

Transcript of a version of a speech that I gave at a public meeting held by the D and A Fund on 6th Dec 1961. I was banned from 1955-60, and again from 1963 onwards, so from 1960-3 I had a strange period of immunity when I addressed a number of meetings, including this one. D and A generally did not hold public meetings, but they did decide they ought to publicize the work they were doing in order to get support. I think Donald Molteno was in the Chair, and I was one of the speakers. I was asked to give a review of the political security legislation at the time. The review I gave went down pretty well at the time, and Dt Clemenshaw, who was an active member of the LP, suggested that a permanent record of the speech ought to be kept, so she saw me afterwards and asked me to dictate to her my recollections of what I had said in the speech - which does give some indication of the kind of education that we were trying to get across at the time.

A transcription of a tape-recorded version of a speech delivered by Adv. A. Sachs at a meeting called by the Cape Town Defence and Aid Fund, held at St. Saviour's Church Hall, Claremont, Cape, on Wednesday, 6th December, 1961, at 8 p.m.

THE EXTENT TO WHICH THE LAWS IN SOUTH AFRICA INTERFERE WITH AND RESTRICT THE RIGHTS OF CITIZENS TO EXPRESS THEIR POLITICAL DEMANDS AND TO VOICE THEIR POLITICAL ASPIRATIONS. IN OTHER WORDS, THE FIELD OF CIVIL LIBERTIES, AS AFFECTED AND INHIBITED BY STATUTES IN SOUTH AFRICA.

Mr. Chairman, Ladies and Gentlemen,

The Chairman did not announce the specific topic on which I was to address you this evening. Perhaps if he had, there wouldn't have been the applause which greeted my standing up. Because, if I were to deal with the subject fully and adequately at all, I am afraid I would have to keep you here the whole night.

The topic on which I am to speak this evening is the extent to which the laws in this country, in particular the statutes passed by Parliament and various other legislative bodies in South Africa, interfere with and restrict the rights of citizens in South Africa to express their political demands and to voice their political aspirations. In other words, I am dealing with the field of civil liberties, as affected, and inhibited, by statutes in South Africa.

I begin, Ladies and Gentlemen, by mentioning the extent to which the Common Law affects the rights of citizens. I am going to mention that, but not go into any detail in this connection, because every country in the world has laws dealing with treason and sedition, and South Africa, of course, is no different in this respect. Here too, we find that, according to the Common Law, it is unlawful for citizens to plot against the security of the State, to take up arms against the State, to conspire with the enemies of the State, and so on, and I don't wish to deal with that, because, as I have mentioned before, this is something which South Africa has in common with all other countries. The laws I particularly wish to deal with are those which apply peculiarly to this country, laws which are not to be found on the statute books of any other country as far as I know, or certainly not to be found as extensively in the enactments of the legislatures of other countries. But I do wish to mention merely that there have been two major prosecutions in the recent period, under the Common Law, against various people involved in political activity in South Africa.

In the first place, there was the Sedition Trial, which many of you may not recall or know of, which resulted from the strike of the African Mineworkers on the Rand in 1946, when they struck

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for higher wages. Arising out of this strike, the Government, which was a United Party Government at the time, instituted a prosecution against the Communist Party leaders throughout the country. They were charged with sedition. After two long years in the Court, the trial eventually collapsed, the prosecution was withdrawn, and the accused were never convicted. The other trial, which I am sure all of you have read about and know about, was the wellknown Treason Trial, which, after dragging on from 1956 for another 5 years, eventually resulted in the acquittal and discharge of all the accused. Now I mention these two trials to emphasise the fact that it has become clear that in terms of the ordinary Common Law, the State has been unable to secure convictions against any of the people who are associated with the demands for the extension of political rights to everyone in South Africa, and it is precisely because of this fact, because, in terms of the Common Law, the State has been unable to secure convictions, and to prevent the expression of political demands, that the Legislature has enacted one statute after another, restricting the rights of citizens.

