

They may be applied to any person who commits an offence by way of protest or in support of a campaign against any law.

If you, the reader, were to demand a change in income tax laws, or price control regulations, or pass laws, and were to hold a public meeting during which you and your associates broke a municipal by-law (for example, by failing to get the municipal council's permission where that was necessary), all of you would be liable to a penalty of three years' gaol and 10 lashes.

FREEDOM OF THE PRESS

And if a newspaper reported speeches protesting against a law, or demanding its modification, the editor might be held guilty of the crime of acting in a way "calculated to cause any person or persons in general to commit an offence by way of protest", the penalty for which is five years' gaol, £500 fine, or 10 lashes.

For, says Minister Swart, if a speaker advises a meeting to break the law or protest against the law, "why should he be punished and not the newspaper which publishes that speech and is as likely to cause other people to break the law as the speech itself? Why should they be allowed to publish a speech like that?" (Hansard, 20/2/53.)

So, you see, the Minister admits that he is out to destroy the freedom of the Press to report impartially on events and opinions.

FREEDOM OF THE POST

With freedom of the Press has gone freedom of the post. The Act allows the Government to open our letters and parcels, and confiscate material intended for use in a campaign of protest against a law.

It has now been made a criminal offence for one to collect money or goods to assist persons taking part in a campaign of protest. Ordinary human charity and sympathy with an accused person or his dependants have become a crime!

In addition to suffering these penalties, a person convicted under the Act may be banned from an area or he may be deported from the Union if he is not a South African citizen by birth or descent.

ANOTHER SAFEGUARD GONE!

Should four or more persons, charged with having taken part in a protest campaign, be shown to have committed an offence (like entering a building from which they are barred because of their skin colour) they will be presumed to have committed the offence as a protest against a law.

South Africa's common law states that a man is to be considered innocent until he has been proved guilty. But Minister Swart does not like the common law; he finds in it too many obstacles to his plans for repression and terrorism. He therefore abolishes the century-old rule which was laid down for the protection of the citizen against injustice.

BEHIND IT ALL

The Government have created fear and suspicion in the people and, using the defiance campaign as pretext, have prepared the ground for the elimination of political opposition. This spells dictatorship.

Only the people can prevent this disaster. This they can do by refusing to be frightened into silence and submission.

Let us fight against these laws with all our strength. Let us raise our voices high against Fascist dictatorship. Courage and unity are all we need to preserve our freedom. Let them not be wanting.

- ★ DOWN WITH THE NATIONALIST GOVERNMENT
- ★ REPEAL THE FASCIST LAWS
- ★ SAVE FREEDOM

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- An explanation of the Public Safety Act and the Criminal Laws Amendment Act.

Democratic League

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PREFACE

The Democratic League was formed by freedom-loving men and women in Cape Town after the Nationalist Government had announced its intention to force through Parliament the two most repulsive measures known in any democratic society.

To assist South Africans in analysing the dangers that lie hidden in these two Acts, the Democratic League has endeavoured to strip these Acts of their legal jargon and expose the bare facts.

FREEDOM SENTENCED TO DEATH

Parliament was the Judge; Minister Swart the Hangman. His Gallows are the Public Safety Act and the Criminal Law Amendment Act.

SAVE FREEDOM!

Only nine members of the House of Assembly voted (at the Third Reading) against these laws. They were the members of the Labour Party and the three Native Representatives:

Mrs. Ballinger, Mrs. Benson, Messrs. Bunting, Christie, Davidoff, N. G. Eaton, Hepple, Lovell and Stuart.

The other 150 members conspired to kill Parliament and execute Freedom.

THE PUBLIC SAFETY ACT DECLARES . . .

That the Government may, whenever it wishes, proclaim a State of Emergency to cover the whole or any part of the Union. Thereupon, Parliament's power to make laws passes to the Cabinet as represented by the Governor-General or the Minister of Justice.

Parliament, by passing the law, has committed suicide just as surely as did the German Reichstag when it gave the President power to suspend civil liberties.

In terms of the Public Safety Act, the Government in a "State of Emergency" can make any laws it likes and can authorise any person to make any laws.

