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NOTICE IN TERMS OF SUB-SECTION (1) OF SECTION NINE OF ACT NO. 44 OF 1950 (THE SUPPRESSION OF COMMUNISM ACT).

Whereas in my opinion there is reason to believe that the achievement of object of Communism would be furthered by the assembly of any gathering by, or under the auspices of, or for the promotion of the interests or objects of, The South African Congress of Trade Unions in any place within the Union during the period commencing on 31st March, 1961, and ending on 30th June, 1961.

Now therefore I, Francois Christiaan ERASMUS, Minister of Justice, acting under and by virtue of the powers vested in me by sub-section (1) of Section nine of the Duppression of Communism Act, 1950 (Act No.44 of 1950) as amended, hereby prohibit the assembly of any such gathering in any place within the Union during the period aforesaid.

Given under my hand at Cape Town this 29th Day of March, 1961.

F.C. ERASMUS  
MINISTER OF JUSTICE.

KENNISGEWING KRAGTENS SUB-ARTIKEL (1) VAN ARTIKEL NEGE VAN WET NR. 44 VAN 1950 (DIE ONDERDRUKKING VAN KOMMUNISME WET).

Nademaal daar volgens my oordeel rede is om te vermoed dat die verwesenliking van oogmerke van Kommunism bevorder sou word deur die samekoms van enige byeenkoms byeengeroep deur, of onder die beskerming van, of ter bevordering van die belange of oogmerke van, die "South African Congress of Trade Unions" in enige plek binne die Unie gedurende die tydperk wat begin on 31 Maart 1961 en eindig op 30 Junie 1961.

So is dit dat ek. Francois Christiaan Erasmus, Minister van Justisie, kragtens die bevoegheid my verleen by sub-artikel (1) van Artikel nege van die Wet op Onderdrukking van Kommunisme, 1950 (Wet Nr. 44 van 1950) soos gewysig, die samekoms in enige plek binne die Unie gedurende voormelde tydperk hierby verbied.

Gegee onder my hand te Kaapstad op 29 Maart 1961.

F.C. ERASMUS.  
MINISTER VAN JUSTISIE



Efb. 1.1

SOUTH AFRICAN CONGRESS OF TRADE UNIONS.

Head Office:

P.O. Box 17133,  
Hillbrow,  
Johannesburg.

Head Office Circular: No. 1/4/1961.

To: All Affiliated Unions:  
All Local Committees:  
All members of the N.E.C.

U R G E N T:

Dear Comrades,

THREE MONTH BAN ON MEETINGS OF SACTU

1. As you know, the Government has arbitrarily banned all meetings of SACTU for three months, from 31st March to 30th June, 1961. This was especially designed to prevent us from holding our Sixth Annual National Conference which was scheduled for 31st March and 1st and 2nd April, 1961. By pre-dating our Conference by one day and by rushing our delegates to Durban we were able to beat the ban and held our Conference on 30th March, 1961.

We enclose a copy of the Resolution unanimously adopted by the delegates to our Emergency Conference and we ask you to raise this matter urgently among your members. Please protest to the Minister of Justice and demand the removal of this ban.

Copies of our resolution, together with a request for protests have been sent to the major political parties and organisations in South Africa and to trade union centres in over 60 countries.

Please make sure that the voice of your Union is heard in demanding the withdrawal of this ban on our meetings.

2. The position of our Affiliated Unions with regard to the ban on meetings of SACTU.

We have taken legal opinion and we have been informed that all meetings of affiliated Unions are legal and are not prohibited in terms of the ban on meetings of SACTU. This refers to Executive Committee Meetings, Annual General Meetings, ordinary General Meetings and meetings of sub-Committees of affiliated Unions. These meetings may be held in the Union offices or in hired halls.

We quote hereunder an extract from the legal opinion with regard to our affiliated Unions:

"In particular, does the prohibition apply to meetings of an individual union affiliated to SACTU? (It must be pointed out here that SACTU is a body of the federal type, to which 51 individual trade unions in various industries are affiliated).

The notice expressly prohibits any gathering convened 'by or under the auspices of SACTU'. In view of the definition of 'gathering' in section 1 of the Act as 'any gathering, concourse, or procession in, through or along any place, of any number of persons having a common purpose, whether such purpose be lawful or unlawful,' it seems clear that any conference, executive committee, local committee, general or other meeting



"of SACTU is illegal during the stipulated period.

The words causing some difficulty are those which say that any gathering 'for the promotion of the interests or objects of SACTU' are prohibited. Assuming that these words are not so uncertain as to invalidate the notice, what meaning is to be given to them?