Now this has not been done in terms of an overall plan. One has to wade through dozens and dozens of volumes, scores and scores of different enactments, to find these particular restrictions which have been placed by Parliament and other bodies on the activities of citizens. What has happened is that as time has gone by, and people have voiced their demands in different ways, so the Government has met each occasion with a new type of statute, and if the statute has what the Government has called "loopholes" - in other words, if the people still manage to express their aspirations despite the restrictive nature of these statutes, - the Government proceeds to amend the statutes from time to time. And so we find there is a vast maze, an enormous body, of enactments which have been passed from year to year, and which have the total effect of making it extremely difficult, if not impossible, for in particular the mass of disenfranchised people in this country from working towards the extension of democratic rights to everybody. Now I am not going to set out all these enactments - it would be very tedious and boring to do so, and perhaps a bit

confusing. What I propose to do is to mention some of the main headings, to select some of the general headings under which these enactments might be classified. Not that the Government has classified it in that way, but I am doing it for the sake of easier presentation.

The starting-off point of any consideration of statutes which interfere with the civil liberties of people in this country, must be the Suppression of Communism Act. Now this Act was first passed in 1950. It has been amended from time to time since, and it starts off by outlawing the Communist Party in South Africa, and providing for heavy penalties, of up to ten years' imprisonment, for anybody found guilty of spreading communism in South Africa. Now this is the starting-off point of the Suppression of Communism Act, but it goes very much further. In other words, it does not merely ban the Communist Party in South Africa, prevent Communists from expressing their views and opinions and working for the things in which they believe, but it goes very much further, and restricts the rights of a large number of individuals, bodies and publications as well. The Act is divided into various sections, the first of which deals with the liquidation of the Communist Party. The next main section empowers the Minister of Justice to ban various individuals. Now by banning individuals, I mean that he is empowered to restrict individuals from belonging to public organisations, and in addition, he may prohibit individual persons from attending any gathering anywhere within the Union for any period which he thinks fit. In imposing such restrictions upon any individual, the Minister must be guided merely by his own opinion. The matter never comes to a court of law. If the ~~xx~~ Minister, in his opinion, (in other words, in his wisdom) feels that a person might be furthering the aims of Communism - any of the aims of Communism - in South Africa, then the Minister has the power to ban that person from attending any gathering anywhere in the Union. I am not myself acquainted in detail with the number of people who have been banned in terms of these powers given to the Minister; these figures aren't easily available; but based on the last figures which I heard, I would roughly

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estimate, and I must ~~xxxxxx~~ emphasise that this is only a rough estimate, that between four and five hundred South Africans have been banned ~~xxxxxx~~ from attending gatherings, in terms of the Suppression of Communism Act. And of this number, based on a sort of rough sample of the people whom I know, particularly here in the Cape, I would say that not more than a third can be classified as Communists - people who actually believe in Communism. Of the remainder, I would say there is another third who are what I would call non-Communists (they don't believe that Communism is a particular issue in South Africa; they are not Communist, but at the same time they are not ^{in particular} anti-Communist); and a remaining third are people who, philosophically at any rate, should be classified as actually being anti-Communist. One vivid example of a person who falls into this latter category ^{would} ~~will~~ be Mr. Patrick Duncan, who certainly cannot be by any stretch of the imagination called a Communist, and as far as I know, the Communists have certainly disavowed him.

In addition to the powers which the Minister has to prohibit people from attending gatherings and from participating in the activities of organisations, he also has powers to ban publications, and in fact he has used these powers to ban first "The Guardian" and then afterwards it was called "The Advance", "The People's World", ^{and} "The Clarion". This power can be used in future to ban any publication - there is no trial, no ^{public} enquiry, and the Minister merely issues the decree, and the newspaper is snuffed out.