Not only can they make new laws; they can also sweep aside existing laws. And they can fix penalties with maximums of five years gaol, £500 fine, and the confiscation of goods and property.

EMERGENCIES FOR EVER!

President Hindenberg of the German Reich once signed an Emergency Decree for the protection of People and State. It suspended the constitutional guarantees of personal liberties and property rights.

That "emergency" lasted from March 1933 until the downfall of the Nazi Dictatorship in May 1945!

Mr. Swart's Public Safety Act says that his "State of Emergency" may be declared for twelve months. But it can be renewed by the Government at the end of the twelve months, and again at the end of that! And so on, for ever.

This is Fascism!

PREVENTIVE ARREST

Preventive custody is what the Nazis called their system of arresting hundreds of thousands of political opponents (trade unionists, socialists, communists, liberals, and ministers of religion) for imprisonment in concentration camps without charge and without trial.

So, also, does the Public Safety Act enable the Minister to authorise the arrest of persons without warrant and their imprisonment without trial.

True it is that section 3 (4) of the Act instructs the Minister to submit the names of persons summarily arrested and detained for more than 30 days to Parliament. But Parliament is not expected to do anything about this list — except, perhaps, gloat over the names of its victims.

This, then, is the aim of the Public Safety Act:

Whenever the Nationalist Government considers its power threatened it may declare a State of Emergency, open its concentration camps, and fill them with political opponents arrested for preventive custody.

Don't believe the Nationalists when they say that the Act is to be used only against the African and Indian people. Mr. Swart said:

"This measure is not applicable to only one portion of the population, but to all. The action taken will be just as firm against Europeans as against Non-Europeans." (Hansard, 11/3/53.)

LASHES FOR POLITICAL OPPONENTS

So also is the Criminal Laws Amendment Act for use against all opponents of the Government.

Its aim is to frighten the people into slavish submissiveness by savage punishments for political offences: a fine of £300, or three years' imprisonment with hard labour, or 10 lashes, or any two of these.

For the political leader who calls on people to protest against bad laws, the penalties are yet more severe: a fine of £500, five years' imprisonment with hard labour, or 10 lashes, or any two of these.

[The original Bill provides for 15 lashes. When Mr. Swart was challenged on this point, and told that magistrates were not allowed to order more than 10 lashes under the Magistrate's Court Act, Mr. Swart accepted the lower figure, with a joke: "What are five strokes between friends?" Did he ever stop to ask: "What are five strokes more or less on the backs of a boy or man?"]

8,000 JAILED FOR POLITICAL BELIEFS

The Government claims that these punishments are needed to stop the defiance of unjust laws campaign, in which more than 8,000 men, women and children have been gaoled.

What laws did the defiers break? They entered railway stations through doors marked "Europeans only", they sat on benches marked "Europeans only", they stood before post office counters marked "Europeans only", they entered locations marked "Natives only" without a permit.

Should people be lashed and gaoled for three years or fined £300 for this kind of "crime"? Yes, says Mr. Swart (who bears the official rank of Minister of Justice — poor Justice!):

"If, for example, 50 people walk into a building one after another they are tried jointly and it is presumed they did so with intent to protest against the law. Otherwise it would be very difficult to prove that the persons concerned acted jointly because the one enters the building after the other and they walk out in a queue, one after another, and you cannot catch them." (Hansard, 19/2/53.)

"Catch them" doing what? Entering a building and walking out again! That is the crime for which men, women and children are to be lashed and gaoled.

ALL DOORS CLOSED

The defiers are Africans and Indians who have no vote and no representatives of their own people in Parliament — no recognised methods of influencing government policy. Citizens of South Africa, they are yet denied the normal rights of citizenship: freedom of movement, residence and employment; the right of political representation.

That is why they defied unjust laws. In no other way could they bring home to the rulers of this country their determination to free themselves of pass laws and colour bars.

ONE AND ALL ARE POTENTIAL DEFIERS

But the punishments are not for Africans, Indians and Coloured alone.

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TREASON TRIAL, 1956 1961

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