

Solly Sachs v The  
Suppression of Com.  
Act. 1950.

24-1

Box 123  
Item no. (2)

24.1.1

UNION OF SOUTH AFRICA. UNIE VAN SUID-AFRIKA.

U.D.J. 548.

Telegraphic Address } "JUSTICE"  
Telegramadres }

In reply please quote  
By beantwoording gee op

All Communications to be addressed to  
SECRETARY FOR JUSTICE.

No. 2/50/115.

Alle briewe geadresseer te word aan  
SEKRETARIS VAN JUSTISIE.

DEPARTMENT OF JUSTICE,  
DEPARTEMENT VAN JUSTISIE,

PALACE OF JUSTICE,  
PALEIS VAN JUSTISIE,

PRETORIA.

24th November, 1950.

Sir,

SUPPRESSION OF COMMUNISM ACT.

With further reference to your letter of 25th ultimo, I have the honour to advise you that I have decided to accede to your request to expedite a decision on the allegations against you.

In regard to the specific questions raised by you in the penultimate paragraph of your letter under reply, I have to advise you as follows:-

- (a) As the evidence against you is documentary, no useful purpose would be served in affording you a personal interview.
- (b) Summary of evidence to be presented against you is attached hereto. The copies of letters attached, were extracted from documents seized by the South African Police in 1946 from the offices of the Communist Party in Cape Town and Johannesburg.
- (c) The evidence placed before me relates to a period of time before the Act was passed. I am of opinion that in terms of section 4(10) of the Act, I am so empowered to list your name.

In your reply I shall be pleased if you will deal specifically with the evidence to be adduced against you to enable me to arrive at a just decision.

I have the honour to be,

Sir,

Your obedient servant,

(Sgd.) J. de V. Louw.

LIQUIDATOR : ACT 44 OF 1950.

E. S. Sachs, Esq.,  
General Secretary,  
Garment Workers' Union,  
P. O. Box 6779,  
JOHANNESBURG.

SUPPRESSION OF COMMUNISM ACT : SUMMARY OF EVIDENCE

E. S. SACHS.

It is common cause that MR. E. S. SACHS was a member of the Communist Party from 1920 until he was expelled in 1931.

Despite his expulsion, however, he was invariably recognized as a party member by the Central Executive Committee of the Communist Party, as the following documents tend to show:-

- (a) On 19th June, 1944, in a letter addressed to MR. H. A. NAIDOO - a member of the Central Executive Committee of the Communist Party - E. S. SACHS reported on "Trouble in Garment Workers Union" addressing NAIDOO as "Comrade" and ending with "Yours fraternally", terminology exclusive to members of the Communist Party. In his reply NAIDOO addressed SACHS in similar terms. (See annexure "A").
- (b) At a special meeting of the National Industrial Committee of the Communist Party held at Cape Town on 30th January, 1945, amongst those present was "Comrade S. Sachs by invitation". The purpose of the meeting was to discuss the question of the local committee of the South African Trades and Labour Council.
- (c) At a meeting of the Industrial Committee of the Communist Party on 10th July, 1945, amongst those listed as being present was "SOLLY SACHS". In the minutes of this meeting he is referred to as Comrade Sachs. (See annexure "B").
- (d) In 1946, E.S. SACHS was elected as a delegate to the International Labour Organisation. On 3rd June, 1946 a letter of congratulation was forwarded to him from the General Secretary of the Communist Party in which he is addressed as "Comrade". In his prompt reply to the General Secretary whom he addressed as "Comrade" dated 5th June, 1946, E.S. SACHS concluded with the typical "Yours fraternally". (See annexure "C").

Furthermore, it is submitted that subsequent to his expulsion in 1931 he remained an ardent Communist, propagating the doctrines of Communism at every opportunity. His writings in "THE GARMENT WORKER" bear testimony of his philosophical leanings and his admiration of Communism in general and the U.S.S.R. in particular.

With regard to the allegation that E. S. SACHS was an active supporter of the Communist Party, reference is made to the evidence given by him before the Garment Workers Union Commission of Inquiry particularly pages 1725 to 1738.

ANNEXURE "A".

GARMENT WORKERS' UNION.

P.O. Box 6779,

JOHANNESBURG.

19th June, 1944.

Mr. H.A. Naidoo, (Personal)  
Box 2098,  
CAPE TOWN.

Dear Comrade,

RE: TROUBLE IN GARMENT WORKERS' UNION.

In reply to your letter of the 14th instant I am pleased to state that our difficulties with some of the leaders of the Coloured Workers in our Union have been composed. Last Saturday we had a meeting of the Coloured members of our Union and we re-established the No. 2 Branch. A new committee was elected and at present there is complete harmony. JAMES PHILLIPS was re-elected Chairman of the Branch.

In the circumstances I have no desire to pursue the matter further but if you want a report on the past I shall be pleased to furnish you with one.

With kindest regards,

Yours fraternally,

(Signed) E.S. Sachs.

General Secretary.

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P.O. Box 2098,

CAPE TOWN.

