

THE
PARLIAMENTARY DEBATES

OFFICIAL REPORT

[VOLUME 1]

PROCEEDINGS AND DEBATES OF THE FIRST SESSION OF THE
FIRST PARLIAMENT OF GUYANA UNDER THE
CONSTITUTION OF GUYANA

20th Sitting

Wednesday, 23rd November, 1966

NATIONAL ASSEMBLY

The Assembly met at 2 p.m.

Prayers

[Mr. Speaker in the Chair]

Present:

His Honour the Speaker, Mr. A. P. Alleyne

Members of the Government

Ministers

The Honourable L. F. S. Burnham, Q.C.	- Prime Minister
Dr. the Honourable P. A. Reid	- Minister of Home Affairs
The Honourable P. S. d'Aguiar	- Minister of Finance
The Honourable N. J. Bissenber	- Minister of Housing and Reconstruction (Leader of the House)
The Honourable R. E. Cheeks	Minister of Local Government
The Honourable E. F. Correia	- Minister of Communications
The Honourable Mrs. W. Gaskin	- Minister of Education and Race Relations
The Honourable L. John	Minister of Agriculture
The Honourable R. J. Jordan	Minister of Forests, Lands and Mines
The Honourable M. Kasim	- Minister of Works and Hydraulic
The Honourable W. O. R. Kendall, C.B.E.	- Minister of Trade, Shipping and Civil Aviation
The Honourable D. Mahraj	- Minister of Health
The Honourable C. A. Merriman	- Minister of Labour
The Honourable J. H. Thomas	- Minister of Economic Development
The Honourable S. S. Ramphal, C.M.G., Q.C.	- Attorney-General and Minister of State

Parliamentary Secretaries

Mr. D. B. deGroot	- Parliamentary Secretary, Prime Minister's Office
Mr. C. Bowman	- Parliamentary Secretary, Ministry of Labour
Mr. O. E. Clarke	- Parliamentary Secretary, Ministry of Education and Race Relations
Mr. P. Duncan	- Parliamentary Secretary, Ministry of Local Government
Mr. J. G. Joaquin, O.B.E., J.P.	- Parliamentary Secretary, Ministry of Works and Hydraulics
Mr. C. V. Yoo-Chung	- Parliamentary Secretary Ministry of Finance

Other Members

Mr. W. A. Blair	Mr. M. F. Singh
Mr. J. Budhoo	Mr. R. Tello, Deputy Speaker
Mr. R.G.B. Field-Ridley	Rev. A. B. Trotman
Mr. H. Prashad	Mr. H. M. S. Wharton, J.P.
Mr. T. A. Sancho	

Members of the Opposition

Dr. C. B. Jagan, Leader of the Opposition	Mr. M. Hamid, J.P.
Mr. A. Chase	Mr. J. R. S. Luck
Mr. B. H. Benn	Mr. D. C. Jagan
Mr. Ram Karran	Mr. H. Lall
Mr. R. Chandisingh	Mr. M. Khan, J.P.
Mr. H. J. M. Hubbard	Mr. Y. Ally
Dr. Charles Jacob, Jr.	Mr. L. Linde
Mr. C. V. Nunes	Mr. R. D. Persaud
Dr. F. H. W. Ramsahoye	Dr. S. A. Ramjohn
Mr. E. M. G. Wilson	Mr. S. M. Saffee

Clerk of the National Assembly	- Mr. F. A. Narain
Deputy Clerk of the National Assembly (ag.)	- Mr. M. B. Hen

Absent:

Mr. W. G. Carrington	- on leave
Mr. M. Poonai	
Mr. E. M. Stobv	
Mr. M. Bhagwan	- on leave

ANNOUNCEMENTS BY THE SPEAKER**LEAVE TO MEMBERS**

Mr. Speaker: Leave of absence has been granted to the hon. Prime Minister from the 27th of this month to the 2nd December, 1966 and to the hon. Member Mr. Carrington from today to the 3rd. December, 1966.

2.10 p.m.

**MOTIONS RELATING TO THE BUSINESS
OR SITTING OF THE ASSEMBLY AND
MOVED BY A MINISTER**

The Leader of the House (Mr. Bissember): I move that the proceedings on the National Security (Miscellaneous Provisions) Bill, 1966, be exempted from the provisions of Standing Order No. 9, and that the House should sit until twelve midnight.

Question put, and agreed to

PUBLIC BUSINESS**INACCURATE NEWSPAPER REPORT**

Mr. Jagan: Your Honour, I wish to refer to a matter of privilege. During the debate yesterday whilst I was speaking on the National Security (Miscellaneous Provisions) Bill - I was speaking on Clause 7 - I referred to a speech made by the Parliamentary Secretary, Ministry of Education and Race Relations (Mr. Oscar Clarke) when he stated that the three members of the Tribunal would be members of the Judiciary. I read Clause 7 (2) of the Bill, and stated that from

what was mentioned therein the Chancellor had the right to appoint three members who may be Judges of the Supreme Court, or three members who were qualified to be appointed as Judges of the Supreme Court.

Unfortunately, in today's *Guyana Graphic* my speech was inaccurately reported. The newspaper states:

"The strongest criticisms of the provisions of the Bill came from Mr. Rudy Luck and Mr. Derek Jagan, who claimed that Government could not be serious about the rights of detained persons being guaranteed by tribunals to be set up.

The proposed tribunals, they said, would be merely the puppets of the Government, especially since there was nothing in the Bill to compel the Chancellor to select members of the Judiciary to serve on the tribunals."

Speaking for myself I would say that the clear inference from this is that one reading this report would infer, first of all, that I said that the Chancellor would be acting on the advice of the Government and would be a figurehead, because the persons he appoints would be puppets of the Government. It would mean that I was casting doubt on the ability and impartiality of the Chancellor.

I have noted the words "especially since there was nothing in the Bill to compel the Chancellor to select members of the Judiciary to serve on the

[MR. JAGAN]

tribunals." As Your Honour will remember, during my speech the only tribunal I dealt with is the Tribunal referred to in Clause 7 (2) of the Bill. Nowhere during that speech did I say that this Tribunal would be the puppets of the Government. I did not say that the members of the Tribunal who would be appointed by the Chancellor would be the puppets of the Government. The clear inference from this report is that I was saying that the Chancellor would not be using his independent mind in appointing persons to the Tribunal.

In view of what I have said, I would ask that the newspaper concerned should correct this inaccurate report.

Mr. Speaker: I have a distinct recollection that the hon. Member said that the Chancellor may appoint either members of the Judiciary or people who are qualified to be appointed as Judges to be members of the Tribunal. That report is, indeed, misleading. I will instruct the Clerk of the Assembly to write to the newspaper concerned asking the editor to have the matter corrected.

BILL - SECOND READING

NATIONAL SECURITY (MISCELLANEOUS PROVISIONS) BILL

The Assembly resumed consideration of a Bill intituled:

"An Act to make provision for divers matters touching on National Security." [The Minister of Home Affairs.]

The Attorney-General and Minister of State (Mr. Ramphal):

When the Adjournment was taken at the end of the proceedings last night, I was attempting to make the point where the good faith of the Government was being questioned for bringing this legislation. But when the good faith of the Government in bringing forward the legislation is being questioned, when allegations are being hurled that the Bill represents an attempt by the Government to take to itself autocratic powers which it intends to use for sinister and unworthy purposes, that the Government is taking unto itself power

to destroy the Opposition in ways that I have not yet comprehended, when these questions of good faith are being raised, it becomes very relevant to examine the provisions of the Bill and to see whether it is the case that the Government has sought to assume the maximum power available under the Constitution and to avoid all challenge of its exercise by excluding, so far as it is constitutionally possible, every measure of restraint - or whether in fact in the framing of the provisions the Government has taken as little authority as is necessary to protect the interests and welfare of the whole community and has even within the limited scope of the provisions imposed restraints of one kind or another designed to safeguard the individual on whom the powers are being exercised against abuse or excess of authority. It is to these matters that the attention of this House ought to be directed and not to uninformed vituperation.

.. It is to these matters that I should like to turn at this stage. I indicated earlier in my speech that the Constitution itself imposes certain qualifications on the powers of preventive detention that could be conferred on the executive by Parliament. Those qualifications are set out in paragraph (2) of article 5 of the Constitution. The essence of preventive detention is that the detention is ordered by the executive as a precautionary rather than a punitive measure on the basis of the executive's assessment of the threat which the individual presents to the public interest. The anxiety which the assumption of these powers engenders is the possibility of an imperfect assessment or one which is not sufficiently zealous of individual liberty when ranged against the interests of the State.

Preventive detention laws in most parts of the world seek to allay these anxieties and to provide safeguards for the individual by requiring an impartial body to review the assessment made by the executive, but in nearly every case, indeed, in every case that has come to my notice, and this includes preventive detention provisions in force in the United Kingdom under Emergency Regulations, the executive is entitled in the last resort to insist that its assessment shall prevail. In other words, preventive detention elsewhere, while requiring or in some cases merely authorising review of the grounds of detention by a tribunal after the order has been made, makes the tribunal advisory merely.

2.20 p.m.

Even in the provisions of the Constitution of India which require the preventive detention law to establish a tribunal for the purpose of examining whether, in the words of the Indian Constitution, there is "in its opinion sufficient cause for such detention" and require that a person shall not be detained for longer than three months, unless such a tribunal had accepted the opinion that there was sufficient reason, Parliament is authorised to prescribe circumstances under which, and classes of cases in which, persons may be detained for longer periods without obtaining the opinion of the tribunal at all.

For the very first time, in the Constitution of Guyana, there has been engrafted on to the power of Parliament to confer authority for preventive detention, otherwise than during an emergency, an unqualified requirement that no person shall be detained for longer than three months unless a Judicial Tribunal within that period reports that in its opinion there is sufficient cause for the detention. This is a matter of the most important significance for the individual. The power of the executive to detain a person, otherwise than during a state of general emergency, has been subordinated to a determination by a Judicial Tribunal, an independent body, and has been made contingent upon the acceptance by that body of the sufficiency of the grounds upon which the executive has acted.

Thus, in the formulation of the constitutional safeguards themselves, the very greatest

[THE ATTORNEY GENERAL]

care was taken to limit the powers of the executive, to protect the rights of the citizen, and to remove altogether from the system of preventive detention the one feature, the ultimate right of the executive that its judgment should be supreme, which has up to now been the constant theme running through preventive detention legislation elsewhere in the world.

It is, I suggest, when we turn to the provisions of the Bill itself and examine them against the requirements of the Constitution that we see how ridiculously far-fetched are these allegations of bad faith and how much further the Government has in fact gone than it was required to go by the Constitution in limiting the powers that it seeks and in safeguarding the interest of the individual in respect of whom those powers are to be exercised.

There are no less than twelve particular respects in which the provisions of Part II of this Bill - provisions authorising preventive detention - are more liberal than the Constitution required, and I use the word "liberal" in its strictest sense. So great have been the inaccuracies and so vast the misconceptions propagated by those who have been critical of this measure that I crave the indulgence of the Assembly to mention these very briefly. They are as follows:

(1) The Constitution imposes no limitations on the criteria for preventive detention, that is, the Constitution itself does not,

limit the grounds on which a detention order may be made. The provisions of Part II of this Bill could have conferred a general discretion on the Minister to make a detention order wherever he was satisfied that it was in the public interest, so to do, or could have used words of similar generality. Instead clause 4(1) of this Bill specifically limits the making of a detention order to cases in which it is necessary to do so for the purpose of preventing the person concerned acting in a manner prejudicial to the public safety, public order or the defence of Guyana.

In this respect, lest anyone is tempted to suggest that these words are themselves of the widest possible generality, let me point out to hon. Members that preventive detention legislation elsewhere - even in clauses which seek to prescribe the grounds on which detention orders may be made - has generally used language capable of a much wider scope.

(2) Paragraph (6) of article 5 of the Constitution expressly excludes persons, preventively detained from the entitlement conferred by paragraph (3) of that article to information as to the reasons for their arrest or detention. My hon. and learned Friend Dr. Ramsahoye, in the course of his speech last night threw out an objection to this fact when he was discussing the provisions of the Constitution. What I say he failed to go on to do was to examine the provisions of the Bill voluntarily prepared by the Government in relation to this constitutional provision.

Against this background of a plenitude of power, clause 4(1) (b) of the Bill requires a detention order to contain a concise statement of the grounds of detention and clause 5(2) requires the order to be served on the detainee as soon as practicable after his arrest, provisions that were in no way incumbent on the Government as part of the features of this legislation.

(3) Paragraph (3) of article 5 of the Constitution merely guarantees to the detainee a right to retain and instruct a legal adviser of his own choice. Clause 5(2) of the Bill requires that, in addition, the detainee be informed of this right as soon as practicable after his arrest - a procedural requirement which, as my hon. Friends on the other side who have practised in the Courts will appreciate, has much significance.

2.30 p.m.

(4) The Constitution does not prescribe how the Judicial Tribunal shall be appointed and, in particular, does not preclude the power of appointment being placed squarely in the hands of the executive. Nevertheless, clause 7(2) of the Bill places the power of appointment of members of the Tribunal in the hands of the Chancellor, the Head of the Judiciary in Guyana. I was pleased that my hon. and learned Friend who spoke a moment ago on a point of privilege, himself recognised so well the value of placing these appointments in the hands of the Judiciary, in the hands indeed of the very Head of the Judiciary, that he felt constrained to draw attention to the fact that he had

cast no aspersions on the holder of the office, or the manner in which he discharges his duty. Having regard to what I have already said about the ultimate power of this Tribunal in effect to veto the exercise by the executive of the power of detention I suggest that this provision speaks much more eloquently than I can possibly do of the solicitude of the Government for the independence and impartiality of this all-important Tribunal which assesses the grounds on which the order was made.

(5) Nothing at all in the provisions of the Constitution renders the presence of a detainee essential to proceedings before the Tribunal. However, clause 8(2) of the Bill provides for the presentation of the detainee's case by him or by his legal representative, while clause 9(3) makes his presence at the proceedings mandatory unless the Tribunal considers it unreasonable to compel him to be present on account of his illness or disorderly behaviour or other cause.

(6) Paragraph (2) of article 5 of the Constitution permits a person to be preventively detained up to three months - and this is an important aspect of the constitutional framework - whether or not the Tribunal has reported during that period and even though within the period it may have reported against the order. Nevertheless, clause 11 of the Bill imposes on the Tribunal a statutory obligation to report as soon as practicable within the period, and obliges the Minister to revoke the detention order if the Tribunal reports against it

[THE ATTORNEY-GENERAL]

and requires him to do so even if the Tribunal's report is submitted before the three months have expired.

(7) The Constitution imposes no requirement on the Minister as to the time within which the making of the detention order must be brought to the notice of the Judicial Tribunal. Nevertheless, clause 8(1) of the Bill requires the Minister to cause to be submitted to the Tribunal, within seven days of the date on which the order was made, a notice of the grounds on which it was made and such other particulars having a bearing on the necessity for the order as the Minister thinks fit. This procedural requirement, not required by the Constitution but assumed by the Government in its preparation of the Bill, gives, I suggest, added significance to the point I have just made regarding the release of the detainee if the Tribunal reports adversely on the order within the three-month period because it imposes on the executive an obligation to ensure that the process of review is commenced at the earliest possible moment.

(8) So far as restriction orders are concerned - we have not talked very much about these but they are in the compass of the legislation. The Constitution, by paragraph (3)(a) of article 14, permits such orders if reasonably required in the interest of defence, public safety public order or for the purpose of preventing subversion of democratic institutions. This is what the Constitution permits. It permits Parliament to have the

power to make restriction orders for all these purposes, including the purpose of preventing subversion of democratic institutions.

We have heard a great deal said of sinister motives behind this legislation, to destroy political parties and to subvert free elections. Among the criteria prescribed by clause 12(1) of the Bill - to which the Minister must have regard in imposing such restrictions - the last criterion that of preventing the subversion of democratic institutions, has been excluded. The Government has sought to take the power to impose restrictions on these grounds.

(9) Paragraph 3(a) of article 14 of the Constitution permits restrictions to be imposed on a person's right to leave Guyana in certain instances. The Bill does not, in any of its provisions, authorise the imposition of restrictions on a citizen's right to leave the country.

(10) The Constitution requires periodic review by an Advisory Tribunal - and it is important that the distinction between the Advisory Tribunal that exercises the power of periodic review is kept quite distinct from the Judicial Tribunal which exercises the power of veto over the making of the order - only in cases of restriction orders. There is nothing in the Constitution which requires a detention order, once it has been approved by the Judicial Tribunal to be reviewed periodically or at all. Nevertheless, Clause 13 (3) of the Bill extends to such detention orders the same requirement for a periodic review by the Advisory Tribunal as applies to restriction orders, generally.

(11) To exclude any possibility of secret detention or restriction of movement, clauses 4(2) and 12(2)(b) of the Bill require that notice of the making of all restriction and detention orders shall be published in the *Official Gazette* within seven days of their having been made, although no requirement of this kind is prescribed by the Constitution itself.

(12) It is constitutionally permissible for this Parliament to enact a preventive detention law as a permanent feature of the laws of Guyana. However, clause 14 of the Bill restricts the life of the provisions of Part II - which deals with preventive detention - to a period of eighteen months unless extended by Resolution of this Assembly, and then only for a period of twelve months at a time.

2.40 p.m.

The Government has gone far beyond the requirements of the Constitution to protect the legitimate rights of the individual, while taking authority to protect the life and well-being of the community. The Bill, as the hon. Minister of Home Affairs pointed out when moving its Second Reading, suspends the operation of these provisions authorizing preventive detention unless they are brought into operation by an order of the Governor-General. In other words, this heavily restrained and circumscribed authority we have been talking about does not devolve automatically on the Government, with the termination of the State of Emergency. It remains dormant, it remains

quiescent, available for use if ever it becomes necessary for these powers to be used in the interest of the country as a whole, but perhaps never to come into operation if occasion does not require it. In short, whether or not the Government requires these powers depends, I suggest, only partly on the Government. It depends far more on the manner in which those who may be tempted to disrupt public safety and public order are prepared to curb their anti-social tendencies and to join with the rest of Guyana in bending our energies toward building a better society with a better life for everyone.