It is submitted that the intention of the Minister was to prevent the holding of a gathering which in reality is a SACTU gathering, under some other name or guise. Accordingly, if the meeting in question discussed the affairs of SACTU with a view to building the membership of SACTU, (i.e. 'promoting' its 'interests') or to win support for SACTU (i.e. 'promoting' its 'objects') the meeting would be unlawful. However, it is submitted that the prohibition cannot be extensively interpreted so as to apply to a meeting of any other organisation which, while discussing objects which are also objects of SACTU (e.g. higher wages, the Freedom Charter etc) are discussed with the intention of promoting the objects of that particular organisation (e.g. an individual trade union, resident's association, political party, employer's organisation etc.). If this were not the case, and the Minister had intended to prohibit gatherings which discussed any of these matters why did he bother to mention SACTU at all? It would have been far simpler to prohibit any gathering to promote any of these objects (which are objects common to many organisations).

In any event, in view of the ambiguity of the phrase 'for the promotion of the interests and objects of SACTU' it is submitted that the well-known rule of interpretation enunciated in R v. Sachs (supra) applies, namely:

"Where... a statute is reasonably capable of more than one meaning a court of law will give it the meaning which least interferes with the liberty of the individual."  
(at 399).

However wide and autocratic are the powers conferred on the Minister by Act 44 of 1950, it is submitted that this cardinal rule of interpretation ought to be invoked in the present case.

It is my view (assuming that the notice is valid) that a gathering of an individual trade union affiliated to SACTU would be lawful provided that is held genuinely for the promotion of the objects and interests of that particular union (or some other body) but not in any way for the objects or interests of SACTU itself. So for example, the gathering may promote the object of higher wages for workers in industry, but may not do so in support of SACTU's campaign for higher wages; it may demand trade union freedom for the workers but not in order to build or 'promote the interests' of SACTU as a co-ordinating body. It must, in a word, keep SACTU out of its activities, discussions and resolutions



"at the gathering. There must be no SACTU speakers, and no SACTU leaflets or other propaganda at the meeting for this might be convincing evidence that the meeting was in fact to promote SACTU's objects and interests and not to promote the sectional interests or objects of the particular union which convened the gathering.

The remedy of a trade union which considers that its gatherings may be unjustly interfered with by the police purporting to act under the above-mentioned government notice, is, in the first place, to make an application to the Supreme Court declaring the notice invalid, or, alternatively, declaring that the notice does not apply to gatherings for the bona fide objects and interests of that particular union. This would serve to clarify the legal position immediately, and save the worries and expense of a prosecution.

An affected trade union could on the other hand await prosecution of persons alleged to be contravening the notice and then raise the abovementioned points by way of defence on such a charge."

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We have quoted in such detail in order to make sure that all affiliated Unions know their legal rights and do not allow themselves to be intimidated by the Police from holding their lawful Union meetings to discuss Union affairs and the workers' demands. All our affiliated Unions should remain undaunted and unafraid and continue to build their Unions.

Please let us know immediately if there is any police or other interference with your Union meetings.

With Trade Union Greetings,  
Yours fraternally,  
L. MASSINA.

General Secretary.

18th April, 1961.

Johannesburg.



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SOUTH AFRICAN CONGRESS OF TRADE UNIONS.

NEWSLETTER.

PROTESTS AT THREE MONTH BAN ON MEETINGS OF SACTU.

At the time the three month ban was imposed on meetings of SACTU (from 31st March - 30th June, 1961) Head Office wrote to trade union centres and individual trade unions in 50 countries asking for protests against this ban. We also appealed to the I.L.O. the W.F.T.U. and the I.C.F.T.U. In addition, we appealed to the National Union of Distributive Workers, the S.A. Congress of Democrats, the Liberal Party of South Africa, the Black Sash, the S.A. Indian Congress, the S.A. Coloured People's Organisation and to Dr. Jan Steytler, leader of the Progressive Party. The response has been as follows:-

International:

I.L.O. A complaint has been registered with the Committee on Freedom of Association.

W.F.T.U. Called upon all its affiliates to protest.

I.C.F.T.U. Sent a cable of protest to Dr. Verwoerd. The I.C.F.T.U. has also issued two calls to its affiliates for support of the boycott of South African consumer goods.

The Trades Union Congress (United Kingdom). Protested to the South African High Commissioner in London.

Irish Congress of Trade Unions: Protested to the Minister of Justice; informed the Eire Minister of External Affairs of the ban. The Northern Ireland Committee associated itself with the protest. Copies of the protest were published in the Eire newspapers.

All-India Trade Union Congress: Protested to the Minister of Justice, stating: "This is a flagrant violation of the U.N. Charter and the spirit of the I.L.O."

Burma Trade Union Congress: Protested to the Prime Minister and sent copies of the protest to the Secretary General of the United Nations. The Burma TUC also informed the Burma Minister of Foreign Affairs of the ban.

Trades Union Congress, Ghana: Sent a letter of solidarity to SACTU stating: "Since we have made the cause of your people our own, we shall continue to mobilise world opinion against these costly evils of the South African Government."

National Union of Mineworkers, England: Brought this matter to the attention of the British Trades Union Congress. They also protested to South African High Commissioner in London.

Bristol Trades Council, England: Sent a letter of solidarity to SACTU.