4th July, 1944.

Mr. E. S. Sachs,  
P. O. Box 6779,  
JOHANNESBURG.

Dear Comrade,

Thanks for your letter of the 19th June.

We are pleased to note that the differences between some of the Coloured members and yourself have now been settled.

Under the circumstances, we do not see any need for the report which you had promised.

Yours fraternally,  
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ANNEXURE "B".

MINUTES OF THE INDUSTRIAL COMMITTEE MEETING HELD ON THE 10TH  
OF JULY, 1945, IN 58, BURG STREET, CAFE TOWN.

PRESENT:

Pauline Podbrey, Johnny Gomas, Dordley, M. D. Arendse, Lucas Phillips and Solly Sachs.

COMRADE J. FOURIE PRESIDED.

Joey explained that Comrade Sachs was in the Party Office and started a discussion with Pauline and herself on the desirability of driving Bob Stuart out of the Trade Union Movement. She considered this an important matter and asked for the permission for Comrade Sachs to stay and explain his point of view. Comrade Sachs put it to the Meeting that he is prepared to start a campaign against Stuart and he wanted to know what stand the members of the Party would take who are Trade Union secretaries.

He suggested that a mass Meeting of Garment Workers be called in the City Hall where he would explain the importance of having a National Union.

Joey stated that she felt there is a possibility of starting a Branch of the Transvaal Garment Workers Union down here, and she suggested that this should first be done.

Comrade Sachs said he was not really concerned with starting a Branch of two or three hundred people when there were nine thousand Garment Workers in the Peninsula and he was of the firm opinion that the campaign against Stuart should be launched with a big Meeting.

Johnny Gomas pointed out that the Garment Workers down here were concerned with the Colour Bar as practised in the Garment Workers Union in Johannesburg and that will want an explanation because Stuart has used this as propaganda against uniting with the Transvaal Garment Workers.

Solly Sachs pointed out that the Europeans in the Garment Workers Union of the Cape were as anti-coloured as the Europeans in the Garment Workers Union of the Transvaal. At the moment the ratio of coloured to white was about 3 : 1 and he personally feels that until such time as the Garment Workers belonged to one National Organisation which will bring the ratio up to 1 : 1 of coloured to white the coloured workers in the Garment Industry stands very little chance of making their voice heard.

Pauline asked whether, if a National Organisation should be formed, Transvaal would accept coloured members on their N.E.C.

Solly replied that the national Organisation will have no right to dictate to Cape Town who to elect to the N.E.C.

It was then agreed that members should discuss this question and Comrade Sachs left the Meeting.

ANNEXURE "C".

Ref.No. G. S. 372/46.

3rd June, 1946.

Mr. E. S. Sachs,  
1st Floor,  
Progress Buildings,  
Commissioner Street,  
JOHANNESBURG.

Dear Comrade,

On behalf of my committee, I wish to extend to you our congratulations on your election as delegate to the I.L.C.

We look forward to your achieving a great deal during your period as delegate, and wish you every success in your efforts on behalf of the working class.

Yours fraternally,

MOSES M. KOTANE.

GENERAL SECRETARY.

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13 to 18, Progress Buildings,  
156, Commissioner Street,  
JOHANNESBURG.

5th June, 1946.

The General Secretary,  
Communist Party of South Africa,  
P. O. Box 2098,  
CAPE TOWN.

Dear Comrade,

Please convey to your Central Committee my sincerest thanks and appreciation for your letter of the 3rd instant, congratulating me on my election as delegate to the International Labour Office Conference.

I shall certainly do everything in my power to present the case of all the workers of South Africa at the Conference.

Yours fraternally,

(Signed) E. S. Sachs.

GENERAL SECRETARY.

Star 17/6/50.

## CROWD OF 2,000 PROTESTS AGAINST COMMUNISM BILL

### DEMAND FOR ITS WITHDRAWAL AT MEETING ON CITY HALL STEPS

**W**ITH TWO DISSENTIENTS an estimated crowd of about 2,000 passed resolutions on the Johannesburg City Hall steps to-day urging the Government to withdraw the Suppression of Communism Bill and calling upon the Speaker and members of the House of Assembly to receive a petition asking Parliament to withdraw the Bill.

The protest meeting was organised by the Personal Liberties Defence Committee composed of several national organisations. Speakers were Mr. G. A. Mulligan, K.C. (chairman), the Rev. T. Huddleston, Mr. B. L. S. Franklin, Mrs. A. W. Hoernle and Mr. D. J. Cloete.

Before the meeting began uniformed and plain-clothes police were posted round the City Hall steps and traffic department inspectors were on duty to divert traffic away from Rissik Street, between President Street and Market Street.

When the meeting opened about 500 people were present, but the crowd soon swelled to about 2,000. The meeting was orderly throughout and the speakers were enthusiastically applauded. There were many non-Europeans among the crowd.

Mrs. Hoernle, who proposed the resolutions, said that under the Bill it was proposed that officials should take the place of the courts. "This is a dangerous procedure that will reverse the long tradition of this land. These powers are far wider than is necessary to achieve the object, and such powers should not be given to administrative officials.