There is one other matter that I would wish to deal with in a general way on Part II of the Bill and this is the question that has been raised repeatedly by hon. Members on the other side, whether assuming the need for special powers, including powers of detention, it would not be better to rely on a declaration of a State of Emergency and powers conferred by Emergency Regulations thereunder to deal with the situation as it arises. There are several powerful arguments that can be advanced against this proposition. I will not trespass on matters with which others will be dealing in the course of this debate. I would, however, like to make one point, and that is that it is entirely illogical and inconsistent for persons who oppose Part II of the Bill but acknowledge the need for authority to be held in reserve to make detention orders as the need arises, to reject the limited powers provided by this legislation and seek reliance on

[THE ATTORNEY-GENERAL]

the unlimited powers implicit in an assumption of emergency powers. It is perhaps not sufficiently known, and those who advance this theory conveniently refrain from explaining, that when a general state of public emergency is declared under the Constitution, vast areas of the constitutional guarantees of individual liberty embodied in the Bill of Rights are put in suspense. When such a State of Emergency is declared, as it was suggested by hon. Members opposite that it should be declared when the need arises rather than rely on the provisions of this Bill, the following provisions of the Bill of Rights guaranteeing the fundamental rights and freedoms of every Guyanese citizen are in suspense and action may be taken by the executive under Emergency Regulations entirely inconsistent with them. These are the provisions that cease to operate under a state of general emergency:

- (a) all the provisions of article 5 of the Constitution relating to the protection of the right to personal liberty;
- (b) the prohibition contained in paragraph (2) of article 6 against persons being required to perform forced labour;
- (c) the provisions contained in article 9 protecting persons against arbitrary search and entry relating to their property and premises;

- (d) the provisions of Article 11 providing protection of freedom of conscience, including freedom of thought and religion;
- (e) the provisions of article 12 providing protection for the freedom of expression;
- (f) the provisions of article 13 providing protection of freedom of assembly and association, including the right to form or belong to political parties or to form or belong to trade unions;
- (g) the provisions of article 14 providing protection of freedom of movement of persons throughout Guyana, of their right to reside in any part of Guyana, or their right to enter or leave Guyana, and their immunity from expulsion from Guyana; and
- (h) finally, the provisions of article 15 which provide freedom from discrimination on grounds of race, place of origin, political opinion, colour or creed.

Is it seriously being suggested by those who glibly speak of dealing with these matters of national security only on the basis of an extension of the State of Emergency or by declaration of a state of general emergency to deal with threats to public order and safety, as they arise from day to day, that the cause of individual freedom is better served by a declaration of

a State of Emergency and the exercise of powers of preventive detention on the basis of a suspension of the guarantees of fundamental rights, rather than by the exercise of the isolated power of preventive detention under the provisions of this Bill? What is the difference between the two situations? Like the declaration of emergency, the provisions of the Bill have to be specifically invoked. Like the State of Emergency, the provisions of the Bill are of limited duration - although admittedly of six months' duration in the case of an emergency and eighteen months in the case of the Bill - and can only be renewed in both cases by a vote by this Parliament.

Basically, therefore, the difference between the two situations lies in the fact that under a state of general emergency the entire community is subjected to far-reaching impairment of its constitutional rights, an impairment which extends over a wide field, whereas under the Bill that impairment relates only to those individuals who constitute a direct threat to public order and public safety. I say with all seriousness that only if one is concerned solely with the interest of those individuals can it be urged that the rights of the community as a whole should be prejudiced and that the powers conferred by the Bill ought to be denied the Government. The Government takes the view that its major concern and its primary responsibility is the welfare of the public at large and the community in general and it is in their interest that this measure has been brought forward.

2.50 p.m.

There is one feature of this debate that is of some significance and which has, perhaps, not yet received sufficient attention. Hon. Members opposite have spoken in opposition to this Bill, and have contented themselves with the most sweeping generalisations - with language that speaks of dictatorship and police state - a Latin American type of dictators. There is no end of epithets that can be produced. However, on Monday afternoon in the early hours of this debate my hon. and learned Friend Mr. Chase did promise us and I must emphasise the word "promise" an enumeration of specific features of the Bill which the Opposition regarded as objectionable. I had hoped then that we would, at last, have come down to matters of substance and that we would have been provided with material on which we could come to grips with these important questions that were troubling my hon. and learned Friend. Instead, my hon. and learned Friend reminded me of the enjoyable and quite harmless pastime of blowing bubbles. He actually blew 21 bubbles - all of different shades and colours to be sure - but all essentially things airy and insubstantial. It would be wrong to leave these objects floating around this Chamber - and who knows but that some may have escaped outside - and it is right, therefore, that before resuming my seat I should at least attempt to prick them one by one.

Bubble No. 1 was that the Bill was repugnant to the rule of law, and I should like, if I

[THE ATTORNEY-GENERAL]

may, to reserve my comments on this until after I have dealt with other points.

Bubble No. 2 was that the Bill was a transgression of certain sections of Chapter II of the Constitution. I have already drawn attention to the fact that there seems to be no agreement on the other side on this particular question and it may be that Mr. Chase meant no more than that the provisions were contrary to what Dr. Ramsahoye described as "The spirit of the Constitution." Suffice it to say that the Government concurs in the view expressed by the Opposition's official press that the Bill is constitutionally permissible. I would be the first to admit that we cannot ever talk in this House in a dogmatic way when we are essentially guessing at what the courts might do, and it would be entirely improper for us to do so. What I can say is that the greatest care has been taken to ensure that the provisions of the Bill do not in any single respect transgress any of the provisions of the Constitution and that all its provisions faithfully comply with the constitutional requirements. I am yet to hear identified a single provision which is said to transgress an identifiable provision of the Constitution.

Bubble No. 3 was that the provisions of the Bill violate the United Nations Declaration of Human Rights. I assume that Mr. Chase had in mind here article 9 of the Declaration which proclaims that no one shall be arbitrarily arrested, detained or exiled, and he must therefore

be suggesting that this Bill provides for arbitrary detention. The dictionary defines "arbitrary" as 'unrestrained in the exercise of will - capricious'. I have already shown that the Bill takes the final decision on the question of detention outside the hands of the executive and places it in a Judicial Tribunal entirely appointed by the Chancellor and drawn solely from persons who are either judges, or are qualified to be appointed as judges, of our Supreme Court of Judicature. By what stretch of fantasy can such a system be described as conferring arbitrary powers? It can no more permit the "unrestrained" exercise of the will of the Minister or the "capricious" exercise of the power than is the case with any other matter that we, from time to time entrust to the final determination of our judicial bodies.

Then I come to matters that caused me no difficulties. Bubbles 5, 6, 7, 8, 13, 16, 18 and 20 were all of a special variety of airiness - the Bill will lead to an abuse of power, the powers reposed in the Minister were too sweeping or the basis for establishing a police state of the Latin American type, that it was a prelude to the abandonment of free elections, that it was the product of an insatiable penchant for power, that it was impelled by the bankruptcy of the Government's policy, that it put officialdom above the law, that it was the forerunner of other repressive measures.

With the greatest charity and goodwill in the world my hon. and learned Friend has here

failed to rise above the level of demagoguery and rhetoric. These are not 21 reasons against the Bill. They are 21 epithets composed by my hon. Friend in the preparation of his speech and that these particular ones appear as separate reasons can be little more than an accident of punctuation. It is, I think, a tribute to the care with which this legislation was drafted that in formulating these formal objections my hon. and learned Friend has had to resort to irrelevancies of this kind in order to construct his list. But what of the others?

Bubbles 4, 14 and 15 might be taken together - that the Bill creates a permanent State of Emergency, that it indicates Government's inability to govern without emergency law and that the Government is determined to live under a State of Emergency.

3 p.m.

As you will readily appreciate, these allegations are essentially the same thing stated in three different ways, an allegation that the Government, through the Bill, is continuing a permanent State of Emergency. This is a good example of how far hon. Members opposite have been prepared to stray from accuracy in voicing their criticisms. The very essence of this legislation is that it enables the existing State of Emergency to be brought to an end, and I have already shown how infinitely more satisfactory is the system of suspensory power provided for in the Bill than is reliance on the declaration of a general State of

Emergency. That is so even if viewed solely from the point of view of the individual. There is little need for me to repeat it here.

Bubbles 10 and 21 can also be taken here - that the Bill exacerbates racial ill-will in the country and will be operated in a one-sided way. The allegation essentially is that the Government will use the powers conferred by this Bill in a discriminatory manner. [Mr. Chase: "What else?"] My hon. and learned Friend confirms the meaning that I place on these two aspects of his objection. This is one of the cases in which the absurdity of the Opposition's stand becomes so apparent.

The members of the Opposition say that the Government should not have standing authority of this kind to deal with particular cases of threats to public safety and public order but should, when the need to take action arises, declare a general State of Emergency under the Constitution and then exercise the powers of preventive detention, and now they urge as an argument against the Bill that it will facilitate discrimination in the exercise of these powers.

As I have demonstrated, under a general State of Emergency the constitutional guarantee against discrimination is in suspense. The constitutional safeguard which allows the citizen to challenge action taken by the Government on the ground that it is discriminatory is put into cold storage. The brake that the Constitution applies on Governmental action of a discriminatory character in exercise of the

[THE ATTORNEY-GENERAL]

emergency powers is removed. On the other hand, the provisions of this Bill stand side by side with the constitutional guarantees. The Constitution itself will preclude the exercise of these powers in a discriminatory fashion and the whole range of machinery available to the citizen to enforce his constitutional rights through the Courts is available to uphold this freedom from discrimination. One is bound to ask whether the members of the Opposition are really serious when they suggest that the Government should make the emergency provisions of the Constitution itself standard machinery for dealing with threats to public order and public safety.

Bubbles 11 and 12 are related, but regrettably inconsistent - that the Bill signifies a lack of faith of the Government in the machinery of justice in 11 and in 12 denigrates the Judiciary by involving its members in the Tribunal set up under the Bill. This is perhaps the criticism that is most difficult to understand. To recognise that a system is open to abuse and circumvention is not to demonstrate a lack of faith in it. If that were so, we would be required to abandon all of our institutions but when the learned and hon. Member suggests that it denigrates the Judiciary of Guyana to permit members of the Judicial Tribunal to be drawn from their ranks, he enters an area of complex thought processes, in which he entirely loses grip on

The members of the Opposition complain that we are taking these matters away from and out of the hands of the courts and the judges who administer them. So we subordinate the executive decision to a decision of a Judicial Tribunal so as to bring to bear on the case all the training and experience of our best judicial and legal minds and to guarantee that the materials are assessed by men of independence and of impartiality, and the most that the Opposition can say is that the Government is seeking to denigrate the Judiciary.

Bubble 9 was that the Bill fosters the myth that there are enemies within the state. Is this a myth? May I remind hon. Members of what the Prime Minister had to say when he moved the Motion for the extension of the emergency in March of this year shortly after the murder of Akbar Ali and in the wake of the Tri-Continental Conference:

"...There has been much talk in forums abroad of the promotion of political causes by armed revolution and campaigns of violence. Those who indulge in these revelations in places beyond the jurisdiction of our legal system, whether in the emotional haze of Havana or by studied releases in Europe, must have no illusions that they will go unheeded by those whose responsibility it is to maintain law, order and democratic institutions in Guyana."

Nearer home we have had sad but tangible indications that the unrepentant are not idle and that

these elements are prepared to resort even to thuggery and murder in their campaign. [Interruptions.]

Mr. Speaker: A quotation is being made.

The Attorney-General: Need any more be said to prick this particular bubble?

Apart from 1. that leaves only bubbles 17 and 19 which can also be taken together. This is a somewhat more technical objection but one of importance. My hon. and learned Friend complains of the power conferred on magistrates by the provisions relating to the control of explosives, arms and ammunition, the power to impose penalties of whipping and flogging - and that in general the powers conferred on magistrates are excessive and unreasonable.

These are my learned friend's objections. I can only say that when we are dealing with offences in relation to explosives and arms, in the circumstances of Guyana, we are dealing with matters which have a potential for the greatest possible degree of social unrest and public disorder. To those who have lived through the torments of the years from 1962 to 1964, and I do not mean by this the politicians merely, but the ordinary people of this country who have had a surfeit of violence and terrorism, we need make no apology for introducing measures of control and prevention of the use of explosives and of the use of arms and ammunition and for conferring on our subordinate courts effective power to ensure that these controls are workable.

None of the powers conferred on the magistrates by this Bill, exceptional though they are in some respects, are powers that they do not now have in one or other respect. When we come to the relevant clauses of the Bill in the Committee stage I shall draw attention to the comparative picture.

3.10 p.m.

And so, all that remains is bubble No. 1 - the general sweeping rhetorical protest that the Bill is repugnant to the rule of law.

I have already spoken for far longer than I had intended and, in deference to hon. Members who have listened to me so patiently, it is right that I should try to bring what I have to say to a close. But this is perhaps the basic note that underlines the entire opposition to this measure. It is no use my seeking to match these statements by expressions of any personal opinion of my own. Let me refer further to what I had referred to at an earlier stage of my speech, that is, a commentary in the Journal of the International Commission of Jurists by a distinguished ex-judge of the Supreme Court of India. The writer was Mr. Vivian Bose, who was at the time the President of the International Commission of Jurists.

I need hardly say what a distinguished jurist of international standing Mr. Bose was - how obvious this must be from the high position he occupied in the I.C.J., which is both a specialized agency of the United Nations, and an organisation which

THE ATTORNEY-GENERAL]

has won the respect of democratic societies everywhere. Not through mere slogan-mongery but sheer hard work, it has done more than any other single organisation in the world to uphold the rule of law in a practical way. Of course, it is an organisation which, because of the exposures it has made of the denial of the rule of law in places like Cuba and China (as well as countries like Spain and South Africa), has received condemnation from some hon. Members opposite. Its reputation, however, for integrity is of the highest order, and Mr. Bose, as its President in 1961, spoke from a position of the very greatest eminence.

In the concluding paragraph of his article, Mr. Bose had this to say in general terms - it is a very short passage about preventive detention legislation in India against the background of other systems:

"The conclusions that are to be drawn regarding preventive detention would appear to be these: . . . "

You will forgive me if, as I enumerate these points made by Mr. Bose, I interpolate my own for this reference:

"1. That preventive detention as such does not contravene the Rule of Law. This is based on the view that the Rule of Law is not an utopian conception of what ought to exist in some imaginary state of perfection but on what civilised nations

accept as the practical necessities of existence in the present state of the world;"

If there was need for an authoritative repudiation of this vague allegation that this Bill, because it involved provisions authorising preventive detention, *ipso facto*, violated the rule of law in Guyana, this assertion from such high authority must certainly provide it.

"2. That the Rule of Law must be considered when viewing the manner of the exercise of preventive detention and the conditions under which the power is brought into play;"

I have already drawn attention to the fact that the Bill itself recognises the need for safeguards and restraint, both in the manner of the exercise of the powers it confers and, through its suspensory Clause - and this is of the greatest importance - which means that it may never, in fact, come into operation, to the conditions, to use Mr. Bose's language, under which the power is brought into play.

"3. That the power should be specifically conferred by Constitutional or other specific legislative provision;"

Powers of preventive detention, as I have shown, are specifically authorised by our Constitution and are now being specifically conferred by the detailed and comprehensive provisions of this Bill. Only minimal arrangements are being left to administrative regulation.

"4. That the limits of its exercise should be clearly and specifically prescribed by law;"

I have shown how, despite the fact that the Constitution left considerable room for conferment of the widest possible powers of preventive detention, the Bill, through its selective criteria, has clearly and specifically, to use the language of Mr. Bose, prescribed the limitations of its exercise.

"5. That certain minimum safeguards should be provided;"

We have gone further, as I have already shown, in providing safeguards in this Bill, that in their totality go beyond those that any other comparable enactment that we know of anywhere has attempted to establish.

"6. That there should be a right of protest or appeal to some independent authority, not necessarily the courts;"

As I have shown, there is a right of review of the executive's decision to detain by a quite separate authority, of whose independence and impartiality there could be no question, and which is guaranteed both by its method of selection by the Chancellor and by the persons, namely judges or persons qualified to be appointed as judges, who may be appointed to it.

"7. That the courts should have the right to see that the limits of the authority conferred have not been over-

stepped and, as a corollary, the right to order immediate release when they have been;"

It is abundantly clear - and it is regrettable that it has not been sufficiently clear to some hon. Members on the opposite side - that nothing in this legislation - and I use my words very carefully - ousts the jurisdiction of the courts of this country to pronounce upon detentions that are not authorised by law or anything that is illegal. The traditional and much cherished remedies of *habeas corpus* remain open to the detainee as they have always been, even under a State of Emergency. I take this opportunity of publicly exploding the misconception that some hon. Members opposite seem bent on promoting, that there is, in this respect, some difference between the system of preventive detention in India and the system of preventive detention provided for in this Bill.

Under the Indian system, the right of review of the merits of a detainee's case lies not with the Supreme Court but with the advisory board, and the detainees have, and some detainees have exercised, their normal rights of access to the courts to determine not whether there was sufficient case for their detention, but whether the requirements of the law prescribing the power to detain were complied with. That right of access remains unimpaired in Guyana.

3.20 p.m.

"8. And above all that the power should at all times be subject to the scrutiny and control of the people of the country through their elected representatives in Parliament or whatever body takes its place in any given country."

I need hardly say that this eighth and final criterion for the maintenance of the rule of law under a system of preventive detention is more than fully met under the system here. Ministers responsible for the exercise of any power conferred by this Bill remain answerable to this House and, through our system of Parliamentary democracy, to the people who put them here through free elections.