At the time that the Suppression of Communism Act was passed, people warned that it would be used not only against Communists, but against all people who called for a radical change of government in this country, and sure enough the Suppression of Communism Act was followed up specifically last year by the Unlawful Organisations Act. Now I should mention that the definition of Communism as found in the Suppression of Communism Act, is such as Communists and students of Marxism throughout the world would find extremely puzzling. The definition is so wide as to include amongst the aims and objects of Communism, the demand for the alteration of the social, political and economic relations between the

inhabitants of the Union by unlawful means. This is called, in terms of the definition in this Act, the "aims and objects of Communism", and whether or not it is Communists or anti-Communists who work for those aims, they can be prosecuted as Communists. Now in fact, the Suppression of Communism Act was used to charge and convict the leaders of the Passive Resistance Campaign, or the Defiance Campaign, in 1952 and 1953. Now these leaders included amongst their ranks Communists, but they were in a minority. There were non-Communists and anti-Communists as well, and these people, though it was established in Court that what they did bore no relation to Communism as ordinarily understood, nevertheless because of the wide definition of Communism contained in the Act, these people were found guilty, and the Judge said that they must be regarded as "Statutory Communists". A new term was coined in South Africa.

~~Early~~ Early this year (1961), the Suppression of Communism Act was used as the basis for the Unlawful Organisations Act. Now the Government started by banning the Communist Party, but the natural follow-up was to ban the African National Congress and the Pan-African Congress, the two leading and, one might say, only political organisations which can ~~claim~~ claim to speak on behalf of the African people, that is three-quarters of the population of this country. The Unlawful Organisations Act in terms incorporates the provisions of the Suppression of Communism Act, but applies them to the African National Congress and the Pan-African^{1st} Congress. Unfortunately at the time the enormity of this ban, the extension of the Suppression of Communism Act to the African National Congress and the Pan-Africanist Congress, was not felt by the public - by that I mean the non-African public - in South Africa. To give you some idea of how wide the net is now cast as far as the African people is concerned, I'd like to refer to a recent case which was heard in Johannesburg. The case in which 12 African leaders, who had sponsored the Conference, the All-In African People's Conference in Maritzburg in March of this year (1961), were charged under the Unlawful Organisations Act.

Now the Unlawful Organisations Act in the first place bans

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the African National Congress and the Pan-Africanist Congress and goes on to say that anybody - anybody, not merely Africans - who carries on the aims, the activities of the Pan-Africanist Congress or the African National Congress, who promotes any of the aims and objects of those organisations, shall be guilty of an offence and liable to 10 years' imprisonment. Now these 12 leaders of the African people had gathered in Johannesburg last year in order to work out ways and means whereby the demands of the African people in this country could be gathered and expressed in terms of a Conference representative of Africans throughout South Africa. The whole basis of this conference was to be that it was to be widely representative, not merely of people who had formerly supported the A.N.C. or the P.A.C., but of the African people as a whole. Amongst the 12 leaders were a few former members of the A.N.C., as well as a few former members of the P.A.C. In addition, there were members of the Liberal Party, a member of the Progressive Party, business men who were associated with no particular political party, and African ministers, and a number of individuals also not associated with any particular African political party, or non-African political party for that matter. They got together to call this conference, the aim of which was to see to what extent the African people in South Africa supported the general demand ~~xxxxxx~~ for extension of democracy, and eventually these 12 ~~x~~ leaders were charged for carrying out the aims and objects of the African National Congress. Now the fact that the majority of them ~~xxxxxx~~ ^{had never} belong^{ed} to the African National Congress was held by the magistrate to be irrelevant. The Court held in this case that the aims and objects of the African National Congress before it was banned included the extension of democratic rights to all citizens in this country, and the fact that these 12 leaders had, subsequent to the ban, worked towards the calling of a conference to further these aims was held, according to the magistrate, to render them liable to the penalties imposed by the Unlawful Organisations Act. And eventually all these 12 African men were sentenced to 1 year's imprisonment. Now this matter is at the moment going on appeal,

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and it remains to be seen whether the Magistrate's judgement will be upheld. But the implications of this judgement are extremely widespread and deserve to be far better known than they are. Because, if the Magistrate is correct, it means that not only Africans, not only people who in some way or another might be regarded to have been associated at some time or another with African political movements, not only such people can be found guilty of carrying on the aims and objects of the African National Congress, but anybody, whether he be black or white, whether he belonged to a political party or not, anybody who calls for the extension of democratic rights, who calls for the removal of the laws in the same way as the African National Congress before it was banned called for the removal of certain laws, any such person can be punished - sent to gaol for up to 10 years under the Unlawful Organisations Act.

