

M E M O

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Speakers should guard against  
contravening the following laws:

1. Common law relating to
  - (a) Sedition;
  - (b) Seditious libel;
  - (c) Treason;
  - (d) Public violence.
2. The Riotous Assemblies Act.
3. The Suppression of Communism Act.
4. The Criminal Law Amendment Act.

As to 1 (a), any violent or forcible act done in conjunction with a number of people and directed against the authority of the State by which the public peace is endangered or the power of the established State authority and of the officials of the State is assailed is seditious.

N.B. In order, however, to establish this crime, it is not sufficient that words alone are proven to have been uttered, but such words must as a consequence thereof be followed by seditious conduct on the part of a number of people;

but

seditious language or utterances can well be charged as "an incitement to sedition" and it is suggested that no language be used which can be construed as being an exhortation to change the State form

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by violent means or by imperilling the public peace.

As to 1 (b), this crime consists of uttering or publishing defamatory matter concerning the Government, with the intention (which can usually be inferred from the words so uttered) of exciting discontent, disaffection or sedition among the people, or with the intention of stirring up the people to hatred and dislike of the Government and to cause them to withdraw their fidelity and allegiance to the State and to resist or oppose the State.

N.B. In order to prove this crime, both seditious utterances and intent, as also a defamatory statement of the Government, must be proven by the Crown.

As to 1 (c), it is felt that no possible conduct on the part of any speakers at the Conference - regard being had to what it is anticipated will be said - would constitute this crime.

As to 1 (d) and 2, any speeches or utterances which would or might incite the audience to cause a violent or forcible disturbance of the peace would constitute the crime of "incitement to public violence" and should be avoided. (See also the Riotous Assemblies Act, 27 of 1913, Section 7.)

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As to 3

- (a) In order to avoid prosecution under the Suppression of Communism Act, nothing should be said or done which could be interpreted as being a part of a scheme or doctrine which aims at changing the Government or economic system by promoting violence or disorder or by unlawful acts or means: And no speaker should advocate any political, social or economic changes by the use of violent or illegal methods.
- (b) No speaker should say or do anything from which it can be inferred that he is encouraging feelings of hostility between non-European and European races for the purpose of achieving a change in the social, political or economic system.

As to 4, in order to avoid a contravention of the Criminal Law Amendment Act, no speaker should advocate or encourage persons to commit any offence for the purpose of protesting or campaigning against any law.

To sum up:

If speakers advocate a change in Government and in the economic, political and social policy of the Union, they must refrain from advocating such changes by the use, or implied use, of violent or forcible means, they must not utter statements which are defamatory of the Government, they must not say anything to promote hostility between

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European and non-European races, they must not advocate the use of unlawful methods or violent or forcible disturbances, and they must not suggest the breaking of any laws by way of protest.

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