In conclusion, may I perhaps just say this: No system of law or any arrangement devised by man can perhaps ever claim perfection but it can, I think, be fairly said that in the preparation of this legislation the Government has demonstrated an abiding respect for the rule of law, and, indeed, if the views of hon. Members opposite are to be a guide, a more permanent and abiding solicitude for the rights of the citizen than anything shown by those who have protested so loudly. With the enactment of this Bill, it becomes possible for us to bring to an end the State of Emergency which has been a legacy from our turbulent past and to take a step forward along the road to a new society in which the rights of all men and the interest of all our people receive the protection of the law and the guarantee of the State. [*Applause.*]

Mr. Chandisingh: In listening to the remarks made by the hon. Attorney-General and Minister of State, I got the impression that I was listening to two persons, the Attorney-General as one person, and the Minister of State as the other person. I got the impression that on the one hand he was fooling us with many assurances and guarantees, while on the other hand he was issuing dire threats. I can only recall a well oiled, if high priced computer punching out answers required by the Government. I must say the answers were mechanical and unconvincing. The burden of the hon. Attorney-General's argument seemed to me to be that the provisions are so innocuous and the powers are only very limited that, on that basis I would imagine anyone would arrive at the conclusion that the Bill is actually unnecessary and there is nothing which cannot be normally handled by the ordinary powers that the police have in this country, and in every other country.

I should like to pose the question, "What is the essence of this Bill?" What is the significance for the introduction of a Bill like this at a time when there is apparent normalcy in the country? What could justify the introduction of such tyrannical legislation by this Government? In my opinion it reveals nothing but the fear, the uncertainty of the class that rules over Guyana for the future of its interest in Guyana. When I say the class that rules over Guyana, I use my words very carefully because primarily and foremost I refer to overseas interests that still hold our country's resources in bondage. This

Bill reveals that they, and their servicemen, the Government of this country, are uncertain of their ability to maintain their domination over the working people with the normal methods of rule, methods that we regard as parliamentary democracy and all the other attributes which we have cherished and sought to extend for such a long time in our country. It shows that the ruling class wishes to move to new methods of rule. They are not certain whether the working people of this country would challenge their right to continue to dominate their lives and, therefore, they are resorting, through this Government, to methods of intimidation, of repression, and most likely in the near future to prepare the way for the rigging of Elections in this country so as to prevent the possibility of a clear majority of the people of this country from exercising a greater degree of democracy and control of their own country. This is the significance that I attach at this time of our country's history to the very ominous and, shall I say, unnecessary move on the part of the Government.

We have listened and we have heard some of the Government speakers referring time and again to the Tri-Continental Conference, implying that there are forces in this country which are bent on conspiracy to achieve power. I should like to say that we have no fear of the future, and we have no fear for the people.

3.30 p.m.

We have no fear of free Elections in the future; there-

fore, time is on our side. We have no need to involve ourselves in any undemocratic or conspiratorial activity in order to win the confidence of the working people or the masses of the people in this country. At the last Elections the P.P.P. found that the Elections were to a certain extent manipulated, but the P.P.P. still received almost 46 per cent of the votes. It was the only party to increase its votes percentage wise, compared with the previous Elections in 1961. With things as they are today, there is every indication that given the exercise of democracy and freedom - the freedom that Members opposite say they cherish so much - and given the exercise of free will by the people, we feel confident that the people will be able to judge correctly at the next Elections. We do not feel that the people are stupid.

It is true that careerists and mountebanks at times succeed in misleading some of the people for a short time. We are certain that the masses of the working people will see which side is right, and which side is struggling in the interest of the working masses and of the unemployed, and which side is struggling with might and main, as is indicative in this Bill, to maintain imperialist interest in Guyana notwithstanding the so-called "Independence" on the 26th May, 1966. [Amhon. Member (Government): "Cliches."]

These are not cliches; they are based upon hard realities. I mention these points because Members on the other side of the

[MR. CHANDISINGH]

House are using veiled threats and assertions about the Tri-Continental Conference. A few people seem to be disturbed because others are talking about moving forward in unity and so on, and the Government is using these remarks to prepare the way for the real conspiracy which it is planning for the people of this country. That is what we have to point out and expose.

I should like to refer to the extent of the unwarranted and unjust activities of the political police in this country even before such legislation is passed. Not many people are aware of the extent to which some political police in Guyana are operating and the extent to which they are using their powers in order to intimidate persons. They are not trying to preserve security as such; in other words they are not trying to prevent people from making bombs and guns, but they are using their powers for political ends.

Let me give you some examples. At least I will give you one example of what I mean. Not many people in Guyana have heard of the fact that the rights of citizens in this country are abrogated absolutely when leading members of the P.P.P. are both leaving and returning to this country. Even members of the P.P.P. in this House are subjected to a full search of their baggage. That is all right, but it is another matter when their person, their documents, their private letters and correspondence are also searched. So far

I have not seen anything written in the Press about this matter, but I should like to put it on record.

I have had the experience, and I know it has been the experience of several other leading members of the P.P.P. as well as of others down the line, of being subjected to the indignity of being thoroughly searched. I should like to know what security measure is involved in this sort of thing. This leads me to the conclusion that more is meant than what is said by hon. Members on the other side of the House when they speak of security in this country. Presumably one can say that the Government is justified in having the baggage of persons coming into this country searched for weapons, ammunition, bombs and what have you. That is the function of the Customs authority; that is what Customs officers are employed to do, and they generally do that job.

However, on every occasion when such persons as I have already referred to are leaving the country they are received by a group of about eight political policemen who are all over the waiting room - some of them are outside and some are inside. They will call you aside discreetly - I suppose they do not want the public to know of their activities - conduct you to an ante-room and tell you that your documents, papers and baggage are to be searched thoroughly. In many cases your person is also searched. Innocent pieces of paper, magazines, books and all papers are taken away by one of the gentlemen presumably to be photographed or taken

to some higher authority before they are returned to the person undergoing the search. You are asked certain questions, which I do not think the police have any right to ask persons who are going about their private business in a normal way. [Interruption.] You are asked a host of questions in order to secure political information which will be of use politically to the organs of the parties in power in the Government.

On one's return it is a different matter altogether. When one returns one expects that the police will be looking for arms, ammunition, machine guns - I am not sure how a machine gun could be brought in; it is not a small item. Not only is one's luggage thoroughly searched again, but the gentleman that awaits you shouts, "Search him thoroughly; make a minute search."

3.40 p.m.

About four officers are there and they go through everything with a fine-tooth comb. They take away almost every article except clothes. Gramophone records, for example, are taken. Are they checking on culture? What are they worried about? They check on folk songs, popular records, badges, and even books and pamphlets which can be found anywhere in this country. Everything is taken away and searched minutely. Even one's person is checked to the extent that they look at one's shoes to see whether the heels are hollow, and whether there are messages written on paper inside of them. In other words, Members of this

House, and other persons, have been subjected to searches in which they have been stripped and searched minutely.

These are the activities which are carried out by the "political" police in Guyana. I regard such activities as encroachments on the rights of citizens. Neither in England, where I have lived for a long time; nor in the United States where I have lived for some time, have I come across the sort of activity that I have experienced here in Guyana. If these searches were done on the basis of information received, say, that a certain person might be having a secret weapon or might be travelling with an article which required a special search, one might perhaps say that the search was in keeping with the functions of the police, but this is a routine matter applied to P.P.P. supporters and high-ranking members when they are going abroad. When they return the police are given information and apply these methods. Even passengers travelling at the same time are unaware of these procedures, because the "political" police desire to conceal their real activities and their dangerous potential from the citizens of this country.

I think that the powers that are growing in this atmosphere are going to be heightened many times over by the passage of this National Security Bill. The police will have greater scope for their activities. The point is that the aim and direction of their activities is not in ferreting out arms and ammunition to prevent conspiracy, as as-

[MR. CHANDISINGH]

serted, but in securing political information, which will be used against the Opposition party.

There are other instances where police power will be abused. You have heard my colleague, Mr. Ram Karran, refer to cases where people have been charged for picketing, a right that citizens have. One of the techniques which is used is that a picketer or demonstrator is picked up by the police, hustled into a van and thrown into the lock-up. Then what do we find? These persons cannot get bail because, either conveniently, or inconveniently, the policeman who made the charge cannot be found. These persons, therefore, have to wait a long time, longer than would be necessary if due process of the law were observed.

These are instances which I can recount to demonstrate that at the present time grave injustice is taking place. I oppose the National Security Bill on the ground that it will add further to the abuse of power by the police.

At this stage, I would like to show that what we are witnessing in Guyana today will have very grave and serious repercussions. We must learn many lessons from history. I have already pointed out that the Bill on the one hand is aimed at preserving the conditions of privilege of the ruling class in Guyana. Persons in this class are fearful of their ability to maintain their rule under the old method, the normal process

of democracy, so they have to change to new repressive measures in order to maintain their authority as mass support dwindles, which it will undoubtedly do with these measures being introduced by the Government.

On the other hand the Bill is directed towards the suppression of the progressive movement of the working class in Guyana. This is not very hard to understand for it happened in 1933 in Germany when Hitler came to power. I see Fascism taking hold of our country. What were the conditions that encouraged Fascism to come to power? They were mainly unemployment, poverty, growing unrest among the citizens with the working class aiming towards socialism. When the old ruling class in Germany found that it was unable to continue ruling in a democratic manner through the Social Democratic Party, it had to resort to downright brutal and Fascist methods.

3.50 p.m.

No one should feel that he is not involved in all of this, that he will be safe somehow because, at the moment, he stands in the good grace of the ruling parties. He should have no illusions about this because in Germany also, the moment Hitler assumed power with a minority vote, he banned, first, the Communist Party - the communists have always been the spearhead for all reactionaries, but after that, watch out, because other people will be attacked also and then he had a majority in Parliament because those people were taken from the seats in Parliament to the gaols in the con-

centration camps. This gave Hitler a majority in Parliament. Less than one month later -- [Interruption by the Prime Minister.] You know nothing about this, Mr. Prime Minister.

I think I should say that, when Hitler moved his Resolution condemning the communists in Germany, the social democrats in the German Parliament supported Hitler in his Resolution. They thought that they would have been safe if they denounced the communists. But approximately one month later, the Social Democratic Party was then dissolved and most of the members found themselves in the concentration camps joining hands with the communists. Later on, almost immediately after that, many of the leading trade unionists, the militant trade union leaders, those who did not sell their souls to Hitler, also found themselves in the concentration camps.

I should like to point out the very basic point in all of this. I have made reference to Fascism. I do not wish to say that Fascism has entrenched itself in Guyana. It has not yet reached Guyana and, perhaps, what we are seeing today are elements of Fascism entering upon the fabric of Guyanese society. Fascism has a mass base; that is one of its essential principles. In other words, there is a large number of people, even though it might be half or a little less than half of the population, supporting you.

At the moment, the Coalition Government has what may be termed a mass base. But what we are

about to witness, if this Bill is passed, is a move on from Fascism to the Latin American type of dictatorship. The Government should permit freedom and democracy to continue in Guyana, it should permit free debate in Parliament, it should permit freedom to organise and advocate different views, different thoughts, different ideas, and it should permit freedom to advocate socialist ideas which are in the interest of the working class of this land. The Government is afraid of all these things.

Mr. Speaker: Time!

Mr. Ram Karran: I beg to move that the hon. Member be given an extension of fifteen minutes to continue his speech.

Mr. Wilson seconded.

Question put, and negatived.

[Pause.]

Mr. Speaker: Shall I call on the hon. Minister to reply?

Mr. Hamid: The National Security Bill now under discussion --

Mr. Speaker: I suggest that we take the suspension now. This sitting is suspended for half an hour.

Sitting suspended at 4 p.m.

4.30 p.m.

On resumption

Mr. Hamid: The National Security Bill now before the House reflects the minds of mem-

[MR. HAMID]

bers of the Government. This iniquitous and dangerous Bill will place Guyana in a perpetual State of Emergency, and at the same time tamper with the democratic rights and freedoms of the Guyanese people which are guaranteed by the Guyana Constitution. This will, in fact, lead the country towards dictatorship. It is aimed at establishing a Fascist and police state. This Bill seeks to rid the country of the present State of Emergency, and at the same time legislate a permanent law with the same power of emergency in the hands of a Minister.

Last night when the hon. Member Dr. Ramsahoye was speaking, he quoted certain relevant parts of this Bill and asked several questions pertaining to its legality. One would have expected that when the hon. Attorney-General was replying, he would have given some reasonable excuse so as to clear the minds of people, not only in this House, but in the country as a whole. When the hon. Attorney-General got up to answer questions, he carefully evaded the questions asked by the hon. Member Dr. Ramsahoye. In fact, what the hon. Attorney-General did was to say that he can assure Members of the House that this Bill, when enacted, will be able to work in this country. This is all nonsense! This bogus Bill which is before us needs a lot of explanation by both the mover and the legal brain, namely the Attorney-General. Members right down the line on this side of the House criticised the Bill and they expected that when someone

got up from the Government side to speak, he would have been able to clarify the points that were raised.

We know that the Government has the majority and the Bill will become law, but it is not that it will become law and rest at that. It is how the Minister will act in relation to the powers conferred on him. That is the danger. There was a gentleman who erected an electric circuit around his fowl pen to prevent thieves from stealing his poultry. But what happened? Eventually, the same trap that he had set for the thieves caught him and he died, and this is exactly what we are looking at. The Minister will be able to use and abuse his powers, and no court in this country will be able to tell him that what he intends to do is against certain regulations. The Minister will have the power to put the Prime Minister of this country into detention. He has more powers I think, than even the Judges of the High Court have. No one can question what the Minister does.

Under section 12 (1), (a) and (b) it is stated that:

"(1) The Minister may, if satisfied with respect to any person (whether the Tribunal has given any report in his favour in accordance with subsection (1) of section 10 or not) that, with a view to preventing him from acting in any manner prejudicial to public safety or public order or the defence of Guyana, it is necessary so to do, make an order for all or any of the following purposes, that is to say -

(a) for securing that, except in so far as he may be permitted by the order, or by such authority or person as may be specified in the order, that person shall not be in any such area in Guyana as may be so specified,

(b) for requiring him to notify his movements, in such manner, at such times and to such authority or person as may be specified in the order."

This, in itself shows that inasmuch as the Tribunal which consists of Judges of the High Court may say that a person who was detained and brought before the Tribunal should be set free the Minister has overriding powers to place that person under certain restrictions and to have him report to a Police station in his neighbourhood.

We do not have to go very far to see what occurred in the past. We have here in this House a Member by the name of Mr. Nunes. The hon. Member Mr. Nunes was a Minister in the previous Government and the Governor used his powers under the emergency order to have the hon. Minister detained. Mr. Nunes' detention meant that the Governor was using his powers to prevent the function of the Government and putting the hon. Member in prison, without a charge laid against him, was indeed a very bad thing.

4.40 p. m.

He had no right to make an appeal to a Tribunal set up by the Government because that Tribunal

was a mere farce. The Minister could not have a legal adviser to represent him. Even the charge on which he was sent to detention did not indicate why he was being detained. Under this Bill, even if the Tribunal is of the opinion that a man should not be detained, the Minister has power to override the Tribunal's decision and restrict the movements of the detainee.

Mr. Nunes was released from detention and given a chance to come to Georgetown, but he was restricted to a certain area. He applied for permission to live at Land of Canaan. Permission was given to him for ten days, and when he decided to ask for an extension of the time he was told it would be all right. However, when he was ready to leave Georgetown for Land of Canaan, he was served with a notice informing him that he was restricted to the area of Georgetown and could not go anywhere else.

Today the hon. Attorney-General is trying to tell us that everything will be done in accordance with law. Since we have heard the hon. Attorney-General's statement, we must consider what prompted Her Majesty the Queen to have included in our Constitution a provision whereby the hon. Attorney-General can sit in this House and draw a fat salary of \$4,000 a month and make this bogus Bill to put people in trouble.

There is a long history behind the hon. Attorney-General. He comes from a big family; he has been nominated to this House and his father was once a nomi-

[MR. HAMID]

nated member at the time of the suspension of the Constitution in 1953; his aunt and uncle were also included in this sort of thing. He is serving the interest not of the people of this country but of the imperialists. I will not venture further into this matter, because Dr. Ramsahoye pointed out last night how the British imperialists paved the way for the introduction of this Bill into this House.

Unfortunately, the hon. Attorney-General is not conversant with facts and conditions in this country; he came here at a very late stage. He said that this Bill is really to prevent the burning and destruction of Government property, bridges, etc. Apparently he was not here to see the Ministers, who are now in the Government, when they were leading hostile crowds to burn and loot in this country, Ministers in whose homes refrigerators were seen by the dozen. It is a shame to hear what the hon. Attorney-General had to say about this Bill.

This law was provided for in the emergency legislation, but the Commissioner of Police never took full advantage of it to search the homes of these individuals. Under Clause 5(1) it is stated:

"Any person in respect of whom a detention order is in force may be arrested without warrant by any policeman and may be detained in such place and under such conditions as the Minister may from time to time direct,

This is, in fact, a very dangerous piece of legislation. The hon. Attorney-General says that the reason for this power of the police to search and detain an individual without warrant is to prevent an individual from getting away, because these things can happen. The hon. Attorney-General does not know that in 1962-63 when a particular Minister had several refrigerators in his home the signing of a warrant was purposely delayed in order to give the Minister an opportunity to dispose of his loot.

The Attorney-General does not know very much about these matters. He is paid to do his job. He writes what he thinks is right in this Bill, but he is not paying much attention to the democratic rights of the people - he is not protecting the democratic rights of the people. We are not given the freedom envisaged in the Constitution of this country. One does not have to read the Charter of the United Nations, or to read the Constitution of this country in order to know what are the fundamental rights.