I now pass on to deal with two statutes which were passed in 1953, the Public Safety Act and the Criminal Laws Amendment Act. These were the twin statutes designed to deal with the situation which arose after and during the Defiance Campaign in 1952 to 1953 to which I have already referred. Now the Defiance of Unjust Laws Campaign was a campaign of passive resistance organised by the various Congresses, that is the African National Congress, the South African Indian Congress in particular, and the Coloured People's Congress as well, organised by these Congresses to bring home to the Government and the public the fact that the majority of people in this country regarded all those laws as being unjust, and this was a means used by them to express their grievances. The repeal was called for of six particular laws, and when the Government failed to respond to that appeal, over a period of about a year about 9,000 volunteers in a completely organised and disciplined fashion broke various of the provisions of those laws. For example, they went into locations without a permit, or they sat on a seat marked for Whites Only, or they asked for service at a Post Office counter to which only Europeans in terms of the various Acts were entitled to such service. During the course of that campaign there was not a

single act of violence which resulted from the activities of the passive resisters, and the Government far from being moved to repeal the laws, merely added these two extra statutes to the already full statute book. The people asked for the repeal of laws such as the Group Areas Act, the Pass Laws, and so on. They asked for an alleviation of their burdens and they were met with the following response: in the first place, the Criminal Laws Amendment Act was passed, whereby the Government sought to impose punishments of up to 5 years' imprisonment, and whipping, and heavy fines, for persons who incited or encouraged/^{any}other persons to break a law by way of protest against a law. The persons themselves who broke a law by way of protest against a law, they were liable to imprisonment of up to 3 years, or to a fine of £300, or to a whipping, or to a combination of any two out of those three punishments. The way in which this particular statute has been used I will refer to in/^{a little}detail later, and here one sees a general pattern emerging, a statute which ~~xxxxxx~~ was designed initially to meet with a particular situation, is phrased in such a vague and general way that it can be used to deal with all sorts of other situations, and by this process of extension these statutes have virtually made it impossible for anybody to protest with any degree of safety in South Africa against the racial setup which pertains here. Before concluding, I shall mention the recently ended case of the "car-stickers" which was tried under this particular statute.

Until now, Ladies and Gentlemen, I have dealt with statutes which are obviously and avowedly designed to prevent political activity in this country. The remainder of the statutes with which I shall deal, are not on the face of it designed to deal with political activity, but in fact do have that effect, and are used and used very effectively in many respects, to clamp down on people who disagree with Government policies. The first and obvious set of laws - and they are too detailed for me to mention all of them - are the racial laws in this country. Of course you all know about the Group Areas Act, the Job Reservation Act, the Separate Reservation of Amenities Act, to mention just a few. You might recall that only a few years ago in Cape Town

a lady was charged with the heinous offence of resting her brown backside on a lavatory seat reserved at the Woodstock Railway Station for white backsides only. In the end she was able to establish that in fact her pigmentation was white, and that she was entitled to use this particular lavatory, and she was found not guilty. Now there have not been many cases of this sort as yet down here in the Cape, but I venture to suggest that with the general tightening up of racial laws in this country and their application, we are going to see a whole host of prosecutions of people who have entered parks to which they are forbidden, or have entered libraries or sat on benches in places where for decades, one might say for centuries, people of different racial groups have mingled quite freely and quite happily without incident.