Central Council of Hungarian Trade Unions: Protested to the Prime Minister

Trinidad & Tobago National Trades Union Congress: Adopted a resolution of solidarity on May Day and decided to intensify the boycott of South African goods. In their letter to SACTU they stated: "No goods of South African origin are handled by our dockworkers".

International Longshoremen's and Warehousemen's Union: San Francisco, U.S.A. Sent a protest to the Minister of Justice.



United Electrical Radio and Machineworkers of America, Toronto, Canada: Sent a protest to the Minister of Justice, with copies of the protest to the United Nations and the I.L.O.

All-Union Council of Trade Unions, U.S.S.R. Sent a cable of solidarity to SACTU.

Confederation Generale du Travail, France: Sent a letter of protest to the Prime Minister, stating: "... your racial policies have been unanimously condemned throughout the world."

Gambia Labour Union: Adopted a resolution of solidarity on the occasion of May Day.

Central Committee for Local Industry and Municipal Workers' Unions, Moscow: Sent a letter of solidarity to SACTU.

All Construction Ministry Workers Union, Tokyo, Japan: Protested to the Prime Minister.

Building Workers Industrial Union of Australia, Melbourne: Protested to the Prime Minister.

Building Workers Industrial Union of Australia, Sydney:

- 1) Sent a letter of protest to the Prime Minister and called upon affiliated Branches to do the same.
- 2) In reply to our letter advising of the mass arrests, raids and mobilisation of the country, sent a further letter of protest to the Prime Minister. This Union also cyclostyled our letter and circulated it to Trade Unions throughout Australia and took up the matter with the Australian Council of Trade Unions.

Food Preservers' Union of Australia: Took the matter to the Australian Council of Trade Unions and also circularised other trade unions in Australia.

Amalgamated Engineering Union, Adelaide, Australia: Protested to the Minister of Justice.

Australian Tramway and Motor Omnibus Employees' Association: Protested to the Prime Minister.

Trades Union International of Workers in Commerce: Protested to the Prime Minister.

Scottish Trades Union Congress: Have referred the question of our ban to a meeting of their General Council and have promised full support.

Coleraine & District Trades Union Council: Northern Ireland. Protested to the Prime Minister.

Local Protests:

The National Union of Distributive Workers adopted a resolution of protest at their 24th Annual National Conference.

The South African Trade Union Council protested to the Minister of Justice and issued a press statement as soon as the ban was announced.

The Liberal Party of South Africa: Issued a press statement of protest.

The S.A. Congress of Democrats: : Adopted a resolution of protest at their Annual National Conference.

No acknowledgement of our letter has been received from Dr. Stetyler of the Progressive Party.

Details of further protests will be circulated as they are received.

19th June, 1961.



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SOUTH AFRICAN CONGRESS OF TRADE UNIONS.

P.O. Box 17133,  
Hillbrow.

Johannesburg  
South Africa.

NEWSLETTER.

PROTESTS AT THREE MONTH BAN ON  
MEETINGS OF SACTU.

Further to our Newsletter of 19th June, 1961 we have been informed of the following additional protests:

Amalgamated Engineering Union, No. 4 Branch, Oxford, England: Sent a protest to the Minister of Justice.

National Union of Commercial Travellers, Representatives and Clerks, Paris, France, sent a protest to the Minister of Justice.

Trade Unions International of Transport, Port and Fishery Workers adopted a special Declaration on South Africa at their third international Conference held in May, stating: "This Conference, representing 15,000,000 transport workers, appeals to all transport workers of the world to protest against the policy of race discrimination of the Government of South Africa.

Building Workers' Union, Berlin, German Democratic Republic has called upon all Branches to protest to the Prime Minister and to the United Nations.

Western Australian Amalgamated Society of Carpenters and Joiners' Industrial Union of Workers has sent a letter of solidarity to SACTU.

Czechoslovak Transport and Communication Workers' Trade Union: has sent a letter of solidarity to SACTU.

Carlisle and District Trades Council, England: Passed a resolution of solidarity with SACTU.

Dorset County Committee of the National Union of Agricultural Workers, England, protested to the Prime Minister.

Australian Railways Unions: Published in full the resolution adopted by our Sixth Annual National Conference, together with our letter about the ban. This appeared in their newspaper "The Gazette" with an appeal to all workers "to move strongly against Fascist oppression and attacks upon the rights of unionists and freedom of the people."

"The Dispatcher:" Official Journal of the International Longshoremen's and Warehousemen's Union, America, Published a summary of our appeal.

"UE Canadian News" Official Journal of the United Electrical Radio and Machineworkers of America, Toronto, Canada, published a summary of our appeal.

"The Tribune" Australia carried articles on our ban and on the Stay At Home in three issues in May, 1961.

In our Conference Resolution we stated: "The Government will learn to its cost that this latest ban will arouse the organised hostility of workers throughout the world." The protests received from all over the world have proved how correct we were.

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July 4th. 1961.



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