

Bewysstuk No. 30

Gekry by T. Tohumel

This Act Means

Date 5/12/56

Fascism in South Africa

## WHAT "SUPPRESSION OF DEMOCRACY" MEANS TO YOU

MR. CITIZEN! Mr. Swart's latest amendments to the Suppression of Communism Act, now before the House of Assembly  
THREATEN YOU!

What started in Germany as "suppression of communism" ended in Belsen and Dachau, in the murdering of anti-communist trade union leaders, churchmen and anyone opposed to their ruthless march of fascism.

The Act has already been used to ban and remove about 40 trade union secretaries, including persons who are anti-communist. Mr. Swart has banned persons who belong to the Labour Party, as well as denuding the executives of the Peace Council, the African National and Indian Congresses and the South African Congress of Democrats.

The Act is so wide that any member of any of the opposition parties can be attacked and any member of the Catholic, Anglican or other churches.

● During the present debate in the House, where Mr. Swart is seeking more power than Parliament itself has, a Government supporter defended the Minister's request for powers to ban religious gatherings on Sundays by stating that the "worst type of communism" is often preached under the cloak of religion!

*The Supreme Court has actually found opposition to cattle culling and sitting on benches reserved for a particular race to be "statutory communism" although the judges admitted that the persons found guilty were not communists as usually understood by that term.*

And now the Minister of Justice is amending the Act to make it even wider, removing the natural right of persons to a hearing before being banned.



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## HOW IT STARTED

The Suppression of Communism Act was first introduced in 1950 and a year later was drastically amended to throw the net wider and make offences retrospective — a serious inroad on our legal rights against which the Bar Council, among others, objected.

This law had little if anything to do with "communism" or "communists" but conferred despotic powers on the Government giving it unfettered right to:—

..... Compile a secret list of persons who are deemed to be communists or were members or active supporters of **any organisation** declared to be illegal under the Act.

..... Order persons whose names are on the Liquidator's List to resign from public office or from membership of any organisation and to expel elected persons from Parliament on the recommendation of a Select Committee on which the Government always has a majority.

..... Prohibit persons whose names are on the Liquidator's List from attending gatherings of any kind and order them to remain in a particular area.

..... Enter premises at any time without previous notice.

..... Close down newspapers after a secret Star Chamber hearing.

..... Prohibit gatherings.

..... Presume anyone guilty of being a member of an illegal organisation or of defending its objects, unless such person can prove otherwise.

..... Confiscate property.

..... Deport persons and deem them to be prohibited immigrants.

## WHAT THE GOVERNMENT HAS ALREADY DONE

- More than 500 persons have been "listed" in terms of the Act.
- More than 100 persons have been banned.



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- More than 100,000 organised workers have been deprived of the services of about 40 experienced trade union secretaries — comprising the most active section of the trade union movement — as a means to clear the way for organisation in the unions in conformity with "Christian National" precepts of "disciplining the people."
- Non-European liberatory movements, ex-service men's organisations, the Peace Council and other organisations have been attacked.
- A newspaper has been banned.
- Freely elected representatives of the people have been ejected from Parliament and the Cape Provincial Council.
- Leaders of a Non-European political campaign, having nothing to do with communism, have been convicted.

#### THE NGWEVELA JUDGMENT

Early in December, last year, the Appellate Division of the Supreme Court found, in an appeal noted by Johnson Ngwevela, who had been convicted by a magistrate for attending a gathering despite a Ministerial ban, that the Minister was not entitled to ban persons from gatherings unless he had given a hearing to the intended victims.

This principle — fundamental to the legal code of all civilisations for thousands of years — that no man shall be made to suffer before he has been heard in his own defence, was immediately described by the Minister as "intolerable". He announced that he would forthwith stop up the "loopholes", and proceeded with the measure at present before the House . . . . .

#### THE NEW AMENDMENTS : WHAT THEY MEAN

The phrase "stopping up loopholes" hides a vicious new attack on rights.

Already the Suppression of Communism Act has done violence to our precepts of the Rule of Law by

- Making punishable retrospectively deeds which were perfectly legal when committed
- Presuming persons guilty and forcing them to prove their innocence.



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and now the Minister proceeds to

- Remove the inherent natural right to a hearing before taking action prejudicial to individuals.
- Alter the rules of evidence, so as to make permissive, as prima facie evidence, documents which would normally not be regarded as evidence.

By these means the Minister is attacking our Courts and taking unto himself the power to list many more persons.

The new amendments impose for the first time punishment by the mere act of listing, by depriving persons on the lists from ever standing as candidates for Parliament or the Provincial Councils.

Considering the wide nature of the definition of a communist, which can include YOU, this means that the new Bill attacks the electoral rights of EVERY PERSON, and restricts the freedom of voters to send to Parliament whomever they think best.

For the first time electoral rights are now removed from European voters also.

Under the cloak of anti-communism, the Government is leading us to totalitarianism.

Dr. Malan has himself described the Labour Party and liberals as practically "indistinguishable from the communists."

The Suppression of Communism Act is the corner-stone on which the Government is building its entire structure of fascism in South Africa.

IT IS OUR DUTY TO WRITE TODAY TO THE PRESS AND TO PARLIAMENT CONDEMNING THE MINISTER'S NEW RIOTOUS ASSEMBLIES AND SUPPRESSION OF COMMUNISM AMENDMENT BILL.

IT IS THE DUTY OF EVERY DEMOCRATIC SOUTH AFRICAN TO WORK ENERGETICALLY AND CONSISTENTLY FOR THE TOTAL REPEAL OF THE SUPPRESSION OF COMMUNISM ACT.

Hygrade

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**TREASON TRIAL, 1956 1961**

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