The next set of laws which directly or indirectly inhibit the civil liberties of people in this country are the labour laws. I shall mention them without going into much detail here, but we have the old Masters and Servants Acts which date of course well before the coming into power of the Nationalist Government, but which have been dug up from the Archives and have been used for prosecuting people who have encouraged others to engage in strikes in the furtherance of their political demands. There is also the so-called "Native Labour, Settlement of Disputes, Act", which denies Africans the rights of forming trade unions, denies them the right of collective bargaining and which illegalises all strikes for economic ends undertaken by African workers in this country.

The next set of laws forms part of the vast superstructure of laws which deal specifically with Africans in South Africa. Now Ladies and Gentlemen, you might not^{all}/realise that the State President is the Supreme Chief, the Chief of Chiefs, of all Africans in this country, and he has very wide powers to rule and govern Africans living in the so-called "African" areas. Below him are various other chiefs, of various degrees and rank, all of whom have in recent years in particular been empowered to deal drastically with their subjects. Now these chiefs have been appointed, or allowed to remain on in office, almost solely on the basis that they support Government Apartheid policy. If

they refuse to support such policy, then they are deposed, just as Chief Lutuli was deposed, and this has brought them into conflict with their so-called subjects. Now here we have rule by regulation ~~in~~ ^{and} proclamation for about a third of the South African population, people who have no representation whatsoever in the legislature, and can be ruled almost entirely by decree issuing from the office of the State President, which means in fact from the Government. We have seen in the last year what has taken place in the Transkei, where the people have protested, and at times protested in very sharp form, against the imposition of Bantu Authorities, the extension of the Pass Laws to the Reserves, and so on, and where their protests have been met by the most strong reaction from the Government, the Police, the Army and the Navy, and from the Chiefs and the Chiefs' so-called "bodyguards". Only a few days ago the Chiefs of the Transkei celebrated the first birthday of the declaration of what amounted to a State of Emergency for the whole of the Transkei. Regulations were passed by proclamation just over one year ago whereby the Rule of Law was almost entirely suspended from this enormous area covering a population of nearly two million people. Men and women may be detained without any reasons being advanced, without their families being informed straight away, without ever being brought to trial at any stage - men and women may be detained at the pleasure of various officials, and once they are so detained, their families, friends and dependents have no remedy whatsoever in the Courts. Now in fact this power ^{of detention} has been used to detain hundreds and even thousands of people throughout the Transkei, but, and this is something which people outside the Transkei should always bear in mind, these regulations, the suspension of the Rule of Law in the Transkei, have repercussions elsewhere in the country. Because in fact here we have a hole in the fabric of the Rule of Law ^{throughout} in South Africa, and if anybody should be unfortunate enough to disappear into that hole, it is extremely difficult to get them out again. The Government has taken advantage of the situation to get by various means certain political opponents, to get them from areas outside the Transkei, to remove them into the Transkei and to detain them there. The example of the case of

Anderson Ganyile, the Pondo leader who was banished, fled to Basutoland and was then allegedly kidnapped and dragged against his will into the Transkei, is wellknown and has received considerable publicity. But there are other similar cases which have not been so publicised. There was a case, for example, of the four Pondos who were arrested, who were sentenced to imprisonment, whose cases were taken on appeal and eventually went to the Appellate Division where they were held to have been wrongly convicted. These men in the meantime were serving terms of imprisonment in the Maritzburg Gaol in Natal, and immediately upon their release, they were snatched by members of the South African Police, whipped into cars and rushed over the borders of Natal and the Transkei into the area where these Emergency Regulations were applicable.

There is another case too of an African in Durban who has been working there for 10 years, though he grew up in Pondoland, who was remanded by a Magistrate in Durban to Pondoland to appear in a case to meet a charge which was alleged against him in Pondoland. He went down there, the case was withdrawn against him, and he was detained under the Emergency Regulations.

