



In the Name of Security

By Joel Carlson

I escaped from South Africa in 1971 and arrived in Washington as a guest of American law groups. As a lawyer practicing in South Africa, I had exposed many injustices of the white minority Government. When, for example, I demonstrated that black petty offenders were arrested and not tried in court but "sold" as cheap labor to white farmers, the law was altered to permit the scheme to continue in a new form.

In one case my actions in demonstrating that the security police systematically tortured political detainees embarrassed the authorities. Under the wide provisions of the Terrorism Act, I was a "terrorist," for I had acted "to embarrass the administration of the affairs of the state." This law, and similar ones, are so widely defined that the security police may arrest and detain any person at any time if they believe such person is not acting in the interests of national security.

While I was not arrested or detained, my action brought me into confrontation with authority. When my passport was removed, the minister stated that he was acting "in the interest of national security." Immediately thereafter there was an intensification of the harassment and intimidation that I had endured for years. This was directed at me, my family, my friends, my employes, and some of my clients. My office was shot up, and I received a parcel bomb in the mail. My study at home was fire-bombed and my car was riddled with shots. Poison pen letters, late-night telephone calls, and death threats were received.

My telephones at the office and at home were bugged and a car, apparently abandoned outside my house, monitored all conversations in my house. Clients who visited me, my staff and friends were intimidated, and some approached were asked to become informers. My office was broken into at night, and my files were searched. Before 1969, these practices were countenanced but were not legal. That year, however, the Boss Act made these proceedings legal in the interests of national security.

What has all this to do with my welcome to Washington? I had come to a city of strife and dissension,

with antiwar demonstrators planning to halt the Government. Drawing on my own legal experience of some twenty years, I asked my audiences then to learn the lesson South Africa could teach. A police state encroaches slowly and erodes and then disregards the rule of law. Arbitrary authority abuses its power and the lawful rights of the people are whittled away until there is little left of justice or freedom. National security back home was synonymous with the maintenance of the status quo, which secured for the white minority its rights and privileges and oppressed the black majority. But, as I then pointed out, this need not be seen in terms of color only.

Too often in history power has been sought by a few greedy and ruthless men who assume authority above the law. Corruption becomes a way of life, and the privileges of the powerful, a tradition.

In Washington two years ago there were mass arrests of demonstrators. They were detained without charges or proper facilities; later the Supreme Court held the arrests unlawful. The demonstrators, however, had already been in jail. High Government officials praised the police who acted with such vigor to break up the demonstrations. Since then, Watergate, with all its revelations of calculated, comprehensive, and systematic practices aimed at intimidating persons of opposing political views ("enemies") and suppressing dissent, has swept over this nation. Will these disclosures insure that the politicians, the press, lawyers, and most of all, the people fully respond to the threat posed to justice and liberty in this country?

Justice and freedom for all the people, all the time, cannot exist unless everyone is subject to the rule of law. No person, class, sect, or group can be above the law. It is the duty of the lawyers to be the guardians of the law and to enforce equal rights for all. They fail in this duty if they do not remain alert to every encroachment on the rights of individuals and fight to curb every abuse of power by authority.

Not unexpectedly in South Africa lawyers failed in this task. The question now is, will American lawyers similarly fail?

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