"This Bill violates the democratic system in which we have placed our faith—the freedom of the individual, the sanctity of the home and justice from our courts."

No legislation since the war had shaken the country so profoundly as the Bill now before the House, said Mr. Franklin, seconding the resolutions. "The nation is being

asked to surrender its hard-won freedom at a stroke of the Ministerial pen.

"No Government, whatever its political beliefs, can be trusted with such dictatorial powers. Unless we make our protest felt against this cancerous growth of Ministerial power, it will be the end of freedom in this country."

"This Bill is called the Suppression of Communism Bill, but it should be called the Suppression of Freedom Bill," said Father Huddleston. "It strikes at the heart of all that Western civilisation has struggled to achieve over the centuries."

Mr. Cloete, who spoke in Afrikaans, said that the spirit of freedom was one of the greatest characteristics of the South African people, and the country's history was one of struggle to attain freedom.

A foundation stone of the country's freedom was vested in the principle that the State could not punish a citizen except for a transgression of the law, which had to be proved to an independent court. This right would go, he said, with the introduction of the Bill.

(News by E. S. P. Shirley and L. O. D. Hutchison, 41 President Street, Johannesburg).

# AUSTRALIANS' RIGHTS OF APPEAL WELL DEFINED IN ANTI-COMMUNIST BILL

Star 15/6/50

## UNION MEASURE HAS ONLY ONE OBSCURE REFERENCE TO COURTS

**T**HE MAIN DIFFERENCE between the Australian Anti-Communist Bill — even in its recommended form — and the South African Suppression of Communism Bill is the care with which the right of accused persons and organisations to seek redress in the courts is defined in the Australian measure.

The South African Bill, as presented by the Minister of Justice, Mr. Swart, has only one direct reference to the courts in this special connection and that reference is obscure.

Another difference between the Australian Bill and Mr. Swart's is that the former is directed almost entirely at eradicating the Communist Party as such, and bodies controlled by it or strongly under its influence.

Mr. Swart's Bill, though it bans the Communist Party, is also concerned with movements whose connection with that party, and even with Communism, may be remote.

Mr. Swart's definition of "Communism," for instance, includes "any doctrine or scheme" which "aims at bringing about any political, industrial, social or economic change within the Union in accordance with the directions or under the guidance of or in co-operation with any foreign government or any foreign or international institution whose purpose or one of whose purposes (professed or otherwise) is to promote the establishment within the Union of any political, industrial, social or economic system identical with or similar to any system in operation in any foreign country."

The use of the word "social" in this definition has no parallel in any part of the Australian Bill. Thus an attack on social apartheid might be construed as Communism.

### DEBT TO AUSTRALIA

The Union Government's debt to the Australian draughtsmen is clear in various places. This makes the absence of well-defined rights of appeal to the courts by injured organisations or individuals all the more conspicuous.

The one direct reference to this in the South Africa Bill occurs in sub-section 2 of section 3. It says that no court shall, after the expiry of three months from the proclamation of an organisation as unlawful, "have jurisdiction to pronounce upon the validity of that proclamation."

In Australia, on the other hand, an organisation or individual "declared" under the Bill may appeal within 28 days to the High Court. If he does, most of the immediate consequences of being "declared" are held over.

Moreover, under amendments made by the Australian Prime Minister, Mr. Menzies, in response to the outcry from his own party as well as the Opposition, the onus of proof has been removed from the accused to the Crown. Mr. Swart's Bill came through the Select Committee with no such change.

The unrestricted powers of search in the South African Bill, which enable anybody's home to be entered at any time of day or night, occurred in the original Australian Bill but have been since subjected to safeguards.

### PUBLICATION BAN

No trace of the Union Government's power under the Bill to suppress publications can be found in the Australian measure, in which deportation is likewise missing.

The absence of drastic powers to ban meetings in the Australian measure may be due to the

existence of a Crimes Act, similar in some respect to the Union's Riotous Assemblies Act. It is noteworthy, however, that the Minister's far-reaching powers to stop public assemblies on the score of "Communism" and to remove individuals from areas do not occur in Mr. Menzies's Bill.

Certain provisions in Mr. Swart's Bill for parliamentary review of defined anti-Communist actions by the Government are not found in the Australian measure.

The specific power to unseat M.P.s, M.P.C.s and the like as Communists, which the South African Bill confers on the Minister of Justice is not mentioned in the Australian Bill. Reports of the Canberra debates, however, indicate that the Australian Government's power under its Bill to remove "declared" individuals from office in State organisations might well include M.P.s and Senators.

[News by J. J. Bond, 41 President Street, Johannesburg.]



**Collection Number: AD1715**

**SOUTH AFRICAN INSTITUTE OF RACE RELATIONS (SAIRR), 1892-1974**

**PUBLISHER:**

*Collection Funder:- Atlantic Philanthropies Foundation*

*Publisher:- Historical Papers Research Archive*

*Location:- Johannesburg*

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