Now in principle there is nothing to prevent the Government from detaining anybody in Pondoland, whether he be black, white or brown, and this can be used, this vast portion of our country, can be used as a sort of hole in which all opponents of the Government can be thrown, and out of which they will have the greatest difficulty in extricating themselves.

As far as Africans in their so-called "homelands" are concerned, any form of political activity is undertaken at their great peril. Africans in the towns too are subject to particular laws which do not affect the rest of the population, and which are used to inhibit them from expressing their political demands. I refer in particular to the Native Urban Area Consolidation Act, whereby the Urban local authority, that is the local City Councils or Municipalities, are empowered to set up Locations in which all Africans living in those areas must reside, and to appoint Managers or Superintendents of those Locations. Any African living in a location is very much under the scrutiny and control of these

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superintendents. It is extremely difficult for any form of political activity to be carried out openly in the locations. Permission has to be got for meetings or demonstrations of any sort, and the locations are riddled with spies and informers who pass on information of any activity of this sort to the Authorities, who have wide powers to take action against anybody whom they regard as a dissident element in the locations. There is a whole batch of laws, which on the face of it do not appear to be political in their intent and scope at all, but which in fact provide the Authorities with what are probably their most effective political weapons. I refer in particular to the Pass Laws and Rent prosecutions. Africans living in the towns, on the whole, are more intimidated by the Pass Laws than they are by the threat of being imprisoned for their political activities. The threat of being endorsed out of an area, that is sent out of an urban area in which they have lived ^{and worked} for many many years, with their families or without their families, sent to the Reserves where there is practically nothing for them, such threat has a most powerful inhibiting effect on Africans when they wish to agitate for elementary Human Rights. An African worker in a factory, or African workers as a group in a factory, who feel that they are not being properly treated there, will be extremely slow to express their dissatisfaction, because they realise that to do so lays them open to action by the Authorities under the Pass Laws. They can be kicked out of the urban area because they are what so many of the authorities regard as "cheeky natives". They don't "know their place", they agitate to change their place, and they therefore are liable to be sent out of the urban areas. Similarly one finds people who fall into arrears with their rents, and what with the low wages the African receives and the relatively high cost of living in the towns, this happens to the majority of African families in the locations at some time or another, and should any particular family earn the displeasure of the authorities for any reason, then such family can be kicked out of their accommodation, they have nowhere else to stay, and even if in terms of the Pass Laws they are entitled to remain in the Urban Area, because there is nowhere for them to stay,

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they will be forced to leave the towns where they have found employment, established their homes, and go and starve in the Reserves.

From this very brief and very patchy recital of the various laws which affect the rights, civil liberties and rights of political organisation of people in this country, you should, Ladies and Gentlemen, have some idea of the sort of case which the Defence and Aid Fund is continually called upon to assist in. It is not only cases which spring from these particular statutes which involve Defence and Aid; one finds that even such a well-known, ancient and horrible crime as murder involves the Defence and Aid Fund. Now this may seem surprising - how can Defence and Aid be called upon to assist people charged with murder? I am not here even referring to political assassination, or anything of that sort, where murder obviously has a political motive and background, but the killing of human beings as has taken place only too recently and too tragically in South Africa, particularly in the Reserves, in the areas where the Government has been imposing Bantu Authorities. The Defence and Aid Fund becomes involved in these cases for two principal reasons, both of which I feel I can best make clear by means of an example. The tribesmen living in a particular area in the Transkei find that the local Chief's representative, the sub-Chief, is throwing his weight around, is bullying the people, is rude to the people, he fines them arbitrarily, might be corrupt, assist members of his family, victimises members of families which he doesn't like, and these tribesmen who traditionally have regarded their Chiefs and Headmen, not as being their Rulers, but as their Representatives, the symbols of their unity, the spokesmen for the whole group, these tribesmen go and complain to the local Magistrate; they complain once, twice, three times, as many as five, six, seven or eight times, and each time, for one reason or another, perhaps through lack of communication, they find that they receive no satisfaction whatsoever. The bully becomes more aggressive because he feels that he cannot be checked in any way, the people become angrier and angrier, and eventually their rage erupts and a whole group of them go and kill him. Now here one sees that there is a political background