We know that the Standing Orders of this House are not strictly followed. The back benchers on the Government side cannot say a word because they are muzzled; they are denied their fundamental rights of expression. This is the sort of thing the Government is doing in this country. One would have expected, in a controversial Bill such as this, that Members on the other side of the House would stand up and contradict the statements made from this side, so that we would have a free dis-

cussion regarding the pros and cons of this matter. Apparently, the Members on the other side of the House either do not have the ability to talk, or they are so stupid and backward that they have to crouch in a corner without talking. Of course, they have been denied their rights in this House.

The hon. Minister of Home Affairs says that a man has the right to use his hands, but if he strikes any person with his hands he is abusing the freedom of that individual. That is the answer the Minister gives in supporting his arguments for the introduction of this Bill. This whole matter is becoming a joke. We would expect a Minister to give us something to think about when introducing a Bill such as this. He should give us good reasons why the Bill should be introduced. Up to now we have not heard any good reasons for introducing this Bill and that is what is worrying us.

On the last occasion when we spoke on the extension of the Emergency Order we said that there was no need for the extension. We agree that in case of war or trouble in the country the Government should use its emergency powers. Today we find that the Government is giving us something worse than the emergency legislation.

4.50 p.m.

The Minister has such wide powers under this Bill that a person who is detained could be sent to a very filthy place to live. Sibley Hall, for instance, is infested with flies and dis-

ease. Many of the persons who were detained there are suffering from some kind of disease. Some had to have their eyes tested by eye specialists; some are suffering from swollen feet and stomach ailments. We do not mind detention, but there must be a place properly laid out so that our health would be protected. We are not at war; it is not to be a concentration camp. We wish the Minister to use his powers in the right direction.

The Minister also has the power to declare what is ammunition and what are dangerous weapons. Several things can be determined to be dangerous weapons - an axe, a bayonet, a cutlass, a dagger, an iron, a hatchet, a knife, a spear, a stick, a stone, a sword. Even a shell can be described as ammunition. I am an electrician. This is my kit and these are my tools. If they were found in my car I could be prosecuted under this law, because everything here can be used as a weapon to kill someone. If a policeman caught me with a knife I have for peeling cables it would be Sibley Hall for me! How am I going to live? Everything is trouble in this country. If I were found with a match in my hand that would be trouble, because one can sharpen a match to a point and pierce someone through the skin. It is a dangerous weapon.

The powers to be given to the Minister are very wide. It is not laid down what are dangerous weapons. The Minister will have the power to declare what is ammunition. This is the danger and we would like to hear about this. We think it is bad.

[MR. HAMID]

Is the Government forcing this Bill because it is in very serious straits as money is not circulating? Or is it because it is firing workers now at the end of the year, when people are hungry and naked and need some money to buy a piece of chicken or a slice of ham? Even these rights are denied the working-class people. Six hundred workers will be laid off by the Minister of Works and Hydraulics.

What is the position? Is this Bill designed to muzzle the people, even the supporters of the P.N.C. who cannot speak openly? This Bill is to prevent them from expressing themselves. This Government, which they have put into power, is using that very power to send them into detention. Why do we need a Bill like this at the present time? Is it because money is being spent extravagantly? Is it because the Prime Minister is calling the top civil servants and saying to them, "Look boys we must try to curtail expenditure" while he himself is spending a lot of money? If you were to take a look at the Residence, where the Prime Minister is living, you would see that thousands of dollars were spent to paint a tar road red. It is a very difficult thing to paint tar because the chemical reactions that take place will surely penetrate whatever paint is used.

That must have cost a great deal of money, say about \$50 per gallon. I have no doubt that the bed the Prime Minister sleeps in is made of gold.

These are the things that worry us, but the Prime Minister and his Government are more worried and that is why this Bill is brought before this house. The Bill is to muzzle the supporters of the P.N.C. who are hungry and need jobs. There is unemployment everywhere, but what are the members of the Government doing? There is squandermania and money is wasted on everything. It cost \$4,000 a month to put an Attorney General to back the imperialist power and to bring a Bill of this nature here. He is a man who cannot even express himself. All he is saying is, "I assure this House and the people of this country, as Attorney-General, that whenever this Bill is made law, the whole of the country will be free."

This is trouble. We do not know what is going on. Why cannot a Minister or Member on the other side of the House rise and say something? They heckle, but cannot rise and explain themselves and say why this notorious Bill is brought before this house. Let Mr. d'Aguiar, the hon. Minister of Finance, realise that today it is our turn, but tomorrow it will be his. This Government is going to muzzle him as Hitler did in Germany and will then rule the country with the members of his party and all Members on this side in prison. He cannot get away from that fact. I do not know what is happening to our country.

Mr. Speaker: Time!

Mr. Ally: I beg to move that the Member be granted another fifteen minutes to continue his speech.

Mr. Lall *seconded.*

Question put, and negatived.

Mr. Khan: Whither is Guyana going? Are we at war or are we enjoying peace? Are we to understand that the invasion of the Venezuelans on Ankoko island is the beginning of serious trouble and that the Government therefore seeks to introduce emergency measures? As far as I am aware our country is not at war and, judging from the statements which have been issued locally and abroad, there is peace and tranquillity prevailing in Guyana.

But even if Guyana were at war there is no need for this measure. Certainly there is no need for it if we are to believe the statements propounded by hon. Members, who sit on the opposite side, to the effect that our country is passing through a period of peace and tranquillity.

5 p. m.

The Minister of Home Affairs said that there was nothing unconstitutional in this Bill. When the hon. Attorney-General spoke, he said that this Bill is a liberal one.

I should like to deal with these two aspects: The statement by the hon. Attorney-General that the Bill is a liberal one, and the statement by the hon. Minister of Home Affairs that the Bill contains nothing unconstitutional. But before going into the details of those two statements, I should like to say that I rise to oppose this Bill on

four main grounds. The first ground is that this Bill will not provide the opportunity, so greatly desired by all sections of the community, for genuine harmony. Instead, this Bill will further widen the existing differences between the major race groups and create endless problems.

The second ground is that this Bill will not assist, in any way whatsoever, to promote development and progress which the leaders of this young nation of ours aspire to achieve. On the contrary, it will frustrate the people's endeavours to join forces and to maintain their true Independence.

The third ground is that this Bill will cause a parallel Supreme Court to be established, contrary to all laid down principles of the rule of law, and it will vest increasingly dangerous powers in the hands of one Minister whose authority can be considered even far greater than that of a Judge of the High Court of our land.

The fourth ground is that this Bill is intended to silence all opposition.

Mr. Speaker: For the whole day the last few arguments were repeated over and over.

Mr. Khan: When I say "all opposition", I mean opposition not only from the political aspect but opposition from people in all sections of the community who will, from time to time, raise their voices in protest against oppression and re-

[MR. KHAN]

pression. These are the four main grounds on which I do not support this Bill.

Turning my attention to what the hon. Prime Minister said outside of this House and what the hon. Attorney-General said in this House, that this Bill is liberal, I should like to refer to a very reasonable analysis that appeared in the *Weekend Post and Sunday Argosy* of November 20, 1966. I should like to quote what is written on page 3 therein:

"What is there liberal in legislation which requires only that a minister be 'satisfied' for him to order the citizen's detention? What is there about shifting the onus of proof of guilt from the authorities, to proof of innocence by the suspect? What is there liberal about a minister's detention order which cannot be invalidated however defective?"

it goes on to state:

"What is there liberal about arbitrary detention and restriction of movement? What is there liberal about trying the citizen in an extraordinary tribunal from which there can be no appeal? What is there liberal about investing a single minister with wide arbitrary powers which cannot be challenged?"

I would have thought that when the hon. Attorney-General was referring to the Bill as

being liberal and when he was referring to the Preventive Detention Act which exists in India, he would have been honest and good enough to inform this House that a detainee under the Preventive Detention Act in India has recourse to the High Court, that he can appeal to the High Court and have his case properly aired. But we have heard nothing on this most vital aspect. The hon. Attorney-General spoke in very flowery language and was very critical of all the arguments that were adduced by hon. Members on this side of the House; as if all the power of reason had gone from him, and as if something really peculiar was happening in Guyana.

A statement that appears further down in this article reveals that the hon. Attorney-General has been misleading this House. I quote:

"Research has revealed, however, that in India provisions of the India Defence Rules are much more 'liberal' than those in the National Security Bill, since the rights of the citizen are not summarily truncated, nor is his freedom arbitrarily abrogated.

Under the India Defence Rules a detention order can be challenged, and the citizen has the RIGHT OF APPEAL to the Supreme Court of India - . . ."

I challenge the hon. Attorney-General and the hon. Minister of Home Affairs to show us where, in this National Security Bill, the detainee has the right to

appeal to the Supreme Court of our land. Is this not a recognised forum where all grievances are aired and decisions handed out are duly respected?

5.10 p.m.

What is wrong therefore, in permitting the detainee to have the right of appeal to the High Court of the land when he feels that the Tribunal has not done justice?

Reference has been made as to whether the onus of proof of guilt has been shifted from the authorities to the suspect. We know that when a person is charged for any crime committed, the charge is laid and the defendant has the opportunity to defend himself, and to have all available witnesses cross-examined, as is provided in the Constitution. Article 10(1) states that:

"If any person is charged with a criminal offence, then, unless the charge is withdrawn, the case shall be afforded a fair hearing within a reasonable time by an independent and impartial court established by law."

We have, established in Guyana, the courts of law that deal with all nature of offences. If a person is convicted and he feels that such a conviction should not stand, he has the right to appeal to a higher court. Under the conditions of this National Security Bill, the person is debarred this right.

Article 10 (2) of the Constitution reads as follows:

"Every person who is charged with a criminal offence -

(a) shall be presumed to be innocent until he is proved or has pleaded guilty;"

Under the provisions of this Bill the Constitution has been violated because all the Minister has to do is to set out an order directing that the person be detained, and set out the reasons for the detention. In other words, he is adjudged by the Minister to be already a criminal.

Sir, section 4 (1)(b) of the Bill states:

"stating concisely the grounds for such detention, so, however, that no defect of any kind in such statement shall invalidate the order."

If a policeman charges anyone with a criminal offence, or any offence for that matter, and the charge is either wrongly or badly placed, counsel for the defendant can move at the appropriate stage that the charge is, in fact, bad in law, and it may be upheld by the magistrate. The person will be acquitted, whereas under the provisions of this Bill it is just the opposite. Even if the charge is bad and there is any defect, the order still stands good. Just imagine that! Have we gone to such a low stage in society that we are now wrestling the very basic freedoms, the very basic principles of the rule of law from the citizens of our land? Has power caused the Government to go so mad that all it wants is power and absolute power?

[MR. KHAN]

Mr. Speaker, section 5(2) states something else. I adduce these arguments to prove that the point made by the hon. mover of the Bill, namely, that there is nothing unconstitutional, is false. Under section 5 (2) it is stated among other things:

to retain and instruct without delay a legal adviser of his own choice and to hold communication with such adviser and, in due course, to present his case, "

We all know the very fundamentals of what exists in our courts. When a man is charged for an offence, the charge is laid by those who are prosecuting, and the defendant is allowed the opportunity to defend himself. Nowhere in this Bill does the detainee have any right of cross-examination, nor does he have access to such evidence that has been made available to the Minister prior to his being satisfied and making the order. This, I say, is a clear violation of the Constitution.

Article 10(e) reads as follows:

"shall be afforded facilities to examine in person or by his legal representative the witnesses called by the prosecution before the court and to obtain the attendance and carry out the examination of witnesses to testify on his behalf before the court on the same conditions as those applying to witnesses called by the prosecution;"

Under the provisions of this Bill, all that is made available to the Tribunal is the detention order setting out the reasons. Is this liberal? Is this what the Minister describes as containing nothing unconstitutional? We on this side of the House have always said that we believe and we have firm faith in the democratic machinery of the Government.

5.20 p.m.

Can anyone on that side of the House honestly say that the provisions of this Bill, which this Government now seeks to have as a permanent law in our country, will help to bridge the existing gap between the two major race groups? Can anyone truthfully say that this measure will help to promote and bring about peace and understanding among the people of our territory?

I hope the hon. Minister of Home Affairs will grant us the courtesy of answering a few of the questions I am posing. Can anyone reasonably conclude that this measure will help in any way to further development and bring prosperity to this country? Can the Government say truthfully and honestly that this measure is in harmony with all that has been said both locally and abroad that there is peace and tranquillity in Guyana? That is far from the truth, because deep down in the minds of certain people there exists a great degree of fear - fear not because of us on this side of the House, but the fear of being unable to remain in office.

Is this Government trying to achieve what has been set out in the Report on the Independence Conference in 1965? Lest the members of this Government forget, I wish to remind them that the P.P.P. was not present at the Conference. It was the P.N.C. and the U.F. - those who constitute the Coalition Government - who attended the Independence Conference, and I will remind them of what they declared. I will quote from paragraph 25 of the Report of the British Guiana Independence Conference, 1965:

"In conclusion, the Conference agreed to place on record and to commend to all the people of Guyana the following solemn declaration of intent:

That there should be an end now to the communal divisions by which Guyana had for too long been plagued and that, with the coming of Independence, all Guyanese should put aside for ever all prejudice and bitterness and should strive together as one nation for the peace and prosperity that are the right of free men."

What a beautiful declaration! What a fine objective! Can this Government point to one incident and show us where it has set out to achieve the objective mentioned in the Report? On the contrary vindictive and partial policies have been initiated and implemented by this Government in practically every sphere of private and public life in our society. Every Government Department, every public Corporation, provides ample testimony that

there is nothing to prove that this Government is out to achieve the objectives of this declaration.

It is therefore difficult to conceive that there are individuals in Guyana who claim to be loyal sons of this territory. Some people claim that they are the architects of Guyanese freedom; that they believe in democratic freedoms and institutions; that they believe in the rule of law, but they use their intellectual ability not for the betterment of mankind, not for the furtherance of goodwill and prosperity among the people; but for the perpetuation of racialism. I charge this Government with the continuation of the division of our society; the abandonment of the established course of justice and the rule of law. It wants to establish a totalitarian administration, and we have seen evidence of this on three specific occasions. We have seen the perversion of honesty and truth and the creation of more difficulties for the majority of Guyanese, while the Government extracts for itself and its few friends a very large measure of happiness and prosperity.

Further, the provisions of this Bill clearly reveal the sinister, wicked and vindictive character of the people who are now in office. They know that they cannot continue in office without the use of force. Let me tell them that government by consent always brings to people in any country a large measure of progress and prosperity. So long as there is consent there will be understanding; so long as

[MR. KHAN]

there is ~~understanding~~ there will emerge unity from which springs prosperity and happiness. That is the only correct way to be chartered by our young nation.

I strongly ~~commend~~ to this Government that, in the interest of the development of this country and in the interest of all sections of the Guyanese people, this measure should be withdrawn completely.

Mr. Speaker: Time!

Mr. Person: I beg to move that the hon. Member be given an extra fifteen minutes to complete his speech.

Mr. LAI seconded.

Question put, and negatived.

5.30 p.m.

Dr. Jacob: I speak in opposition to this Bill, which is an unjust measure and wholly unwarranted at this time. The measure seeks to enlarge executive power to a degree that was never known in this country even under the darkest days of colonial rule. If it becomes law, the Minister of Home Affairs will virtually become informer, police, judge, gaoler and hangman, all in one. To place such wide powers in the hands of one man, and a politician at that, is very dangerous to this community. I wonder if the Minister realises the invidious position in which he will be put if this becomes law. I wonder if he has thought about it. Perhaps tonight, at

the end of the debate, he will reflect on the position in which his Government seeks to place him.

In the course of my remarks I shall refer briefly to some of the assertions made by the hon. Attorney-General and the hon. Minister of Agriculture, Mr. John. Before I do that, however, I wish to ~~make~~ some general remarks and to deal with aspects of this Bill which have not been dealt with thus far.

We recognise, on this side of the House, that this is not the best of all possible worlds and that freedom and democracy, about which our friends on the other side speak so much, are denied to large sections of the people in this world. While we were in the Government our desire was to try to enlarge this area of freedom. A large part of the world exists under an economic system that denies freedom to the majority. I refer to what is called the Western world. Under the capitalist system there is no democracy because those who wield power are either in that class or are the representatives and agents of that class, which is a minority class. [Interruptions.] What obtains in that part of the world is nothing but minority rule and there is, therefore, a sort of dictatorship of a minority.

For nearly two thousand years the civilization of the West, this so-called "democratic" world, rested on this contradiction -

Mr. Speaker (to a reporter in the Press Gallery): If this gentleman does not stop inter-

rupting me I shall put all the reporters outside. It is a strain to have this debate continue for the third day. Proceed, Dr. Jacob.

Dr. Jacob: The so-called Western civilization rested on this contradiction between the philosophy and religion of the West, which teach that all men are brothers, and the economic system, which divides mankind into master and servant, into exploiter and exploited, into rich and poor. That is the contradiction, and because of that there has been constant trouble in this part of the world.

The Government is not representative of the majority in this country. It is the agent, the tool, the mouthpiece, of the same minority class that has always wielded power in the West, and I shall prove, as I continue my speech, that because it is such an agent it has to assume these executive powers in order to maintain not only itself in office, but to preserve the system which its masters have imposed on a great part of this world.

It is not that the P.N.C. and the United Force wish to retain power for themselves. If that were so we would have no row with them. There is a much deeper and darker reason, namely, to preserve the economic system that has bred poverty and has created wars, the system based on private property. No more criminal system has ever existed in this world. That is the reason for this Bill and it is inspired from abroad. The P.N.C. and the U.F. did not think up this measure. The inspiration came from the imperialist powers abroad.

Much has been said by my colleagues on this side of the House about the reasons and motives for this measure. There is no doubt in my mind that violations of the basic law of the land, of the Universal Declaration of Human Rights, of *habeas corpus*, of certain principles of justice which have always operated in this country, and of the rule of law will take place if this measure becomes law. The legal system in this country operates in such a manner that anyone accused of an offence has to have charges preferred against him and he should appear as early as practicable before a magistrate or a court to answer those charges. This right will be destroyed under this Bill and, in addition, legal aid will also be denied in cases of arbitrary arrests and detention.

