People, possibly innocent even on the admission of the authorities, are taken without

warning, with the possibility that their families or the Press are precluded from knowing anything about it, with fewer rights than convicted murderers, with no visitors, letters, access to worship (this in a so-called Christian country), literature, company of their fellow prisoners, no guarantee even of the minimum prison diet or certainty of the day of their release or trial. Mr. Chairman, does our national security really require all of this price, and if it does, have we any moral right to pay it? The Jewish people, of all people, have a right to value their security above all else, but would they subject themselves or anyone else to such measures?

The High Priest Caiphas put the expedience argument very succinctly to the Sanhedrin in the most famous case in history: "It is expedient for us that one man should die for the people, that the whole nation perish not". We all know what the consequences of that philosophy were. In South Africa 24 people have already died in detention.

The principal actor in the Watergate case repeatedly attempted to cloak the improper use of the intelligence services of his country by contending that to divulge the information sought was not in the National interest. The trouble with legislating so that whole areas of public service activity are not open by definition to public investigation, scrutiny and debate is that the hugest excesses can go unchecked. Granted there is no doubt that the people attracted to such areas are imbued with the highest sense of patriotism. "Time" magazine, citing studies of the psychology of such people, indicates their sense of commitment, but also their lack of balance and their readiness to be led. They sense what their masters want, and they are all too ready to supply it. If their masters incline to a conspiracy theory for cases of unrest, they have the means to supply the evidence. After enough confinement, solitary or otherwise coupled with other means of persuasion, all but the hardest souls find it hard to resist. There are plenty of examples in history.

Mr. Chairman, I cannot better summarize my abhorrence for the principle

of such legislation than by quoting the words of the equally illustrious son of the man with whose words I began, William Pitt the Younger, British P.M. at the age of twenty-four summed it all up for us:

"Necessity is the plea for every infringement of human freedom. It is the argument of tyrants; it is the creed of slaves."

My objections to such legislation, and all the coercive apparatus that it implies, do not stop at principle, at the level of theoria, but descend also to the level of praxis. Armed forces on the Border and Security forces internally are at best only a palliative. They can buy us time in which the politicians can seek political solutions to political problems. Armed force and abrogation of freedoms are no answer to political problems. Our top soldiers have told us this repeatedly. General Dillon said it before he retired, I believe General Malan has said it. Colonel Chamaly from Queenstown has most certainly said it right here in Grahamstown.



When we come to rely on security legislation and security apparatus, backed up by force, endemically, then we are on very dangerous ground. We are coming dangerously close to this position in South Africa. The crises of the early 60s brought forth our first crop of security laws and apparatus. "Ninety Days" and "One hundred and Eighty Days" seemed outrageous enough at the time of their introduction, but we can almost look back to them with nostalgia compared with what we have today. Make no mistake: if we do not put our house in order rapidly, and very quickly remove the basic causes of unrest, the national paranoia will get worse, feeding on itself. Minister Kruger has already indicated that he wants to make it a crime to publish even the names of people detained. Will it soon be a crime even to criticise the legislation or the apparatchiks? Logically, it is not even necessary to pass any more legislation. If in the opinion of the Minister it endangers security to criticise, or even if he thinks you might be tempted to criticise and thereby endanger State security, then heighpresto! you can disappear without trace. For all your

friends and family know, you might have drowned on the beach.

Let us make no mistake. History almost universally has taught that no superfluity of Lang Hendrik van den Berghs, Mike Geldenhuyses, Colonel Swanepoels or Hippo armoured cars ever really did any good. Czar Nicholas had a very extensive security apparatus. So did Generals Battista and Trujillo.

No political system that did not adapt itself to underlying political realities ever succeeded, no matter how powerful its armed forces or skilled and dedicated its security. Queen Elizabeth II put it very graciously in her recent speech in Philadelphia marking the Bicentenary of the American Declaration of Independence by thanking the U.S. for the lesson taught Britain by the American Revolution. The Britain of George III, the Queen said, lacked the statesmanship "to know the right time, and the manner of yielding what is impossible to keep."

A number of commentators have recently begun to suggest that a security-cum-intelligence gathering apparatus is generally counter productive. There is some impressive evidence to support such conclusions. Consider some examples:

- (1) The Cicero spy story in which a German agent, working as a chauffeur in the British Embassy in Ankara, managed to photograph and transmit to Berlin the complete details of the Allied military build up for the invasion of Europe. The German High Command would not believe it (and thought it was a clever British "plant") largely because they could not believe it: the evidence for the inevitability of German defeat was so overwhelming. It would have saved German espionage (and British counter espionage) a great deal of trouble if the Allies had simply mailed a copy to Berlin! The end effect would have been the same.

- (2) The American C.I.A., especially its "Department of Dirty Tricks", has brought American foreign policy into such disrepute, from the Bay of Pigs fiasco, through meddling in Chile, Vietnam, the Congo, and attempted and bungled assassinations (with the help of the Mafia) of foreign heads of state, that they arguably would have been better off without it.
- (3) The most celebrated case of all was the British achievement of cracking the German code during World War II. With the aid of a complicated machine called Enigma the Germans had developed what they arrogantly believed was the ultimate, uncrackable code. Many details have recently been released, and the story of how some of Britain's most formidable mathematicians assisted in the task makes a fascinating story. Did it really profit the Allies to have access to their enemy's innermost military secrets? One of the people most intimately involved clearly did not think so.



Consider the situation: You know in detail what your enemy is thinking, but it is imperative that he never discovers that you know. Where do you think all the raw material for the bizarre plots of Ian Fleming, Grahame Green or Malcolm Muggeridge came from? From real life, for they were all involved in it.

Think of the appalling situations that arose. Churchill sacrifices the people of Coventry, for to have evacuated them before the raid would have revealed that the British had foreknowledge, which could only have come from a cracking of the code. By the end of the war the complete German spy apparatus in Britain consisted of British double agents, bankrolled by MI5. To keep the Germans off guard they had to be fed enough real intelligence, which meant that British troops or key intelligence people in Europe had deliberately and cold bloodedly to be sacrificed. It has been cogently argued that the whole sordid

business did not help one iota in bringing the War to a close any sooner, or in reducing the net suffering. The world might well have been a better place if the code had never been cracked.

Think of the type of hypothetical situation that might well arise in South Africa. A student leader confesses that he is a BOSS spy. BOSS of course promptly denies it. The denial may well be true, for the student may just be seeking publicity, but nobody believes the denial. On the other hand BOSS may have ordered him deliberately to blow his cover to protect an even more important agent. Or alternatively, by coming clean the idea may well be that through a sympathy reaction the agent is being prepared to penetrate other groups!

Do we need all this sort of hocus? Is it really contributing to our national security?

Mr. Chairman, I believe that I have said enough this evening to convince us all that this legislation (and its consequences) is appalling in principle, and what is just as damning, it will prove to be, except in the very short term, counterproductive to security in practice. Ladies and Gentlemen, I am willing to be "konsekwent", that fashionable word in certain political theory circles. Let us accept the practical consequences of a return to habeas corpus, just as we accept the practical consequences of driving around in our cars, let us sit down and talk our South African situation out, inviting representatives of all concerned parties to the talks. Finally, let us vow to do all in our power to get rid of this infamous legislation, and let us send the Lang Hendriks and the Mike Geldenhuyses back to being decent cops again, where they belong, making our lives safe against murderers and robbers.