

A T R R e

Judge criticises han  
boyâ\200\231s Terrorism Act

A JUDGE of the Supreme Court in  
Durban this week criticised the magis-  
trate atid prosecutor involved in the  
Terrorism Act trial of a 17-year-old

youth. :

In acquitting the Editor of the  
Sunday Express, Mr Rex Gibson,  
reporter Ms Jennifer Hyman, on

Â»charges of contempt of court and  
nal defamation, Mr Justice  
d evidence

crim  
Milne said he\*had  
which pointed to difficulties in the  
application of the new Criminal Pro-  
cedure Act. :

The charges arose out of an article  
published last May. It was headlined:  
â\200\234â\200\234Terror trials shock â\200\224 lawyers arenâ\200\231t  
toldâ\200\235. IR  
It claimed many detainees were

â\200\230being brought to trial under the Ter-  
- rorism  
. legal â\200\230advisers\_bei  
letters from the"

peome went unanswered. o  
- r Justice Milne referred par

larly to<the case of a yo â\200\230who  
â\200\234pleaded guilty to two Terrorism Act  
â\200\230charges In June last?ear â\200\224 without  
~ his parents or a legal re

told â\200\224 and that

presentative

and

Act without their parents or  
rneys of accused:

â\200\230immediately re-detained and c

Sunday Express Reporter

being present. :

After ascertaining that his parents did not know he was a court, the court ordered ther be contacted. The father was

present the next day when the boy was

.convicted and jailed for five years. The record of the case was submit-

ted earlier in the trial by the Natal

Attorney-General, Mr Cecil Rees, SC." -

The defence submitted a statement

which the Security Police alleged was.

written by the 17-year-old on the day of his trial. In it he said he was guilty on two counts and did not want to be }lea%ally represented. He said the police yer had asked to be informed in the \_event of the bo â\200\234said this ' man was not hi

age of 16, charged under the Terror-ism Act, represented by mentioned in his statement, ac uittet;l(i rg

aring in-  
t his fa-

informed him that a certain law--

â\200\230attorney and  
. he did not want to be defended by him.  
~~-The boy-had been detained at the

s handli

bein% charged. He

the â\200\230lawyer -

â\200\234tor where the accusedâ\200\231s parents were,

â\200\234~youth had told the court his parents

was in court the next day.

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â\200\234trial /

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agâ\200\230a}:\ und\e;â\200\230 thersgn?i~\202t.

In his judgment, Mr Justice Milne referred to the fact that a senior Security Police officer, subpoenaed by the defence to give evidence, had produced a copy of the letter written to the Security Police by a Johannesburg attorney about the boy.

The officer had been unable to find a reply to the letter but produced the statement in which the youth said he did not want legal representation.

Mr Justice Milne also said it was remarkable that the parents were not present when the boy pleaded guilty, although this is obligatory when minors are not legally represented.

When the magistrate hearing the case, Mr G Steyn, asked the prosecu-

the prosecutor replied that efforts to track down the parents had proved fruitless. -

At this point, said Judge Milne, the

ad not-been informed of his pending trial. He gave the court his father's address. The father was sent for and







SQUALOR is .gang~:way.t,oÂ»~'order on the â\200\230Bu' t

western edge of Durban. i b

About 40'000 people â\200\224 many of whom TN nis  
\_aye living in squatter camps â\200\224 are being ... ;  
yesettled in two huge new townships being THE SUNDAY  
built near Pinetown by the Port Natal - are - i  
Administration Board. ' BT ; :  
Nine hundred families â\200\230

have already oved into .

the houses 11t the Kwa  
; â\200\230Ndengezi and Kwa  
â\200\230Dabeka townships- â\200\230

By PETER MANN o  
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Put the move is not : b

D sy 2 about  
ministration ~ boa - ) 7 :  
ficials claim they are g%\_t-' - : e wl Âft 72  
.ting "loq,Â»'petcent L â\202-08 iy ; '"C ase .

The major problem is  
that the townships are  
mauch farther from the  
labour markets â\200\230and are

rates and  
much more expensive N

than the areas where Mr Samson Nzama: b  
they live at present. â\200\234The people don't COS' Of 4  
Many people being really want o live in

resettled are displaced that township.

Why : s  
| per d UEE 2 . '- :  
Pappos pay no rent, don't they bulld it 'l\_'ran.s\porf

amonth. ! ed'/hâ\200\230 (:Iusmex;Ã© cte?immng ~ plaining ofdih the Ã©a:..  
â\200\234They â\200\230pow face an scheme eI â\200\234in a vantages e move to  
average rent of R1B48 a 'ï-\202"?â\200\230l?â\200\230p ol n d them. bk

Thonth with rentals going ricay, One, tWo. &R .. He claimed that blacks  
as high as R3540 3 three-nedroomed cluster - presently living in the

ot : houses have been puilt. squatter areas - were  
B & E 0 il The ~Port Â® Netalo being exploited by their  
, Bn : Administration Board landlords. Y  
ses has also embarked on 2 Â«There are about â\200\23080  
|

ol N : policy of â\200\234sub-contracting - ~ landowners in this area.  
blzâ\200\230gsms- sttoa:"fâ\200\234râ\200\230e ri-\202â\200\234â\200\230 Â¢ 5 asach ot i WO  
RE. 100, They bought the land  
2 0 average . plack builders. Â® petween 1939 and 1945

of 80 centsaday. . \_\_\_\_\_4\_. \_â\200\224â\200\224â\200\224â\200\224â\200\224â\200\234-â\200  
\224"â\200\234' "