5.40 p.m.

The executive power to be vested in the Minister will make matters even worse. Let us not forget that the Minister of Home Affairs - and any Minister of Home Affairs - not necessarily the present Minister of Home Affairs - will be faced with the temptation of exercising these powers in a manner prejudicial to the democratic rights of the individual in this country.

As I have already mentioned, the Bill stems from the fact that the existing coalition regime is not confident any more of retaining the support of the electorate.

Mr. Speaker: This is the third day I have been hearing those arguments. They are becoming somewhat monotonous. I am

[MR. SPEAKER]

tired of hearing the same arguments being advanced; do say something new.

Dr. Jacob: Something new?

Mr. Speaker: That is right.

Dr. Jacob. I am charging the imperialists who inspire this measure —

Mr. Speaker: That sounds a little new.

Dr. Jacob: The minorities in the United States, at the present time, the Negroes and the Puerto Ricans, are regarded as second-class citizens because of the discriminatory laws in that country. Recently, there has been a move to improve the lot of these non-white minorities. The two capitalist parties which alternate in running the country have decided that they shall pass certain bits of legislation, supposedly to guarantee the rights of these minorities. But what has happened, what has occurred in America? Even with the passage of federal legislation, a protest movement has arisen against the spread and extension of freedom to the minorities in that country. This has been referred to as the "white backlash". The white backlash has manifested itself in violence against these minorities.

In this country we are about to experience not the white backlash but the imperialist backlash. [Mr. Bissenber: "The red one."] It is the protest, if you can call it that, of the ruling class and its agents who sit in the Coalition Government,

against any advance in the liberties of the Guyanese people. That is the imperialist backlash. When the P.P.P. was in office it experienced this backlash, and the agents of the ruling class, imperialists and capitalists — British, American, West German and others — were behind the disturbances that took place in this country. They hired and paid terrorists to create trouble in this country.

Of course, today, there is peace and tranquillity. This is one reason why a measure of this nature is wholly unnecessary. Never mind, the controllers of the terrorists and the terrorists themselves are not likely to make trouble now; the trouble will come at some time in the future when the oppressive domestic policies of the Government, with regard to fiscal, monetary and other matters, become intolerable. Already the unpopularity of the Government as a result of these domestic measures, has forced it to be quite secretive about the nature of this measure. This is so important a measure, since it touches the liberty and freedom of everyone in this territory, that the Government ought to have given it the widest publicity. The Government should have used the radio and held public meetings all over the country explaining to the nation its reasons for introducing a measure of this kind. But it does not want to do this; it cannot do this. It cannot afford to do what any decent Government would have done.

Mr. Speaker: The Government complied with the Standing Orders.

Dr. Jacob: The Government has also attempted to rush this measure through this House. This is well known. What is the reason for haste when the State of Emergency does not terminate until the end of the year? We on this side have protested against this indecent haste with which the Government wants to have this matter disposed of.

Let me now - because I am subject to the parliamentary guillotine - deal with a few of the comments, assertions and legal jargon uttered by the hon. Attorney General. He asserted that the rights and freedoms of the people ought to be subordinate to the interest of the country as a whole. Imagine a Government, which is the tool of an exploiting minority, talking about the interest of the country as a whole! This Government only represents the exploiters who have caused trouble in this country. They financed and organised terrorists. They are the ones against whom legislation should be passed in this House.

5.50 p.m.

A man should be able to bring up his family free from fear according to the Attorney-General, and we all agree with this. This measure, after it becomes law, will result in a large exodus of people from this territory. The Attorney-General spoke about the predatory instincts of the people. The most predatory creatures on the face of this earth are the class of people for whom this Government speaks. History has affirmed that because of these very instincts humanity has been

subjected to the last two wars. The last two wars began and were fought in the name of democracy to preserve this decadent and outmoded system. In answer to the Minister of Home Affairs, the system we have in mind is the one which that Minister's party says it believes in. Of course, we know the hypocrites that they are. They mouth socialism but they support - not even secretly, but openly - a system which has been condemned by honest people throughout the world.

As usual, the hon. Attorney-General, to support his arguments that legislation of this kind is necessary, used the old worn out anti-communist weapon. We, on this side, have not been persuaded by his specious argument, although there was a lot of legal rhetoric bound up with it. He has not been able to persuade us that there is anything in the measure now before the House which would guarantee that there would be no destruction of the liberties which we now enjoy. The Government has an obligation to the people, so said the Attorney-General. To whom did the hon. Attorney-General refer when he used the phrase "to the people"? It is clear from what I have said that "people" mean this privileged minority and not the mass of the Guyanese people.

It is no argument to say that a large number of countries have similar types of legislation, for we know that in many of these countries the people who wield power and who want to retain power by force, threats and intimidation are the same kind of people who are wielding power in our country today. If tyrants

[DR. JACOB]

in those countries can have the same laws, what is wrong with the would-be tyrants or tyrants in our country enacting and enforcing laws in order to preserve their position?

Mr. Speaker: Time!

Mr. Luck: I move that the hon. Member be allowed fifteen minutes within which to conclude his excellent address.

Mr. Khan seconded.

Question put, and negatived.

The Minister of Finance (Mr. D'Aguiar): In almost every sphere of human endeavour, people take steps in the opposite direction to their final objective, yet the final objective is not lost sight of. The fact can often only be reached by such diversions. Taken by itself, this Bill is not a democratic ideal, yet introducing it does not mean that democratic ideals are abandoned. It is a diversion necessary to attain the ultimate objective.

Recently, I had a physical experience which brought this very much to my attention. I was a member of and - [An hon. Member: "Was?"] - in a sense, the leader of a party whose ultimate objective was the peak of Mount Roraima. After three days of exhaustive walking we made our assault on the final peak of the mountain. The most frustrating and the most heart-rending experience in the realm of human physical endeavour took place when the peak was in sight. We came to the end of the trail

which we had been on for those several hours during which we were making the final approach, when we suddenly discovered in front of us a deep ravine. We had no other way to reach the top of the mountain but to go down 100 feet to reach this ravine, on to a ledge, which would lead us to the peak. So devastating was this experience that at least one member of the party gave up and turned back. At that point to the right of us there was a sheer cliff, 300 feet high. It would have been possible, I suppose, if we had been experienced mountain climbers, if we had had years of experience and all the tackle necessary, axes, mountaineering boots and ropes to have climbed up the sheer ascent, but we did not have that experience and the only way to get to the top was to go down the steep ravine. At that point one of our team probably did what has been done in this House already. He could not face the direct ascent up the cliff and he could not face the path down the ravine, so he turned back.

6 p.m.

Let me take another simple example from the medical profession. Surely it is the ideal of the medical profession to preserve in perfect health all the organs of the human body, yet when there is a risk of health you find that the doctors will take out different parts of the body and almost mutilate it. When parts of the body become a risk to health and medicine cannot cure them, then they will have to be removed.

[*Interruption.*]

I would submit that Guyana is an infant of democracy barely one year old. It became independent only a few months ago. The infant is not yet robust, and a dose of preventive medicine has become necessary. The position of my party, the U.F., is that we are one of the guardians of this infant, and we wish to see it outgrow the need for this sort of medicine. How greatly it will outgrow the need for this sort of medicine will depend very much on the activities of some of the very ardent revolutionists on the other side of the House. We cannot shed our responsibility; we cannot say that the medicine is unpalatable and it must not be administered. That is the policy of the easy way out.

We do not anticipate, and I am sure the other guardian does not anticipate, that it will be necessary to use this type of medicine. I am satisfied that they are as ready as we are to remove such types of restraints whenever it becomes reasonable and proper to do so. In any case the important matters relating to restraints envisaged in this Bill have to be referred to the Cabinet. We are members of the Cabinet, and we will see that in referring such matters to the Cabinet there will be no abuse. Wherever the Bill refers to the Governor-General, it means that the Governor-General can only act on the advice of the Cabinet, and it means that such matters have to be brought to the Cabinet for its decision.

The Opposition is saying that this medicine is not necessary; that it is too bitter and dangerous to administer. The question I ask is: Are they sincere? Certain things have been left unsaid by the Opposition. One thing that I have often heard the hon. Member Dr. C. R. Jacob saying in relation to financial Bills introduced by me - I have not been present during every hour of the debates, so he can correct me if I am wrong - is that if the Bills were passed when the members of the Opposition got back into power they would repeal them. This is a very significant point. Show me one member of the Opposition who has said that this Bill will be repealed when they get back into power? The Bill hurts them, but not one of them has said that it will be repealed when they get back into power. That is a very important omission on the part of members of the Opposition, and it is contrary to their usual practice.

Reasonable persons may ask whether this Bill is necessary. In order to answer that question reasonably, we must examine the state of the nation, how Guyana got into this state, and what sort of improvements are necessary to put things right. It cannot be denied that there has been, from time to time in the past, a breakdown of law and order. There are three significant facts which I wish to draw to the attention of this House.

6.10 p.m.

During the regime of the premiership of Dr. Jagan certain acts of violence took place in

[MR. D'AGUIAR]

this country. Children were deliberately murdered in the cause of class warfare. Two former Ministers of the previous Government, Mr. Chandisingh and Dr. Jacob, referred to the need to end class warfare. These children were murdered merely because they were the children of the so-called ruling class that their party, with its ideology, wishes to exterminate. They did not have the courage to exterminate adults, so they tried with children. Trade unionists, who did not support the pirate union which is supported by the Opposition, were also murdered. Between March and August 1964 it is estimated that more than 150 persons died as a result of the terrorist campaign touched off by the G.A.W.U. strike. Many hundreds of other people were killed. This is the significant part: before the premiership of Dr. Cheddi B. Jagan there was peace and order. After the premiership of Dr. Cheddi B. Jagan, peace and order returned, but during the premiership of Dr. Cheddi B. Jagan there was disorder and violence.

Another significant fact is this: acts of violence reached a peak in June 1964. The Governor, Sir Richard Luyt, then decided to take over the control of security and to use emergency powers. He made a statement which was broadcast over the air on several occasions. It was published in the *Guiana Graphic* of Sunday, June 14,

1964, as well as in other places. Among other things this is what the Governor said:

"I speak to you from a city appalled with horror at recent events in our midst."

One of those events was the putting to death and burning by fire of a senior and respected civil servant and his children. I go on to quote again from the Governor's release:

"...the Council of Ministers, despite my pleadings to the contrary, withheld from me the advice that was needed to enable provision to be included in the emergency regulations for restriction of movement and detention."

It goes on to say:

"....I have been unable to persuade my Ministers, despite the requests of the Military authorities, to agree to daylight curfews, even to short ones at moments of special need; the Ministers have also not agreed to allow searches to be conducted by sergeants or corporals of the Army or Police Force despite repeated requests."

I am quoting from the release made by the Governor himself.

He went on to say:

"....While murder and arson continue, I would have thought that duty was clear."

To me it is clear and I must therefore take action. An order in council... has been made . "

Sitting suspended at 6.15 p.m.

8.05 p.m.

Then he said:

On resumption

..Already this morning I have signed orders to detain a substantial number of persons with a view to preventing them acting in any manner prejudicial to public safety and order."

The point I wish to make is that the Governor was not partial to the P.N.C. As far as I recollect Mr. Burnham opposed his appointment. The Governor was not partial to any one and his impartial assessment of the troubles at that time was that it was necessary to detain certain members of the People's Progressive Party. What was significant was that when those persons were detained, violence stopped almost immediately. The record will reveal that violence ended almost immediately after the Governor's act.

The Governor's objective was not the suppression of the People's Progressive Party. It was not the suppression of communism; it was the suppression of violence. It is also significant that these three things go together, violence, communism and the P.P.P. Violence and communism march together with the P.P.P. under its present leadership.

Mr. Speaker: We will take the suspension now and return at 8 p.m.

Mr. Speaker: Hon. Members, this is the third day of this debate and I understand from the hon. Leader of the House (Mr. Bissember) that an arrangement has been reached between himself and the Leader of the Opposition (Dr. Jagan) to bring this matter to a close. When we took the suspension this afternoon, the hon. Minister of Finance (Mr. d'Aguiar) was speaking for 15 minutes.

Mr. d'Aguiar: At the time of the suspension I was saying that the Governor's objective was neither the suppression of the P.P.P. nor the suppression of communism, but the suppression of violence. I made the point that the Governor was impartial and objective, and that it was only after he used his reserve power and took unto himself the control of security that peace and order were restored.

I am sure that if the hon. Member Dr. Jacob were here he would have said that the reason for this was that the Governor was an imperialist. What does he mean when, time and time again, he produces the argument that the imperialists are the cause of everything that is wrong? What he means by imperialist and imperialism is simply anyone or anything that does not

[MR. D'AGUIAR]

agree with his own argument. [Mr. Ram Karran: "That is not true."] I am sure that if he had an argument with his wife he would say, "My dear, you are an imperialist." That is the only argument he can put forward.

It is significant that these three things go together: the P.P.P., communism, and violence. We should not forget another significant event which took place only this year. I am not talking about 1962, 1963, 1964 or 1965; I am talking about 1966. I am talking about the dedication of the leader of the P.P.P. to the principal of violence. I am going to quote some of the things he is reported as having said over the air in Cuba, Havana, on January 29, 1966 at the so-called communist Tri-Continental Conference. This is reported in another newspaper, the *Sunday Chronicle* of January 30, 1966. He said that his illusions about getting political power by parliamentary means had been shattered. He went on to say:

"As I see it, the future will be dangerous, but I am hopeful that a united solid resistance movement can be established in all parts of the world."

8.10 p.m.

Then he said:

"It will be necessary to give assistance, technical

assistance, advice, guidance, and so forth to revolutionary movements."

He said that he was especially pleased that a committee had been established to do this. He hailed decisions taken by the conference to give all the necessary assistance to promote armed struggle where required. This speech of his was reported all over the world. In London it was reported in the *Scotsman*, and this is what was said in an article of the *Guiana Graphic* dated Friday, January 28, 1966:

"Dr. Cheddi Jagan's fiery speech last Sunday to the Council of African organisations yesterday drew comment from a 'foreign observer' in the 'Scotsman'."

According to this newspaper, reports of Dr. Jagan's speech had been sent to Georgetown and were being closely studied by the Prime Minister, Mr. Forbes Burnham. The speech, made on Dr. Jagan's return from Havana appeared, said the *Scotsman*, to commit him to the use of violence in seeking to overthrow the Government.

It is significant that the ideology of the Opposition is committed to the restoration of violence that took place only during the premiership of Dr. Jagan. At no other time within recent history has there been violence in this country except when those committed to the ideology of violence were in power. That party is pledged

to restore violence according to the speeches made by its leader, and the Government is equally pledged to vigorously prevent the restoration of such violence.

Two other facts in my view, in this respect, are significant, and they are these: In June of 1964, when the uprisings were at their height, the United Force issued a release in which it openly accused the Ministers of Dr. Jagan's Government of being personally involved in violence. That accusation was published in full in the *Daily Chronicle*. Then Dr. Jagan sought to bring a case of libel against the *Daily Chronicle* for publishing a statement which accused him, personally, and all or most of his Ministers, including Dr. Ramsahoye, of being involved in acts of violence. Bear in mind that the Governor, an impartial observer, said that the Ministers would not give him the necessary power to stop the violence, so he had to take that power on his own. But what happened? They employed an expatriate lawyer by the name of Mr. Platts-Mills to fight this case for them and to win large sums of money on the ground of the alleged libel.

The hon. Member Dr. Ramsahoye was in the witness box for four days and what transpired was this: The evidence was piling up, and up, into a mountain that was convincing everyone, the public included, that the accusation of violence upon Dr. Jagan's Ministers was justified, and the

case was withdrawn because they realised that in the High Court they had no chance of winning because, with the least violent among them having given evidence which was leading towards the proof that they were involved in violence, what would have happened when the more violent members, like the one opposite, were to go into the witness box! Then the whole case would have been shattered! It is significant that they withdrew another case when they were in the Government. I shall not go into that because there is a decision to end this debate by 10 p.m.

A very important point which I am going to make is this: The Governor, Sir Richard Luyt, withdrew the control of security from the Ministers of the P.P.P. Government, and took it on himself and restored peace and order. That was at the end of 1964. At that time and until the advent of this Government, security was in the hands of the Governor. The Constitution was the same when this Government took over as under the premiership of Dr. Jagan, and continued to be the same until May of this year. One of the very first acts of Sir Richard Luyt was to hand back the power of security to the hon. Dr. Reid, Minister of Home Affairs, having had reason to see that peace had returned to the country at last; and contrary to what happened under Dr. Jagan's control of security, there has been no abuse, whether in the act or in the failing to

[MR. D'AGUIAR]

act. The abuse by Dr. Jagan's Government was mainly in failing to take necessary action to protect the people from terrorist activities. This Government has not been afraid to take action when necessary, as in the case where there was a murder and the witnesses were terrorised.

On the other hand, it has not taken an abusive or political attitude. It has not abused the powers which reside in the Minister whereas the other side did. Why must they now use as their main argument the assumption that this gentleman is going to abuse the power when he has got it now and has not abused it? They want to blame this side for their own mistakes and that is why none of them has got up and said, "We will repeal this." This Government does not abuse its powers. This is not a reason for relaxation of vigilance.

8.20 p.m.

We all know what the price of liberty is. What can a Government do in these circumstances? It has three courses of action before it: (1) To retain the *status quo*, that is, to retain the State of Emergency, as has been suggested by members of the Opposition; (2) Abolish it completely and leave no protection in case of subversion; (3) Modify it by the introduction of this Bill. These are the three courses of action possible. The maintenance of the *status*

quo would mean the ratification of the existing emergency, leaving in the hands of the Government far greater powers than if the National Security Bill is passed, because Emergency Regulations make it possible to utilise 17 different powers, whereas the new Security Bill makes it possible to use only 5 powers.

