

Cape Western Region
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M E M O R A N D U M

to

THE CHAIRMAN AND MEMBERS OF THE SELECT COMMITTEE
ON THE UNDESIRABLE PUBLICATIONS BILL

on

THE VIEWS OF THE BLACK SASH, HEADQUARTERS REGION,

on the

UNDESIRABLE PUBLICATIONS BILL.

TO:- THE CHAIRMAN AND MEMBERS OF THE SELECT COMMITTEE ON THE
UNDESIRABLE PUBLICATIONS BILL.

The Headquarters Region of the Black Sash hereby submits its views
on the Undesirable Publications Bill.

The Black Sash is deeply concerned about the Undesirable Publications Bill. Peaceful political development can only be achieved through unfettered interchange of ideas and beliefs, and we believe that such interchange is necessary to the attainment of good government in South Africa.

The problems facing our country are of such basic importance, and the solutions for which different groups and political parties strive differ so widely, that if the means of interchange of opinion and persuasion were suppressed, dangerous pressures could be built up. For this reason, we believe that rigid control must tend to produce a revolutionary political situation, instead of the peaceful political evolution any responsible Government seeks to promote.

The passing of the Bill would give the Minister power to restrict the exchange of ideas and the free expression of opinion, and whether or not its drastic provisions were invoked, its effect would be that control would be exercised over the minds of all our people.

Obscenity, indecency and encouragement to crime must be restrained. The Courts have in the past interpreted these terms, which have by now acquired a reasonably precise meaning. It is our contention that the sections of the Bill dealing with these matters have attempted to be too particular and detailed, and have thereby covered matters which should not be subject to the restrictions of this Bill.

The existing Law of Blasphemy deals with offensive comment on religious subjects. The addition of the words "or is offensive to the religious convictions or feelings of any section of the inhabitants of the Republic" must act, in effect, as a restraint on other and acceptable religious discussion.

It seems to us, therefore, that Section 3, Sub-Section (1) (b), (c) & (d), and Section 2, Sub-Section (2) (b) are unnecessary, and can be abused.

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Our main objections to the Bill, however, relate to those Sections which deal with the control of matter which could broadly be described as political, namely :-

Section 2, Sub-Section (2) (c)

Anything which could be harmful to law and order, insofar as ridicule and contempt can affect law and order, is already subject to the sanctions contained in the Riotous Assemblies Act and other laws.

Insofar as the proper feelings of pride and self-esteem of any person or class of persons are justifiably outraged by ridicule and contempt, there is already protection in the existing Law of Defamation.

It appears to us, therefore, that this provision must be aimed at restriction of criticism and comment through satire or caricature, which are traditionally accepted as methods of political argument.

Section 2, Sub-Section (2) (d)

This section as it stands is so vague that it is possible to imagine any comment by anyone on the activities of any group or section as falling within its scope. It pre-supposes definable groups, permanent or temporary, which may be social, sporting, economic, religious, or political, etc., and in effect the provision could be used to prevent any comment on the activity of any group which might undermine or enhance the position of a rival group.

Section 2, Sub-Section (2) (e)

The safety of the State, and the general welfare, peace and good order of the State, are, in our opinion, adequately protected by existing laws. If this provision intends to go further than these laws, it appears to restrict any comment on the state of the country.

We have made our objections very briefly on the points which seem to us to be of greatest importance. A close analysis of the above-mentioned clauses emphasises the points we have made.

The Constitution of the Board, and the method of laying charges, are also matters which deserve consideration by the Select Committee.

In essence, our objection to the Bill is that it extends the range of censorship and restriction beyond any reasonable need of the community.