in the sense that the people are denied any effective channels for voicing their grievances and demands, and at the same time officials, in this case African officials, are given wide powers to rule over them, and they use these powers often in an extremely heavy-handed fashion. But that isn't the end of the matter. Secondly one finds that the Chiefs men, the Chief's body-guards, are allowed to go to work afterwards to ~~find~~ try to find the culprits. This isn't a case of ~~an~~ ordinary police detection, rounding up of suspects and so on. Whole villages will be invaded by these troops of the chiefs. Every single man in the area will be locked up - those who don't escape, and those who do escape will be hunted down. Whether there is any particular suspicion against them or not, every single man in the area will be apprehended, and in the course of such apprehension many rough and brutal blows are inflicted, many jaws are broken, many people are assaulted, many huts are damaged. We find a hundred, two hundred, three hundred men will be locked up, and then persons get to work on them. Now this doesn't happen in every case, but in one case at least in the Transkei last year, the Judge felt that he could not convict the accused on confessions they had made because he was not satisfied that those confessions had been made freely and voluntarily. Evidence had been given that these men had been subjected to the most cruel forms of torture, the sort of torture that one reads about as ~~having taken~~ ^{taking} place in Algeria. They were locked up for a long time, they were assaulted in various ways, subjected to water torture, and had electricity applied to their genitals, in order to make them confess. Now here one gets a total picture of people in the first place being ground down, being angry, having no channels ^{through} in which they can express their anger, going over to violence, roughly, cruelly killing a man, then the whole area being subjected to a reign of terror by the bodyguards of the chiefs, all people in that area, innocent, the guilty, the lot, are subjected to this reign of terror, and if the Authorities are unable to get the evidence which they desire for purposes of a conviction, in certain cases there has been the application of this most cruel and terrible torture.

So here we see how murder, regarded simply as cruel and abominable crime, takes on a different aspect, takes on this sort of aspect because of the background and foreground of the case, requires the intervention of the Defence and Aid Fund to see that innocent men are not found guilty, and to see that any invasion of the rights of prisoners to security of their person, any ^{such} invasion is properly exposed in Court, so that it can be properly castigated by the public.

I said, Ladies and Gentlemen, in dealing with the Criminal Laws Amendment Act at an earlier stage in my talk, that I would conclude this evening by giving an example of the way in which a law designed to meet a particular situation is eventually used in an attempt to ~~snuff~~ snuff out any form of political activity. I refer to the case of Miss Sylvia Neame, whom I see here in the audience this evening, who was charged recently with seven counts under this particular Act. She was charged with putting Election Pamphlets - or shall I say, the charge arose out of the admitted fact that she had put Election Pamphlets under the windscreen wipers of seven motor cars in Cape Town. She did so quite openly under the eyes of a policeman - there is no dispute about that. The pamphlets happened to call for the holding of a National Convention in which a new constitution, a democratic constitution, for South Africa could be drawn up, and clearly in its terms was highly critical of Apartheid in South Africa. Miss Neame was charged with tampering or interfering with the motorcars by way of protest against a law in support of a campaign for the repeal or modification of any law. She was charged not with one count, but with seven counts. Each count carried a maximum penalty of three years' imprisonment. In other words, as the charges were framed, Miss Neame was liable to be imprisoned for 21 years for placing these Election Pamphlets, quite straightforward, legal pamphlets, under the windscreen wipers of various motorcars. In the end she was found Not Guilty, but I mention this case to show how the Authorities are using and trying to use these various Statutes to frighten, intimidate, persecute, harry and in one way or another, to prevent people from expressing their political demands in this country. All these various laws to which I

have referred, taken together, form a pretty effective barrier to the true functioning of political movements aimed at securing radical changes in South Africa. They are designed to prevent people from expressing their political demands, and they are extremely effective in preventing them from expressing them in constitutional, legal and generally recognised channels. What they will not do, however, is ^{to} stop ~~xxxx~~ people from expressing their political demands.