Now the existing Emergency Regulations which are in force, and which this Government has the power to abuse if it so wishes, are as follows: (1) The power to control telegraphic and other communications; (2) The power to prohibit misleading or disaffectionate acts and (3) to prohibit propaganda; (4) The power to prohibit the wearing of uniforms at prescribed meetings and processions; (5) The power to prohibit importation or publication of seditious matters or any acts prejudicial to public order; the seizure of unlawful publications and printing presses; (6) The power to restrict people from leaving the country; (7) Making provision for the restoration of districts; (8) Control of highways and waterways; (9) Appropriate, acquire and use property and services; (10) Provide for a curfew; (11) Arrest without warrant, under reasonable suspicion, for any act prejudicial to public safety or order, and (12) detain for 7 days pending permanent detention; (13) Identify or require the identification by photograph or fingerprint of anyone; (14) Constrain persons, that is to say, make persons furnish information on demand;

(15) Search premises without warrant for evidence of offences including any act prejudicial to public safety; (16) Mandatory imprisonment for prescribed offences; (17) Preventive detention.

These are powers which now exist and can be used and abused under the Emergency Regulations. Shall we, as suggested, retain these powers permanently, which we could do, or shall we adopt the transitory phase between complete freedom and restricted power? Let us face the alternative to completely abandoning the Emergency Regulations. What does it mean? It means that those whose detention was significantly followed by the restoration of peace and order in this country will now no longer be restrained in their movements. In that case Low-a-Chee and other subversive agents will be permitted complete freedom of movement, and they will use their democratic freedom to subvert the freedom of the majority. It would mean that all restrictions would go by the wayside. It would leave the way open and make it easy for the illegal importation of arms and ammunition.

We had the case, not too long ago, of someone arriving at the airport with a suitcase with a false bottom and guns in it. If these powers were abandoned it would make things easy for evil-doers. We had the case of Eric Gilbert who was in possession of a machine-gun, and he is a leading member of the P.P.P.

Can we give them licence now to make it easy to import an arsenal of weapons and build up what the hon. Leader of the Party has said? He talks about armed revolution and arms struggle, and they are committed to it. Must we encourage them to build up things now? Must we not, at least, try and protect the other side of the population, that is, the majority who are committed to the real freedom of the individual and do not want to interfere with anybody else's freedom?

The case for abandoning the Emergency Regulations completely does not stand in the light of the history of this country and in the light of the speech made by the hon. Leader of the Opposition that he is committed to certain things. He is the leader of a revolutionary party, and he is committed to violence and disorder. Anyone who does not agree with him is called an imperialist. Must we commit our people to the restoration of the position which we had some time ago where people lived in fear? Shall we commit them to the position which we have pledged to change? I say that we have not yet reached the stage where we can have absolute freedom without some sort of restraint, but I hope that that day is not far away.

8.30 p.m.

There are five powers under this Bill. First, the power to restrict movement of individuals. This is to take care of the manufacturers of ammunition and other

[MR. D'AGUIAR]

materials for destroying life. Second, the power to detain by Order which is subject to the guarantee of revision by a properly constituted Tribunal. Third, the power to search, without warrant, persons reasonably suspected of having firearms for endangering public safety. Fourth, it gives the same power to search premises for firearms. Five, it gives power to control explosives. Those are five powers which are substituted for seventeen.

The Bill also makes provision that instead of Regulations having to be ratified every six months, they are ratified or revoked after the first eighteen months and every year thereafter. Let us remember that we have been living more or less under a State of Emergency since 1962, and continuously since 1964. Let us remember, too, that the debate for the continuation of the emergency continues in this House for at least seven days. To persist in debating the continuation of the emergency would be more repressive. To eliminate it completely would be to abandon to subversion the greater part of the people who believe in true personal freedom. The third alternative is to introduce a Bill which can be regarded as a transition stage between the harsh powers of the emergency and total democratic freedom.

If elected to power again, members of the Opposition are

more likely to increase the powers under this Bill than to repeal it. Let one Member rise and say that he would repeal the Bill.

In this matter, the position of the United Force, of which party I am honoured to be the leader, has been one of consistency. First of all, our delegation attended the London Conference which took place about this time last year. Before that Conference, the Draft Constitution - which I will call the Ramphal Draft Constitution - was published and memoranda were requested from interested party organisations and individuals. Many memoranda - I would say there were nearly fifty in all - were submitted and came from all sections of the community, religious organisations, genuine and not so genuine, party members and unofficial party members. This Constitution clearly provides for some sort of detention or restriction, and it was discussed at the 1965 Conference. The memoranda submitted were all considered by the legal committee set up at the London Conference. Not one memorandum objected to a provision for restraint.

The Constitution was amended at the London Conference and the final draft was printed and published in Guyana some months before Independence, which took place in May. It made provision for a degree of detention, as was outlined by the hon. Attorney-General, much more restrictive,

much more repressive, than anything envisaged in this Bill. Did we hear objections from the New World group, which has suddenly come to life? Did we hear objections from the author of the original Ramsahoye Constitution? Did we hear objections from any legal, or other, body? We did not. Nobody objected. Now, at this last minute, stirred up by fears which the Opposition is fostering on people, some sort of opposition to the Bill has been induced. Members of the Opposition have been telling people that everybody who is not a member of a certain party will be detained at the whim and fancy of the Minister of Home Affairs.

The members of the Opposition have only one complaint to make against the Bill, namely, that it is introduced because of the imperialists. Let us grow up and forget imperialism and all that nonsense.

In the final draft of this Bill which is now before the House the United Force has a part to play. I am not going to give the private details of how we play that part, but I am going to say that a committee was appointed representing the United Force and a committee was appointed to speak for the draft prepared by the Attorney-General. Our committee contained Dr. Richmond - as he told the House or reported to the Press, I cannot remember which - Mr. Feilden Singh, Mr. Too-Chung, Mr. Cheeks. We suggested no less

than seven modifications of the draft. Let us not forget the fact that one of the key men on our committee was Dr. Richmond himself who had serious reservations about the Bill. Obviously he was a man who was going to scrutinise it very carefully and demand amendments which he thought necessary. I am happy to relate that every amendment recommended by our committee was in fact accepted by the Government and incorporated in this Bill which is now before the House.

Having come to an agreement at the London Conference and having heard no objection in all the months that have elapsed - and there has been plenty of time from the date on which the original draft was published in October last year - we were committed to support the principle. Our job was to make the restraints, to make the medicine, as mild as possible. This has been done; there is no doubt about it. We have played our part in it; we have played our part in the Government.

It is a good thing perhaps that there is a coalition, because one must realise that in the exercise of power of any kind there is always room for a second look. The Minister of Home Affairs, in constant consultation with the security officers, may at some time be inclined to action which requires a second look. Well, the United Force section of the coalition is al-

[MR. D'AGUIAR]

ways there to give that second look. I am satisfied, beyond a shadow of a doubt, and I am sure the rest of the population is also satisfied, that there has been no abuse in the power which exists under the Emergency Regulations.

8.40 p.m.

I am equally satisfied, and I can give this assurance that sanctions would be applied if such abuse were to take place. In this Bill, there is less room for abuse. You had an ambit of seventeen avenues for abuse. Those seventeen avenues have now been reduced to five, so I am satisfied that all this propaganda about abuse, imperialism, and this and that, is simply the mouthings of a totally incompetent Opposition addicted to the principle and policy of total violence as declared at the Tri-Continental communism conference in Cuba.

I will summarise the position which is as follows. This, admittedly, is not the ideal Bill in an ideal democracy. But neither do the ideal grounds for the ideal democracy lie in Guyana at present. It is necessary to reach democratic heights and, in order to reach those heights, we have to protect the people of this country from the subversion to which some sections of the Opposition are totally committed. By its leaders own statements, an impartial Gov-

ernor has condemned the abuse of the Opposition when it was in charge of security. There has been no such abuse by the existing Government and the Minister of Home Affairs.

What I would say is that everyone should be vigilant. If there are to be abuses or errors I am sure they will become self-evident and, when the Cabinet considers such matters, the U.P. will have a serious part to play and make sure that there is absolutely no such intention on the part of the Government. You judge people by their actions, not always by their words. In this case, the actions of the Government have been beyond criticism. The question of the use of these powers lies with the Opposition and those who voted for its members. If those who voted for them realise that the future of this country, and their future in their shops, or their businesses, or their rice fields, depends upon the preservation of peace and order, then they have nothing whatever to fear from this Bill or from this Government. But if they accept the leadership of their party which is committed to a policy of violence, then and only then will the Clauses of this Bill have to come into effect so that the great majority of the people will be protected from the addiction to violence and the ideology of Karl Marx which is the commitment of those who are in the Opposition.

I conclude by saying this: the great majority which supports them for reasons other than ideology - those who support them for reasons of ideology are beyond hope, there is no hope for them - must protect themselves by eternal vigilance [Applause.]

Mr. Nunes: I was quite amused to hear the Minister of Finance, who was once the leader of the United Force and is now a member of the P.N.C. - I see him leaving the House at the moment - trying to defend the position of the party he once represented. The hon. Minister was indeed amusing. He told us that the U.F. part of the coalition will always take a second look to ensure that the rights of the citizens of this country are protected. What a folly! Was it not Mr. d'Aguiar who, before the Independence Conference made a sneaky report to the country, after the Prime Minister had left this country, telling the people that he was dissatisfied with the financial expenditure of this Government? What assurances did he give this country, after that Conference, as to what he can do to protect the excessive expenditure of this Government?

The hon. Minister has failed his party in many ways, and he will continue to fail it in many other ways. Therefore, neither this House nor his supporters would in any way be impressed

by the argument which he tried to introduce in this House about having a second look. When we on this side of the House next form the Government of this country, we will certainly have to draft a Protective Custody Bill to protect Mr. d'Aguiar and others from their supporters. [Laughter.]

The hon. Minister said that it was during the premiership of Dr. Cheddi Jagan that there were disturbances in this country. The hon. Minister did not say that, when an emergency was proclaimed around this very building, he and the Prime Minister who was then Leader of the Opposition, arm-in-arm - I do not know who was the man and who was the woman - tried to break the Proclamation and so demonstrated that they believed in disorder and inciting the people to do wrong. [Mr. deGroot: "You had the power, why didn't you use it?"] The hon. Parliamentary Secretary says that I had the power and asks why I did not use

8.50 p.m.

I shall now refer to the actions of the police. It was Mr. d'Aguiar who led the assault on the Electricity Corporation and broke through the police cordon. That is the gentleman who stood up there just now and told us lots of things. It was Mr. d'Aguiar whom the Wynn-Parry Commission described as a man who flirted with half-

[MR. NUNES] -

truths, and further, the Report of the Police Department in 1963 did not fail to list Mr. d'Aguiar as a member of the terrorist gang which performed many subversive acts at the time of the 1961-1964 Government.

Mr. d'Aguiar in his release of some half-truths said that the Governor at that time decided to take powers because we were not interested in the country. What we want to point out is that we felt then, as we now still feel, that the freedom and the liberty of the individual are indeed very sacrosanct. This was the point we held to because in 1964 the Police Force was indeed functioning, the Judiciary and other such bodies were also functioning, and in our view it was wrong - and we still feel the same way - to strike at the root of the freedom and liberty of the individual.

We feel that any citizen of Guyana, whether he be a supporter of the P.P.P. the P.N.C. or the U.F., or whether he be politically indifferent, cannot be considered free unless the laws of the land cater for adequate safeguards from arbitrary arrest and arbitrary imprisonment. The National Security Bill which we on this side opposed, and opposed vehemently, vigorously - Mr. Jordan said that that is all we can do but I want to remind him that the strength of the P.P.P. is something to be reckoned with. I should also like to remind him that the spirit of those who for-

merly supported him - and I emphasise "formerly" - is something to be reckoned with, too, in this country.

This Bill which we have before us does not in any way make provisions for the adequate safeguards which any Guyanese citizen must have if he is to be considered free in a satisfying sense of the term. On the contrary, this Bill seeks to give the Government powers to make arbitrary arrest, and to put a man in prison without bringing him to public trial. For this reason, we must conclude that any Guyanese citizen, whether he be a supporter of the P.P.P., the P.N.C. or the U.F., or any body being politically indifferent will always be in danger of the kind of oppression that is worse than slavery, and slavery is a serious position in that it involves the sale and purchase of human beings.

Someone over there seems to know of my activities as chief party organiser. This Government seems wont to have powers - dictatorial powers. I remember well the night of 28th June, 1965, when I was detained. I remember, too, that there was once a situation in which the Prime Minister found himself having illegally in his possession ammunition, and when this was discovered he was charged and given a chance to appear before the court and to defend himself. But this was not what was done in the case of those who were detained. It was quite a different story. Three police

officers, one was an Inspector and two others, arrived at my home and performed an act of subterfuge. They said they would like to ask me some questions, would I walk with a toothbrush and a bit of soap. This was clear subterfuge because when I arrived there, the same Inspector without asking me questions - and I have not been asked a question over the year I was detained - presented me with a paper, and what did this paper state? It stated that:

"Whereas I am satisfied with respect to Cedric Vernon Nunes, with a view to preventing him from acting in a manner to prejudice public safety and order, it is necessary to make an Order detaining him."

The Bill which we are discussing tonight uses the same words that I have used, and I want to stress that in giving the reasons for any person's detention, these were the only words used. It has been the practice of the Government to state that boldly.

I wish to state that this kind of treatment, this dictatorial manner, has permeated every act of the Government. We want to warn the Guyanese citizens that the fact that some of them are not members of the P.P.P. will not save them from this kind of action, particularly when the Government in its narrow-mindedness and in its dishonesty decides to take such action.

9 p.m.

Even after detention had been applied, the conditions which obtained at the camp in which we were held were abominable in many ways. This was the kind of practice in which the Government indulged. If I wrote the General Secretary of the P.P.P., the Government would arrange for the letters addressed to the General Secretary to be sent to my wife. If I wrote any other person, the Government would send the letter to my wife. In one case a letter written by a detainee was sent to my wife. This and other means were the ways in which this Government treated correspondence from and to Sibley Hall.

I remember when I was nominated as Chairman of the P.P.P., the nomination paper was sent to me on the 20th November, 1965, but it never arrived until the 23rd January, 1966, long after the elections had taken place. Letters addressed to my children took over six weeks to reach them although they were sent by airmail. Two of my children wrote asking me why I took so long to send them letters. This shows the callousness of this Government. [An hon. Member (Government): "Next time no letters at all."] My hon. Friend says, "Next time no letters at all." A little while ago the hon. Prime Minister turned to Dr. Reid and said, "When are you going to detain Nunes again?" I am sorry he is not in his seat at the moment.

[MR. NUNES]

Yesterday Mr. Benn was speaking and again the hon. Prime Minister said, "Benn, not you Nunes." That shows what the hon. Gentleman is thinking. I should like to assure this House that no Member on this side is afraid of the threats from the other side. Unlike Mr. Bowman, who has now resigned from membership of the P.P.P., I am convinced and satisfied that those on this side understand the reason why we are here.

Mr. d'Aguiar, in his speech, has been speaking of ideology. I should like to ask Mr. d'Aguiar to define the "ideology" for which the P.P.P. stands. He has referred to subversion, and I should also like him to state exactly what he means by subversion. This Government cannot be trusted. It does not know how it operates, I am not surprised at this, because Arthur Schlesinger in his book *A Thousand Days - John F. Kennedy in the White House* makes it abundantly clear that the die was cast in May 1962, when Burnham went to Washington and the Americans then decided that they would stop trading with the P.P.P. and pin their faith in the P.N.C.

I wish to bring an example closer home. I am restricted to Georgetown. They seem to fear my going out of Georgetown. Owing to the fact that my former landlord needed the house in which I lived and gave me until

the 15th November to get out - that was the undertaking when I took the house - I decided to live at Land of Canaan, and I asked Government's permission to do so. This was the Government's reply:

"Special Branch,
Force Headquarters,
Eve Leary."

1st Nov., 66.

Cedric Vernon Nunes, who is at present restricted by Order of His Excellency the Governor-General of Guyana to the Greater Georgetown Area, is permitted to reside at Accabre College, Land of Canaan, East Bank Demerara, and to go daily to Georgetown to discharge his functions as Chairman and Chief Organiser of the People's Progressive Party.

This permit is valid to 10th November, 1966.

(Sgd.) R. C. Thom
Head of Special Branch
for Commissioner of Police."

I concluded that any intelligent administrator, giving a permit like this, would have indicated in the order that it was my intention to live there permanently. That was my conclusion, and when I checked with the Deputy Superintendent of Police he told me that all that was needed was the lot of the place. The lot, no doubt, was to be incorporated in the new order that was to be given me at the end of this ten-day period

9.10 p.m.

I could not move because the person who occupied the place had not yet moved. I informed Mr. Fraser - that was his name - why I had not moved and told him I would let him know on the day I was to move. On the morning of the 12th November, when I told him that we were packed to move because Mr. Chandisingh had moved out that same morning, he said, "Mr. Nunes, have you not been told that the Government has changed its mind?" I said, "Certainly not." In an hour's time he gave me the information that the Government had revoked the permission for me to live at Land of Canaan. When I enquired the reason I was told that there was no reason to be given and that the situation remained as it was, namely, that I was restricted to Greater Georgetown and that was the end of it.

Members of this House know exactly how the Government will operate in matters that will certainly come under the Bill which we are now debating. We have seen how arbitrary are their decisions and this streak - if the word "streak" is the best word to be used - will permeate all their actions.

This is not the only way in which this Government is acting. According to the law of this land, according to what has been happening for years, even up to a few weeks ago, all people have the common law right of picketing in any number, or on any matter,

provided they wear armbands with the words "peaceful picketing" inscribed thereon. This common law right still exists and the law of the land gives power in certain circumstances, for example in trade union disputes, for three people to picket on occasions which are specifically mentioned in the law.