On the Seredit side About siX different from Vthe Mariannhill

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: hï¬\201ard, who hâ\200\230;s.contromng  
the townshiDs, says  
ture of the will take about another

rick block xg - eight to 10 years to reset

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Mission which wanted to  
start a model township  
here. :

-â\200\234But some of them are  
exploiting - the other  
blacks by renting shacks  
to them. }

â\200\234There is a woman here  
who makes about R4 000  
-a month' from rentals  
alone. She â\200\230owns 3,5 hec-  
tares which is full of

squatters.â\200\235

moved . because the

-Group Areas Act has

decreed that the area in  
which they live should be  
set aside for Indian oc-  
cupation. They. have to  
move into the tribal trust

Jdands which are part of

the KwaZulu homeland.  
This is another source

of irritation â\200\224 especially  
to the holders of title

: eï¬\202 ela\_tlive> sophistication o f tâ\200\230Kdeengezâ\200\230i township  
' The blacks are being

deeds. Kok,  
One of these is Mr  
Samson Nzama who

retired after 40 years of  
working in Durban to  
run a general dealerâ\200\231s

store.

â\200\234If they want-to build

a mnew township why  
canâ\200\231t they do it right  
here?

â\200\234I've been here since  
1947. I worked for. 40

' you can do.

— SUNDAY TRIBUNE, MAY 6, 1979

years and then started  
this shop. As soon as I  
opened they said I would  
have to move as this was  
to be Indian area.  
â\200\234Now we have to go  
further away to where  
rents are higher and  
transport costs more.,  
â\200\234But there is nothing  
If the  
Government wants your

land they just take it."â\200\231

Equal pay  
eqiâ\200\230;%lfÃ@â\200\231â\200\235@  
disaster

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IN our racist society the market for labour has been distorted so that whites are paid more than they are worth and blacks less than they are worth.

In other words, there is a premium on a white skin and a discount on a black skin.

Over the decades whites,

â\200\234IT seems strange and a paradox, but the only convenient friend the Negro worker or labourer has in America at the present time is the white capitalist. The capitalist being selfish â\200\224 seeking only the largest profit out of labour â\200\224 is willing and glad to use Negro labour wherever possible on a scale reasonably below the standard union wage ... but if the Negro unionises himself to the level of the white worker, the choice and preference of employment is given to the white worker. 0

already enjoying cultural and educational advantages of an historic nature over blacks, have built additional legislative wall of protection against competition from the mass of black people.

Now the Wiehahn Commission (discussed in detail by

my colleague Stephen Orpen on the back page of todayâ\200\231s issue) seeks to break down these walls and set the market free to allocate labour supply in a colour blind fashion. 3

No rational South African will argue against the proposition that the broad thrust of Wiehahn must be followed if we are to survive and grow with a modicum of peace and stability.

Growth, however, be it of an individual or a nation, is always unsettling and dangerous.

ous. Regardless of what path this nation pursues, the ride will be bumpy. But the path shown by Wiehahn is one which beckons' to those who believe in justice and freedom.

Having said this it is now necessary to take issue with Wichahn on a fundamental point. That point concerns the ~issue of â\200\234equal pay for equal | work'', which has a nice rinj

â\200\230Q: n 'ol.,â\200\234:â\200\235a;;,'

~at least um rateâ\200\231

Marcus Garvey, a militant American Negro, quoted by Bayard Rustin, Harper's Magazine, January 1970.

â\200\224

conomic idiocies as the minimum wage. ;

(Wiehahn calls it â\200\230â\200\234equal pay for work of equal valueâ\200\235â\200\231, but the qualification, if anything, adds to the weight of the argument against the principle.)

Now, if it is accepted that our market is distorted with white labour at a premium (above its real worth) and black labour at a discount (below its real worth), then a move to equal pay for equal work is going to shove the wage bill through the roof, cause a massive movement away from labour-intensive to capital-intensive activity, generally retard growth and, therefore, adversely effect the welfare of the very citizens the equal pay school seeks to assist, the poor and the unskilled. .

If a black man is prepared, |

for whatever reason, to do a job for less than a white man will demand (and here we assume a Wichahn-esque free labour market), then surely he should be permitted to so sell his labour.

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white man will demand? What happens is that we provide the white man with protection | against competition while shielding the employer from the cost of exercising racial prejudice. 1  
If it costs the same to hire | a white man as a black man- - and you donâ\200\231t like blacks | (simply because they are 1 black) then in an equal pay | situation you can hire the | white man at no penalty. | In a free market prejudice | would lose out to money.  
Henry Hazlitt, commenting on the minimum wage concept, has written: â\200\230â\200\230We cannot make a man worth a given amount by making it illegal for anyone to offer him less. | We merely deprive him of the | right to earn the amount that his abilities and opportunities would permit him to earn, while we deprive the community of the moderate services = - he is capable of rendering. In .~ brief, for a low wage we substitute unemployment.â\200\235â\200\231  
South Africa, at large, and in particular its most d