The following three points were omitted from the talk and should be included.

The first deals with the powers of the Minister to ban meetings under the Suppression of Communism Act, and should be filled in at the appropriate place there. In addition to his powers to ban individuals from attending gatherings, the Minister also has powers to ban gatherings, either specific gatherings, or else all gatherings of a certain class, or else ^{even} all gatherings altogether and in recent years we have seen how the Minister has in fact taken advantage of these powers to ban gatherings of people who are antagonistic to the racial policies of this Government. You will well remember how in March 1961 the Minister imposed a blanket ban on all gatherings in connection with the anniversary of the killings at Sharpeville and Langa. At the same time gatherings of the South African National Convention, that is the Convention of Coloured People throughout South Africa, were banned as far as many districts in the Cape were concerned, in an attempt to prevent the holding of that Convention, and also the South African Congress of Trade Unions, which is the only truly non-racial Trade Union Federation in South Africa, had a ban imposed upon it for three months, in the following form: that the organisation as a whole was prohibited from holding any gatherings, and no gatherings of any body, any executive body, could be held by the South African Congress of Trade Unions for a period of three months. In other words, the work and activity of this organisation, SACTU, was extremely limited for this whole period. Now the ban can be applied in the same way against any other political organisation in South Africa.

The second point which was omitted deals with the Public Safety Act, and should be inserted after the description of the scope and effect of the Criminal Laws Amendment Act.

At the same time as the Criminal Laws Amendment Act was passed in Parliament, the Government also had passed the Public Safety Act ~~giverxix~~. The Public Safety Act gives the President and the Minister of Justice the power completely to suspend the Rule of Law throughout South Africa, and to rule entirely by decree, by regulation. The limitations imposed upon the scope of these regulations are extremely narrow. They refer to such matters as conscription for the Army and the currency and the effectiveness of Industrial Agreements. For the rest, the Minister has complete power to suspend the Rule of Law, to suspend the session of Courts, to suspend the right of people to access to the Courts, to suspend the necessity for arrest by warrant, for people to be charged, and so on. We saw in 1960 what happened when these provisions under the Public Safety Act were invoked, and a State of Emergency was declared throughout all the major centres of South Africa. You will remember, Ladies and Gentlemen, that not only were nearly 20,000 young men arrested without warrant in the towns, their alleged crime being that they happened to be without work at the particular time they were spotted by a policeman, they were arrested and shipped out of the towns, hundreds and thousands of them in chains, to labour camps in the countryside, not only were these people so arrested, but 2,000 men and women of all walks of life, of all races, were detained in terms of the Emergency Regulations and kept locked up in prison for up to five months. At the time that these people were arrested and immediately thereafter, the then Minister of Justice promised that charges would be preferred against them. As far as I have been able to ascertain, only one person out of these 2,000 was ever brought to trial, and he was found Not Guilty.

The third point which was omitted is a general point which should come in somewhere near the beginning, or alternatively right at the end, or alternatively at the section dealing with the Unlawful Organisations Act and the banning of the A.N.C. and the P.A.C., and is to the following effect: we have the

We have the situation in South Africa whereby political rights are enjoyed by a small minority of the total population, and it is precisely for this reason that the Government has seen fit to pass law upon law to prevent the majority of people from expressing their demands for an extension of political rights. So we have this tense situation whereby not only are the non-White people of this country to be denied political rights whereby they can express through ordinary political channels, through elected representatives and so on, whereby they can so express their political hopes, aspirations, wishes and demands, but we have the further complication whereby they are not even allowed to campaign for the extension of democracy to all in South Africa, and these various laws with which I am dealing this evening are all designed, not only to prevent people from having the right to express themselves politically, but are designed further to prevent them from demanding such rights and from working towards the realisation of a fully democratic South Africa.