Now, when the Venezuelan Mission arrived here more than three people picketed outside the City Hall objecting to the Mission coming here and objecting to the Government's ill-advised decision to a Mixed Commission. Police officers were there but no one stopped them. Subsequent to that, on United Nations Day, about fifteen of us picketed in front of these buildings. Police officers were there; no one stopped us. But on the day that Mr. Stoby was forced to reconsider his and his Board's decision at the direction of that Minister there, the Minister of Trade, Shipping and Civil Aviation, the police directed, and wrongly so, that only three people should picket at a time and wrongly cited the law in question. So wrong were they that the Magistrate subsequently dismissed all the cases that the police took before him, and the police were so dishonest that they changed the charges; they substituted new charges at the trial. Nevertheless, the cases were all dismissed.

What I want to show is that this Government, even before the successful passage of this Bill -

[MR. NUNES]

Mr. Speaker: Time!

Mr. Ram Karran: I beg to move that the hon. Member be granted an extension to continue his speech.

Mr. Hamid seconded.

Question put, and negatived.

Dr. Jagan: This is a black day in the history of Guyana. Perhaps I should have said, "This is another black day" for, more than a decade and a half ago, we spent hours in this Chamber debating a similar measure, the prohibition of subversive literature. The Motion was introduced by the nominated Member, Mr. Lionel Luckhoo. Today we have another nominated Member, in the person of S. Ramphal, introducing another measure aimed at the destruction of liberty in Guyana.

Between these two tragic days many things have happened in our land. We heard, up and down the country, the shout for fundamental rights and liberties. I recall that when we were given our first chance to write a Constitution, when all the Members of the Assembly sat together to draft a Constitution for Guyana, every person, without exception, decided that there must be inserted in our Constitution a fundamental rights section. I had the honour of introducing the Motion that there should be incorporated in our Constitution such a guarantee. That section was indeed incorporated in our Constitution at the Conference in

London in 1960 and it became a fundamental section of our Constitution.

9.20 p.m.

What happened subsequently? We had further talks about constitutional changes for an independent Guyana. In early 1962 these talks were held at Government House under the chairmanship of the then Governor, Sir Ralph Grey. The three leaders of the main political parties were present. The leader of the P.N.C. declared that it was absolutely necessary to make more explicit the phraseology in our Constitution, particularly under Clause 6 of the Constitution. Let me read from the notes of a meeting held at Government House on March 22, 1962:

"B - FUNDAMENTAL RIGHTS

(i) **Mr. Burnham** wanted these to be generally declared and then particularized in enforceable provisions that would have to be construed liberally in the light of the general declaration. The provisions in the 1961 Constitution were acceptable but would require some minor amendments, e.g., article 6 (page 13) included a non-legal concept in the term 'democratic society' and required the Court to apply subjective tests which was undesirable . . .

(iii) **Mr. d'Aguiar** advocated a declaration which was all-

encompassing and should go beyond the 1961 provisions by including all such provisions as were embodied in Magna Carta. He mentioned particularly the right to leave and to return to the country, the right of parents to choose the type of education they wished for their children, and the unrestricted right to sue the Government.

(iv) All considered some more effective provision for enforcement should be substituted for that in article 13.

(v) All three leaders undertook to prepare drafts of the provisions they had in mind."

[Mr. Clarke: "What did you say?"] I repeat for the Member who asked what I said that the word "All" included myself. [Mr. Clarke: "You did not quote what you said."]

When there was a State of Emergency in the country, necessitated because of the requirement of the Government to distribute fuel and other commodities of which there was a scarcity, Mr. d'Aguiar, at one of these meetings, suggested that these talks should be postponed since the atmosphere of an emergency was not conducive to holding such talks. In this view he had the support of Mr. Burnham. We have seen where Mr. d'Aguiar challenged the 1961 Constitution and brought a case before the Supreme Court based on the

constitutionality of the law passed by the P.P.P. Government relating to the National Development Savings Levy. These two leaders were suggesting that what was written in our Constitution was not enough. They insisted, as all of us did, that these rights must not only be enshrined in our Constitution but that they must be enforceable in the courts, that there must be the right to review in the courts and, as I said, one leader contested one of the laws passed by the previous Government.

Perhaps one should go a little further back to the subversive literature Motion. The whole country was aroused by this measure. If I would dare to say so, I would think that this measure, more than anything else, helped the P.P.P. to secure a resounding victory in 1953. That Motion was passed in this very Chamber by an overwhelming majority. At that time, Mr. Burnham was Chairman of the People's Progressive Party. He led the fight against this measure. "Why shouldn't Guyanese", he asked "read what every Englishman can read in the streets of London and elsewhere?" He said that the measure was inimical to the interests of the Guianese people. Following that great victory in 1953, our Constitution was soon suspended.

The Attorney-General and Minister of State regaled us with some quotations about communist subversion in India. He did not have to refer to India. If he

[DR. JAGAN]

had read the White Paper on the suspension of the Constitution he would have seen that reactionaries would resort to that kind of language in any part of the world in order to destroy freedom and liberty. Mr. Burnham and I journeyed to England, to India, to Egypt and all over the world to protest against the suspension of the Constitution. There was the famous fire plot. You will know about that, sir. You, also, had the great honour of being one of the leaders of the P.P.P. The P.P.P. was supposed, according to that White Paper, to have a fire plot to burn down the City of Georgetown. Of course, when Questions were asked in the House of Commons, it turned out that the police had evidence of the fire plot after the Constitution had been suspended.

9.30 p.m.

But that was a little point which was overlooked by the Secretary of State for the Colonies. I remember Mr. Burnham saying in London that if the Government had any evidence it should bring it forth. He said the same thing about those who were detained - detained because they were plotting to burn down the City of Georgetown, plotting to set up a communist one-party state! Mr. Burnham, then a great advocate for the cause of freedom and liberty, not only exposed this bogus fire plot, but also, as my colleague Mr. Rudy Luck said, advised those detained

that they must not appear before another bogus affair, that is, the Tribunal which was set up to hear the cases of the detainees. He, himself, refused to obey Restriction Orders placed on him. He told them, "Gao! me if you wish." This was the fighter -- [The Prime Minister: "I hope you wrote that in your book."]

When Nasrudeen and the elder Mr. Bowman were charged for sedition the famous freedom fighter Pritt came down to defend them. He was a house guest of Mr. Burnham. Mr. Burnham was associated with the defence. Today, Mr. Burnham seeks power to detain and restrict individuals at will without recourse to the courts. His Attorney-General, well paid to do his bidding, recites evidence from India and elsewhere. But Mr. Burnham knows that Pritt defended the people who were fighting against the Maharaja of Hyderabad, one of the wealthiest landlords of the world. Pritt defended Jomo Kenyatta. Jomo Kenyatta was sentenced to imprisonment. After his release he was banished to a remote part of Kenya and put under Restriction Orders. The Prime Minister, who was then leader of the P.P.P., protested against the wickedness of the British Government in Kenya, in Malaya and so on. But his Attorney-General now tells this House about communist terrorism in Malaya. The White Paper accused the Chairman of the P.P.P., now Prime Minister, of supporting the Mau Maus, and

"communist terrorism in Malaya." There is clearly a change in the Prime Minister. [Mr. Luck: "Convolution."]

My hon. Friend Mr. Kendall asked, "What is the reason for the change?" I am glad he asked that question because I think he should know. When we look at the Government side today, what do we see? We see Kendall, John Carter, Lionel Luckhoo - people who were called loyal Kikuyus. For John Fernandes you could substitute Mr. Peter d'Aguiar. In 1953 the latter said in the streets that the masses were "asses" and, as the present Minister of Finance, he is operating on the basis of the same mentality.

The Prime Minister has changed because today he is in consort not with the progressive in this country who are moving forward, but with the people who want him to hold back the tide of history, the people who went to London to press the British to suspend our Constitution, and who accepted help from every reactionary quarter, in order to attain the position which he today holds.

The Attorney-General yesterday delved into some theories. As Socrates said, a little learning is a very bad thing. He tried to lecture to us about the role of the State; how the State must play a neutral part between the liberty of the individual and the interest of the public. Perhaps one should be charitable and

say that the Minister of State learnt his law, his politics and his ideologies in a different school from mine. But the fact is that the State is an instrument of one of two classes. Let us accept that. Any politician of worth knows that. The State is an instrument either of the feudal, the slave-owning and capitalist, namely the exploiting class, or, on the other hand, the exploited class. It is no use telling us that this State is attempting to hold the balance equally between the two concepts, liberty on the one hand and security on the other.

A Justice of the American Supreme Court once said -- [The Prime Minister: "What is his name?"] Justice Jackson. He said that security is like liberty under which many crimes have been committed. Let us look a little at how our friends first shouted under the slogan of liberty when they were members of the Opposition.

9.40 p.m.

Under the slogan of liberty they subverted our institutions. They made a mockery of the courts. Some of their men threatened magistrates; others invaded the Chambers of Judges while they were still sitting; they fermented disturbances; they broke the proclamation and they did all manner of things; they incited people to riot; they invoked the help not only of big business and reactionaries in this country, but also reaction-

DR. JAGAN

aries of the world. We know that large sums of money came into this country during the 80-day strike in 1963 in order to maintain the strike. We know that this strike - the strike for liberty we are told - was supported by big business which is always willing to help the workers to overthrow a Government which is working in favour of the masses. In some cases, the workers were given leave with pay to encourage them to go on strike. The C.I.A. was also very much in evidence in this matter.

The *New York Times*, a very responsible and conservative journal, in a series of five articles on the C.I.A., had this to say about Guyana:

"It has poured money into Latin American elections in support of moderate candidates against leftist leaders such as Cheddi Jagan of British Guiana."

Before the memorable Elections and the 80-day strike, we had the February riots of 1962 during which time our fair City was burnt down. Over \$11 million worth of property was lost; persons were injured, and police officers were shot. I would like to relate these incidents with what has taken place in the U.S.A. Following the disturbances and the February riots of 1962, our Prime Minister, the then Leader of the Opposition, journeyed to the U.S.A. on a mission similar to what his col-

leagues, who joined him, had taken in 1953 - the colleagues who joined him after he had lost the Elections in 1957, when the P.P.P. merged with the U.D.P. to become the P.N.C.

In New York City we were told that Guiana was "in the train of communism." This time it was not Moscow communism but Cuban communism. We were told that 1,000 Cubans were in British Guiana. That was the prelude to the visit to Washington.

Mr. Speaker: Time!

Mr. Ram Karran: I beg to move that the hon. Leader of the Opposition be given half an hour to complete his speech.

Mr. Khan seconded.

The Prime Minister: Under the Standing Orders it can never be for half an hour. The Standing Orders state fifteen minutes, but the hon. Member may continue.

Question put, and agreed to.

Dr. Jagan: Dr. Schlesinger, adviser and aide to President Kennedy, met Mr. Burnham, and this is what is written at page 568 of his book - I am referring to the book *One Thousand Days John F. Kennedy in the White House*:

"The state department at first thought we should make the try; then Rusk personally reversed this policy in a stiff letter to the British early in 1962.

Thus far our policy had been based on the assumption that Forbes Burnham was, as the British described him an opportunist, racist and demagogue intent only on personal power.

Then in May 1962 Burnham came to Washington. Burnham's visit left the feeling, as I reported to the President, that an independent British Guiana under Burnham (if Burnham will commit himself to a multi-racial policy) would cause us many fewer problems than an independent British Guiana under Jagan. . . .

And the way was open to bring it about, because Jagan's parliamentary strength was larger than his popular strength; he had won 57 per cent of the seats on the basis of 42.7 per cent of the vote. An obvious solution would be to establish a system of proportional representation."

Dr. Schlesinger, in ending used these words:

"This, after prolonged discussion, the British Government finally did in October, 1963, and elections held finally at the end of 1964 produced a Coalition Government under Burnham."

He should have said "after prolonged subversion and pressure from the U.S.A." as reported by Drew Pearson. That is the understanding. This must be the basis of the understanding of what is

happening here in our country today. Today the people who created disaster and subversion are now in the seats of the Government. They ask us why there is no violence in Guyana now. Obviously the reason is that those who inspired violence and were the perpetrators of violence are now in the seats of the Government. Whose security are they talking about? Are they talking about the security of the workers about whom the Prime Minister used to speak?

One merely has to look at a few of the things which have happened since this Government took office in order to see that the members of this Government are interested in big business.

9.50 p.m.

Today they glibly talk about democracy and freedom, but, in truth, whose interest are they seeking? Listen to Richard Ishmael, one of their principal supporters, speaking in the *Labour Advocate* of October 30, 1966. He says:

"From last year, with a new Government in office, we set out to bridge the gap, but immediately ran up against the employers, many of whom felt that the good old days were back . . ."

Then he goes on -

"They have become more difficult and we anticipate there will be more industrial unrest until employers more

[DR. JAGAN]

voluntarily give workers their just rights and a fair share of profits."

Since when do employers voluntarily give to those whom they exploit? Be that as it may, the fact is that Ishmael has said - and let us underline the words - "the good old days are back".

As evidence of this, all we have to do is to look at what happened last year and this year in this country. The taxes which fell on the exploiting class in 1962 under the P.P.P. regime have either been repealed or drastically modified. Exchange control has been abolished. Now we read in the P.N.C. organ and in the daily Press that exchange control must be reintroduced after the capitalists and people like d'Aguiar have taken their money out of the country.

A few days ago we read that the sugar planters have said that if workers go on unofficial strikes they will be denied the right to a bonus to which they are entitled and for which they have worked. When a hue and cry was raised about this, what did the sugar producers say? They said, "This is nothing new. The rule was there since 1952". Of course it was there since 1952. Lionel Luckhoo was then introducing the subversive literature Motion in this Chamber and was signing away the rights of the workers as President of the M.P.C.A. That is how that

vicious bit of agreement was made. Look at the wickedness of these people! May I just read from this circular which was sent out under the name of R.D. Persaud, Senior Field Secretary of the M.P.C.A. It states:

"This clause was in the agreement since 1952 when Dr. Jagan was in the M.P.C.A."

Lies, big lies! Not only do they tell the people that, but like Hitler they want to falsify history; they want to resort to big lies so that they can fool people, who, they think, have short memories.

This is another reason why they want to silence the Opposition and to intimidate the workers with this Bill, so that people would not see what they are doing. Again we ask the learned Attorney-General and Minister of State to tell us a little bit more about the social and economic history, not only the legal history, of the world. Then he will see why certain things happened and why the cards were dealt in a certain way at a certain time.

The answer to my hon. Friend Mr. Kendall is - [Mr. Kendall: "I ask you anything, man?" (*Laughter*)] We can see signs of growing dissatisfaction. All over the place we see rising unemployment, increasing cost of living, lowered prices to farmers on every front - for rice, milk, coffee, citrus. The latest dissatisfaction is this retrenchment just before Christmas. How

much more callous can you become? The growing dissatisfaction is evidenced by the growing number of strikes in this country. There was an unprecedented number last year, which will be surpassed this year. Leading members of the Government are saying, "Let us ban strikes." An individual is appointed to head a commission and he recommends that anti-strike law must be passed. Clearly any blind man can see that this Government is not carrying out the role of the State, as the Attorney-General said it was, that is, holding the scales evenly balanced between liberty on the one hand and security on the other. Certainly it is ruling in the interest of the ruling classes, the foreigners who dominate the economy of this country and their local lackeys, who speak glibly in the name of freedom and democracy when they are out of office, but, when they are in office, seek to put the workers in chains.

At this stage I should like to draw an interesting parallel between our Bill and a similarly dubbed Bill in the United States. In 1950 the United States of America enacted what is called the Internal Security Act. Under this and a previous Act passed in 1940, called the Smith Act, McCarthyism was spawned and totalitarianism was launched on the good people of the United States of America.

10.19 p.m.

On resumption --

Mr. Speaker: When we took the suspension the hon. Leader of the Opposition had been speaking for 45 minutes.

Dr. Jagan: Before the coffee interval I was referring to the similarity between our National Security Bill and the U.S. Internal Security Act of 1950. I pointed out that that Act of the United States spawned McCarthyism which was to play havoc with the rights and liberties of the American people for quite a few years.

In an atmosphere of hysteria, a committee which called itself Un-American Activities Committee used the weapon of smear, and individuals were subpoenaed to appear before that Committee. They were asked questions pertinent to their political beliefs, "Have you any association with the Communist Party?" If they refused to answer, invoking a Clause in the American Constitution, they were presumed to be guilty. If they replied in the negative, then the muck was raked, the whole history of the individual was brought into the open and any slight association was the cause of a charge of perjury. **Mr. Cheeks:** "Association with what?" If the individual had any association with persons who might have had communist connections, he was charged with perjury and sent to

[DR. JAGAN]

In an atmosphere of hysteria there came upon the American scene a charge of conspiracy that the Truman and Roosevelt administration had conspired to give away and sell the rights of the American people to the Russians. Thereafter, no one was safe. Of course this hysteria campaign was mounted even earlier. I mention this because the Attorney-General introduced this subject in his speech. In setting out his anti-communist sentiments, he spoke about the necessity of the State to prevent the subversion of democratic institutions. This is what the Un-American Activities Committee, under McCarthy and his henchmen, was set up to do. This Committee was dubbed the "Subversive Activities Committee".

The hon. Minister of Home Affairs said that Guyanese people had nothing to fear. The law-makers in America also said that the people had nothing to fear but, having worked them up into this hysteria of anti-communism, the situation arose where no one was safe.

