

# Malan Seeks Dictatorial Powers In South Africa in an 'Emergency'

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By ALBION ROSS  
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CAPETOWN, South Africa, Jan. 27—Legislation drafted by the Nationalist party, published today, would empower Prime Minister Daniel F. Malan's Government to suspend all existing law and rule dictatorially if it chose. The measure will be debated next Monday after the second reading and will be pushed through by the Nationalist majority in Parliament.

The bill states that regulations issued by the Government by proclamation may "suspend in whole or in part any act of Parliament or any other law having any bearing on any purpose for which the regulations may be made." It adds:

"A law which is in conflict with or inconsistent with any such regulation shall be deemed to be suspended in so far as it is in conflict or inconsistent with such regulations."

The Government, to issue regulations superseding the whole body of existing law, would have only to proclaim that "any action or threatened action by any persons or body of persons in the Union or any area within the Union is of such a nature and of such an extent that the safety of the pub-

lic or the maintenance of public order is seriously threatened."

Excepted from this wholesale grant of power are the compulsory military service law; laws on qualification for election or tenure of office of members of the Senate and House of Assembly or of a provincial Assembly; regulations governing the holding of Parliamentary sessions and the immunities of Members of Parliament, and matters coming under the Industrial Conciliation Act.

Otherwise, the Government's legislation provides a blank check for the suspension of every law and act in direct contradiction to it without fear of legal reprisal for the period that a proclamation is in force. However, this dictatorial authority would be given to the Parliamentary majority, not to the Government alone. The draft legislation provides that a proclamation and the powers the Government assumes under it must be approved by Parliament within twenty-eight days if Parliament is in session, and within twenty-eight days after the beginning of the next subsequent session, with a fourteen-day grace period for the Government in each case before it must submit its proclamation to the House.

Under the bill the Government could suspend all civil rights, censor or suspend the press, prohibit public assembly, confiscate goods and property, impose the death penalty, search and seize and create concentration camps—all in the interest of public safety. Any single proclamation would validate the regulations issued under it for a period of a year, but another proclamation could be issued before the year was out, so that in theory the same thing could go on as long as a Parliamentary majority supported the proclamation.

## Punishment Is Barred

No punishment could be imposed on the Government or its officers for any action taken under a proclamation, even if the regulations should later be disavowed by a vote of Parliament.

The title of the measure is: "A bill to make provision for the safety of the public and the maintenance of public order in cases of emergency, and for matters incidental thereto." The reason given for the Government's demand that it be empowered to take such dictatorial power is last year's defiance movement, in which the racial segregation laws were systematically, if passively, defied by nonwhites. There were 7,500 arrests and, when resistance leaders lost control in certain areas, scattered sanguinary riots. There also is a general fear here that terrorism of the type carried out by the Mau Mau in Kenya might be extended to South Africa.

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The leader of the United party, J. G. N. Strauss, presented today his motion of no confidence in Dr. Malan's Government, which amounts to the opening of the campaign for the elections that will take place in April. The United party has only slightly less than half the seats in the house. Six specific charges against the Government were listed:

1. "Destruction of the unity between the white people of our nation."
2. "The use of fear and the trickery of a word [apartheid or segregation] in order to gain power—a word which has since become an evil symbol of intolerance throughout the world."
3. "Contempt for all decent Christian sentiments in non-European relations, thus provoking reactions which today endanger our Christian Western civilization."
4. "Alienating the sympathy of friendly nations abroad."
5. "Breaking faith and violating the rule of law in order to retain power."
6. "Incompetence and waste in the affairs of our country and neglect of the welfare of the common man, who, under the present crushing burden of living costs, is unable to make ends meet."

## Uproar Halts Strauss

Several times during his speech the uproar became so great in the House that Mr. Strauss had to sit down while the Speaker restored order. The Government benches shouted with rage, and accusations and insults were hurled from both sides.

Speaking of the Nationalists' "apartheid policy," Mr. Strauss said: "They coined the word to deceive. That word has since become a part of the vocabulary of the nations of the world as a symbol of hatred and intolerance. Even our own churches have repudiated that evil word."

"They have abolished the native council," he added. "They have abolished the colored [mixed blood] franchise. They have ceased consulting with non-Europeans. Non-Europeans were forced to give up property and were forced to move without shelter to go to or compensation. Indians and Africans have joined in defiance of the Government. This Government, by their policy, have brought bloodshed to our land."

The Speaker of the House objected to this and Mr. Strauss answered:

"If I say the measures taken led to bloodshed, it is my inalienable right as a member of this Parliament. They have made nonentities of modern native leaders and they have built up the extremists."