

Non-White Leaders Sentenced to Imprisonment

Four of the most prominent leaders of the African National Congress and the South African Indian Congress have been sentenced to six/four months compulsory labour under the so-called "Suppression of Communism Act", in the Johannesburg Magistrates Court on the 15th and 16th July, 1952. These leaders are:

- Dr. Y. M. Dadoo, President South African Indian Congress (6 months)
- Mr. Moses M. Kotane, member National Executive, African National Congress (4 months)
- Mr. J. B. Marks, President, African National Congress, Transvaal, and President, African Mine Workers Union (4 months)
- Mr. D. W. Bopape, Secretary, African National Congress (4 months)

Also sentenced on the 16th July to two months imprisonment was 22-year-old Ismail Bhoola, prominent youth leader and joint Secretary of the Transvaal Indian Youth Congress.

Magistrate's Judgement

In a long and considered judgement, in the course of which he quoted many authorities and went fully into the history of the Suppression of Communism Act, the Magistrate rejected all the grounds on which these leaders based their pleas of "Not Guilty".

The most interesting aspect of the judgement was made public when the Magistrate dealt with the aims of Communism. He said: "It is common knowledge that one of the aims of Communism is to break down race barriers and strive for equal rights for all sections of the people, and to do so without any discrimination of race, colour or creed.

"The Union of South Africa with its peculiar problems created by a population overwhelmingly Non-European, is fertile ground for the dissemination of Communist propaganda.

"This would endanger the survival of Europeans, and therefore legislation must be pursued with the object of suppressing Communism."

He admitted in the course of the judgement that "there is no doubt that the Act gives the Minister a discretion of a wide and drastic kind, and one which in its exercise must necessarily make a serious inroad on the liberty of a subject.

"The object is clear. It is to stop at the earliest possible stage the fermentation of a feeling of hostility between European and Non-European."

Dealing with a Section of the Act the Magistrate illustrated the manner in which the Minister can silence any opposition to the notorious policies of the Government. This section can be applicable to anyone whether or not he was a member of the Communist Party. He said this section "gives the Minister unfettered power to interfere with the existing rights of the individual and the liberty of the subject.

"THIS APPLIES TO PERSONS WHETHER THEIR NAMES APPEAR ON THE LIST OR NOT. [This refers to the government list of former Communist Party members.] THE ONLY CONDITION ON WHICH THE EXERCISE OF THIS POWER DEPENDS IS THAT THE MINISTER MUST HOLD THE OPINION. He has the power not only to prohibit a person from attending any particular gathering. He can prohibit him from attending any gathering."

Germany 1933 -- South Africa 1952

No further comments are necessary on this judgement given by a so-called administrator of justice in Malan's South Africa. It runs religiously to the pattern of events in Germany of 1933, true to the ideals of blatant fascism. It is a well known fact that the Nationalist Government is trying to resurrect in South Africa the conditions that existed under Nazism in Europe. Think of the obnoxious segregation laws, of the Warsaw Ghetto and you have its counterpart in South Africa in the form of the Group Areas Act. Think of the suppression of the freedom of movement and its attendant evils and you have its ghastly counterpart in South Africa in the form of the "pass Laws" which send over 100,000 people to prison each year and which are the instruments for creating a system of forced labour. Think of the deprivation of citizenship rights on the basis of race and colour, as was the case with the Jews in Germany, and you have the counterpart in South Africa, where the ten million Non-White citizens are not allowed to vote and are discriminated against, humiliated, and their progress retarded in every field of life and labour.

Over 450 Jailed

Racial segregation and ghettos, suppression of freedom of movement, speech and assembly, deprivation of citizenship rights -- these are the brutal features of a fascist Government and a fascist country. It was to stop the perpetuation of such ideas and practices that thousands upon thousands were imprisoned, shot and gassed in Nazi Germany. It was to call a halt to these that millions and millions of human lives were sacrificed in the last world war. The reaction of the masses of people of Europe was the stiffest opposition and battle against the spread of this pernicious doctrine. The reaction of the masses of South African people too is naturally the same. The Campaign for the Defiance of Unjust Laws is an expression of the feelings of Non-White South Africa. It is to halt this march to fascism and to establish for all people basic human rights, freedom and respect that the African and Indian Congresses launched the organised campaign on June 26th. Over 450 people have been flung into Malan's prisons during the last three weeks. Each day the movement is carried far and wide, into new areas and corners of the country. The forces of freedom are being united as never before.

Malan Invokes Anti-Communist Law

But, meticulously learning the lessons from Hitler, South African fascists have invoked the despotic Suppression of Communism Act to curb this onward march. It has begun to behead the organisations by imprisoning the leaders. No further evidence or proof is required to visualise where the country will march to if Dr. Malan is allowed to go unchecked.

Country Shocked

By the Magistrate's judgement the whole country has been shocked into a grave realisation of what is in store. Commented the conservative Johannesburg daily, "The Star":

"The responsibility must rest upon the Government of the day who, by their

policies and the laws they have inspired, have spread the belief that life, freedom and property ought to be at the mercy of an arbitrary Parliament bound by no consideration of the moral law, equity or justice.

"For that is the simple meaning of the Magistrate's judgement..... That is what he said, and he said it without reservation and, we have no doubt, in the genuine conviction that he was expressing the very essence of the law as it is understood by the highest authorities in the State in which we live today."

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Note: It perhaps should be pointed out that the cases described in this issue of the BULLETIN are not cases arising directly from the civil disobedience campaign which began on June 26th, 1952. They are rather cases of individuals being prosecuted under the Suppression of Communism Act, under which the term "Communism" is so loosely and vaguely defined, and which is itself so oppressive that it was felt necessary to test the law. These cases will therefore be appealed, whereas the civil disobedience cases are not being appealed. Under the terms of the Suppression of Communism Act persons who have been listed as "Communists" may for instance be prevented from addressing a meeting, except a gathering of a social, recreational, or religious nature; and a gathering as defined in the Act may consist of only two or three persons, so that if the authorities wish to apply the law strictly, anyone who has been listed as a Communist may not be allowed to speak to his friends in the street on business. -- AFSAR