I should like to read from a book which describes what happened in an even earlier period after the First World War. This quotation is to be found in a Book entitled *The F.B.I. Nobody Knows*. On page 136 of this book we see where the Attorney-General

in the United States, after refusing to submit F.B.I. records to the Senate Brookhart-Wheeler Committee, used very emotional language. I should like to read this section:

Daughtery noted that the Brookhart-Wheeler committee had asked for the confidential files of the Bureau of Investigation. Exhibiting the tender regard for those files that has been characteristic almost every time the subject is mentioned, the former Attorney General struck a patriotic pose and declared that he had refused to open the files. He had resigned first, he said, because the files 'contained abundant proof of the plans, purpose, and hellish design of the Communist Internationale'. Some might have thought that it would be a good idea to bring such devilish machinations out into the broad light of day, to expose them - but not Daughtery. He preferred to tell his listeners about what those secret files contained. 'I would sound a warning note to every American tonight,' he thundered. 'The enemy is at the gate. He aims at nothing short of the overthrow of the institutions which are your protection and mine against tyranny, whether exercised in the name of a monarchy or in the name of a mob.' "

This section deals with what is called the "Indictment of a Senator". Senator Wheeler, a freshman Senator from Montana, exposed what is now known in the history of America as the famous "Teapot Dome" scandal. A high official in the Government, in the Republican administration, gave away rights to Navy oil reserves in Montana, and it came out at the hearing, after it was exposed by Senator Wheeler, that this individual had given these oil rights after he had received a loan, a consideration, of \$100,000. Of course, it was called a loan.

Let me read further quotations from this book because, under the hysteria of communism, anything goes.

10.30 p.m.

It is stated on pages 129, 130 and 131 as follows:

"The Republican National Committee, taking up the theme first planted and tested in the press, tried to disparage any inquiry of Daugherty before it could get started by intimating that Wheeler was a dangerous American Bolshevik. During Wheeler's term as United States Attorney in Montana, the committee declared, that state 'became a hot bed of treason and sedition, the leaders in the seditious and

treasonable movement being friends of Wheeler's.' This propaganda and the desperation that inspired it were transparent. Wheeler and Brookhart, undeterred, drove full speed ahead with the Daugherty probe."

"We took testimony,' Wheeler wrote in his autobiography, 'that Department of Justice agents had ransacked the offices of Senators Thaddeus H. Caraway and Robert M. La Follette and Representative Roy. O. Woodruff, a progressive Michigan republican.'

'My own office was rifled during the hearings on several occasions. Government-hired detectives hung around the committee's offices constantly . . . Some of our witnesses were approached to find out what testimony they would give.

Others were shadowed.. J. Edgar Hoover, then assistant chief of the Bureau of Investigation, sat next to Daugherty's defence counsels throughout the hearings.'

Appearing before an investigational committee, top agents of the F.B.I. Gaston B. Means described techniques for spying on U.S. Senators. He testified:

" 'Oh, (you) search his . . . find out all the mail that comes in, all the

[DR. JAGAN]

papers, anything that he has got lying around. Find out in his home. Just like you would take . . . the same principle that you pursue, Senator, when you make a criminal investigation. There is a servant working in this house. If she is a colored servant, go and get a colored detective woman take her out; have this colored detective woman to entertain her, find out the exact plan of the house, everything they discuss at the table, the family, write it down, make a report. And any information you find that is . . . report what you find . . . and even if it is cheating, why of course it is used. If it is fine, why you cannot use it. It does no damage.'"

The book goes on to show that a case was framed against Senator Wheeler who was then called a "Red" and this is how Cook in his book *The F.B.I. Nobody Knows* puts it:

"Parenthetically, an obeisance in the general direction of sanity might be made here. If any lesson is needed on the dangers of categorizing ideas, this is it. Senator Wheeler, this 'radical of radicals' in 1924, was to become in a short span of years the darling of the conservatives. They loved him when he helped lead the fight on Roosevelt's court-packing plan in 1937; they adored him when he balked at the third term; and when

he opposed foreign entanglements on the eve of World War II, the enchantment of America Firsters knew no bounds. Wheeler, then, was hailed as a great American patriot, and Republicans even mumbled in their beads about the possibility of making him their candidate for the Presidency."

Mr. Speaker: Time!

Mr. Ram Karran: I beg to move that the hon. Member be given an extension of fifteen minutes.

Mr. Khan Secinded.

Question put, and agreed to.

Dr. Jagan: In the hysteria against communism, a radical Senator, later becoming a Conservative, was deemed a communist. In the 1930s Americans volunteered to fight against Fascism in Spain. The world would have been spared a great deal of tragedy and suffering had Franco been defeated. But after Franco had won with the help of Mussolini and Hitler, all the Americans who had volunteered to fight on the side of the Republicans and had returned home were hounded. The F.B.I. starting again in the 1940s with its anti-communist hysteria campaign, indicted and persecuted these individuals. After a while no one was safe. Liberals and radicals were all dragged into the dragnet. At one time the F. B. I. had a file-card-index system of 60,000 names. Hoover admitted in his book that, at that time there were

only 12,000 communists in America, but in the dragnet 60,000 names were investigated!

At page 171 of the same book it is stated:

"In 1941, the critics were 'the rabble-rousing Communist, the goose-stepping bundsmen, their stooges and seemingly 'innocent' fronts, and last but not the least, the pseudo liberals . . . By whom have these persons been set upon us? By persons whom we have trusted the most - by certain teachers in our public schools and institutions of higher learning, by certain writers, fattening upon the royalties paid by the American people while fostering class hatred and discontent, by some prattle-minded politicians, grabbing for votes with one hand while waving the flag of pseudo-liberalism with the other, and worst of all by some ministers of the Gospel who have loudly proclaimed the Communist's right to destroy America and its God-fearing way of life' . . . "

That was J. Edgar Hoover speaking. In the dragnet were liberals, teachers in public schools, certain writers, Ministers of the Gospel and so on. I need not go on to dwell on all of this, but suffice it to say that McCarthyism was finally launched on the

American scene. Famous people, scientists such as the atom scientist, Dr. Oppenheimer, were hounded out of their jobs. Many say now that it was because of this witch-hunting that America is behind the Soviet Union in the rocket race to the moon. Actors, screen writers and directors were put on the black list; they were hounded out of their jobs.

Later on, there came out this example of what happened. One of the writers wrote under a pseudonym. He was awarded an Oscar for a picture called, "The Brave One". When he went to receive his prize - of course the McCarthyism era was over - it was disclosed that he was one of the Hollywood ten who were hounded out of their jobs. Also, not only in the U.S. administration but even in the United Nations, New Dealers, many of whom had served in the Roosevelt administration and held important posts, lost their jobs. Professors, teachers at universities and students were all hounded down.

10.40 p.m.

I have here a little book called *Rumour, Fear and the Madness of Crowds* by J.P. Chaplin. He was referring to the attack by McCarthy on the President of Harvard University and he wrote:

"The ferocious attack on Dr. Pusey was ill-taken, even by many of the Senator's long-time supporters. The uncalled for assault drew

[DR. JAGAN]

especially strong criticism from Wisconsin newspapers, some of which had previously supported the Senator's crusade. Harvard University and Dr. Pusey remained silent. The enraged Senator subsequently referred to the university as a 'sanctuary' for communists."

Libraries were purged of books. A book called *Citizen Tom Paine* - he was an Englishman who fought with George Washington and others during the American revolution - a biography written by a communist, was taken out of the shelves of the City of New York's library. The McCarthy Committee went on a tour of Europe and in all U.S.I.S. libraries certain books were purged. Look at the hysteria we are having in this country - the biggest subversion hysteria was Mr. Luckhoo's, years ago.

President Truman, as we all know, was not a flaming radical. He was not even a radical, but this is what we see at page 174 of this book:

"To make matters worse, there was a considerable body of opinion in the United States which assigned the blame for this tragic state of affairs on the State department and the executive branch. The 'conspiracy theory' so ably defended by McCarthy, extreme anti-New Dealers, and the lunatic fringe, held that the Roose-

velt and Truman Administrations had sold out the free world to the Soviet Union."

Another very apt quotation on that same point is to be found in a book which is called *Freedom is as Freedom Does* by Corliss Lamont. I will quote from page 75, referring to this same charge against President Truman.

" . . . This is why he did not hesitate to tangle with the highest officials of the Republican Administration and to imply, by making speeches entitled 'Twenty Years of Treason' about the Democratic Administrations from 1932 through 1952, that most democrats are traitors. In May 1954 McCarthy included in this slur the first year of the Eisenhower Administration by referring to 'the evidence of treason that has been growing over the past twenty, twenty-one years'."

Even Eisenhower was, at that stage, to be deemed as subversive. What evidence is there that the Members on the other side of the House will not behave in the same way that McCarthy behaved? What evidence is there to show that the second Tribunal, which will be the creature of the Prime Minister, will not behave in the same way as the Un-American Subversive Activities Committee and tar right and left leaving no one safe in this country?

Let us look at the record of this Government. We have seen crass discrimination in employment practices and in other

phases of public life. We have seen the use of violence against persons like Dr. Chandra - not a politician - of the Mahatma Hospital. We have seen a form of violence unleashed against Mr. Ivor Cendrecourt. We know these people who have told us that the rule of law will not be interfered with in this Bill. We have seen where the courts have freed an individual, and immediately after his release he was held and put in detention. We have seen that this Government is making more and more use of informers. More money has been voted to pay people who are going to be stool-pigeons, and these informers are increasing in number month after month.

My hon. Colleague Mr. Wilson read a statement from this same book *The F. B. I. Nobody Knows*, and he showed how the F.B.I. dragnet worked against people. F.B.I. informers who were on the payroll lied and as a result of their lies many people were convicted.

Mr. Speaker: The hon. Member has been speaking for one hour.

The Prime Minister: Wind up.

Dr. Jagan: If you want to stop me, you can do so.

Mr. Bissember: We arranged that you would speak for one hour.

10.50 p.m.

Mr. Speaker: Has the hon. Member been given an extension?

Dr. Jagan: This is a very important measure. The hon. Prime Minister did not object when I spoke for seven hours on the Subversive Literature Motion. Why can I not be given sufficient time now to develop my point?

Mr. Speaker: What is the position?

The Prime Minister: I move that the hon. Leader of the Opposition be allowed a further five minutes to conclude his remarks.

Question put, and agreed to.

Dr. Jagan: In this book, under the Chapter headed *Hoover, Palmer and the Red Raids* the author states:

"When the trap was sprung, some 10,000 victims - by a later estimate of the Walsh committee - were swept up in the nationwide dragnet. The shocking actions of the 1918 draft raids were being repeated - on a larger and more vicious scale. The *Times* reporter, observing the first desperados picked up in New York, gave this skeptical judgement:

'They were a tame, un-terroristic looking crowd, and their appearance bore out the statements of operatives that not a man had tried to put up a fight. Among the prisoners that came into headquarters late were twenty-five women, half of them apparently girls of high school age.'"

[DR. JAGAN]

People have asked, "Can a person like Mr. Nunes have committed the offences for which they claimed he must be detained and now restricted?" I ask this question because it is clear that the Government is out to silence the Opposition. The Government is today faced with discontent and dissatisfaction in its own ranks. One of its members admitted to me only yesterday that we are a little fortunate because while we were in the Government our supporters could be given a piece of land and were happy, but the supporters of this Government want jobs and where can jobs be found? Where can they find the industries and the money? [Hon. Members (Government): "Call names."] I am not an informer." [Mr. Merriman: "You are a coward."] I am not in the habit of lying like you.

We know the gentleman by the name of Peter d'Aguiar. We know his hysterical preoccupation with this question of communism. According to him, everything to which he is opposed is caused by communism.

Mr. Speaker: The hon. Member has five minutes more.

The Prime Minister: He has two minutes more.

Mr. Speaker: Wind up, Dr. Jagan.

Dr. Jagan: I am winding up. Red herrings have been raised

about the Tri-continental Conference and about people wanting to introduce a foreign ideology into this country. When the Americans fought the War of Independence, it was said by the British, who fought against them, that the foreign ideology and the help from France were influencing the people into revolutionary action. The Tri-continental Conference was a meeting of progressive people from all over the world, Tanzania, Ghana, India, Zambia, some of the Afro-Asian states to which these Members give credit. What did they say at this Conference? From what we hear they were plotting subversion and revolution. Nothing was wrong with the American Revolution but if individuals like the Attorney-General were living at the time they would no doubt have been fighting with the British against the Americans.

At the Tri-continental Conference they pledged themselves to aid all national liberation movements, all people who are fighting for freedom. They agreed not only to give aid to Vietnamese people but also to the Rhodesians. The people of these two countries were high up on the agenda for aid. They agreed to give help to the liberation movement which is fighting in Angola against the vicious Salazar regime.

The Minister says we are advocating armed violence. What do you think is happening in Vietnam? What do you think is happening in Angola? What do you

think Tanzania, Ghana and all those other people have decided to do? To pass resolutions? Hon. Members have heard the Prime Minister say that armed force must be used to liberate the people of Rhodesia from the Fascist Ian Smith. What is the difference between that and the Resolution passed at the Tri-continental Conference?

Mr. Speaker: Time!

The Prime Minister: In winding up this debate on behalf of the Government I would like to observe that many of the hon. Members of the House, on the other side, seem to have been misled by the title of this Bill. Because they noted that it referred to "Miscellaneous Provisions", they thought they were empowered to indulge in a miscellany of irrelevancies. In the circumstances, I am forced to answer some of these inaccurate observations.

In the first place, I would observe that there were some Members, like the hon. Member Mr. Maccie Hamid, who attempted unconvincingly to suggest that this Bill is unconstitutional. Merely for the record I would note that this Bill is within the Constitution as provided. As the hon. Attorney-General has been at pains to explain to this House, not only is it within the Constitution, but certainly it does not take advantage of all the powers that the Government could have exercised under the Constitution.

11 p.m.

In this respect, it is perhaps of more than passing interest to note the quotation made by the hon. Member Mr. Benn when he referred to the rise of Fascism in Germany. He was at pains to suggest that, in the same way that Hitler gave assurances that the powers he was assuming in March of 1933 would be used only for carrying out vitally necessary measures, even so this Government's undertakings will not be honoured. Of course, he failed to recognise that, whereas Hitler in March 1933 was seeking to go beyond the Constitution, to give to the Cabinet legislative powers which were prohibited to the Cabinet under the Constitution, and whereas Hitler was seeking to amend all of the provisions of the Constitution, this Bill is within the Constitution, and constitutionality is not the issue.

Now, therefore, the next point we have to consider - having heard the lengthy speeches of hon. Members of the Opposition is not whether it is constitutional or not, but whether in our experience and in the experience of the world, a Government has the moral right, or duty - as some would say - to use or make use of legislation such as this. [Mr. Wilson: "Over my dead body."] I would say, in spite of the interruption of "Mr. S.S. Davson", that, so far as the Opposition was concerned, the contribution of the hon. Member Mr. Saffee was one which one could understand. So far as Mr.

[THE PRIME MINISTER]

Saffee was concerned, any legislative measure aimed at making it possible to detain persons in circumstances such as those envisaged in the Bill, met with his disapproval, regardless of the country in which such a legislation was promulgated, regardless of the ideology of the Government promulgating such legislation.

Of Mr. Saffee I would say no ill, I would merely pay tribute to his naivety in the circumstances of the world and the country of Guyana. [Mr. Ram Karran: "What about Dr. Richmond?"] Our country has always had difficulties with dentists. [Laughter.]

As I was saying, the central point is this - and it does not matter what is the ideology of the Government, it does not matter whether you are a communist, Fascist, socialist, Nazi or else - has a government got the right, in certain circumstances, to promulgate legislation of this type? [Interruption by Dr. Jagan.] The hon. Leader of the Opposition seems to recognise only one type of dictatorship, the Fascist dictatorship. For instance, the hon. Leader of the Opposition visited Moscow this year and he said, "This is the first time I have ever breathed the air of freedom."

Now let us consider this free air with which he was filling his lungs for the first time

in his life. Mr. Khrushchev, a member of the Communist Party before the hon. Leader of the Opposition was born, admitted that, in so far as Stalin was concerned, there were arbitrary arrests and arbitrary killings. I do not question the judgment of the Russian Government to have detentions. I do not question the right of the Cuban Government to have detentions. I do not question the right of the Indian Government to have detentions. After all, this is a judgment which has to be made by the Government in office. Therefore, it seems to me either the very height of ignorance or of rascality to come into this House and say that preventive detention is peculiarly Fascist. Preventive detention is not peculiarly Fascist. It is an instrument which any Government may use and which every type of Government has used in varying circumstances from time to time.

The question is - and this is the one devoutly to be asked: Do the circumstances exist in the context of Guyana to make such legislation necessary or morally defensible? That is the question which I shall now discuss, but, before I discuss that, it is more than apposite to consider some of the irrelevancies advanced by the hon. Leader of the Opposition. He was kind enough, at one time, to lend me Mr. Schlesinger's *A Thousand Days* and then I went out to have coffee. When I came back I asked him where it was, and he said, "It's gone." [Dr. Jagan: "The

reporters have it."] However, I have another one. Now this system of quoting to justify one's point of view or to prove one's contention on the basis of another person's judgment or assertions is known to us all. I do not highly regard Mr. Schlesinger's judgment of Dr. Jagan. For instance, this is how it reads:

" . . . a personable and fluent East Indian but endowed, it seemed to those of us present, with an unconquerable romanticism or naivete."

Shades of the words of Mr. Justice Khosla: "lacking in nimbleness of wit"! I do not accept the judgment of Mr. Schlesinger when he said this; I accept the accuracy of his quotation:

"Jagan, after avowing his commitment to parliamentary government, went on to say that he also admired the *Monthly Review* and the rather pro-communist writings . . ."

I am quoting from page 776 of *A Thousand Days* by Arthur M. Schlesinger. I am proceeding.

. of Paul Sweezy, Leo Huberman and Paul Baran. George Ball and I pressed him on this point, declaring there was a large difference between Bevan and the Sweezy group. Jagan finally said, 'Well Bevanism, Sweezyism, Hubermanism, Barnanism, - I really don't get these ideological subtleties.'

11.10 p.m.

Confused man! Kennedy observed later that that was the one time when his judgment ran false. I do not accept the judgment of Mr. Schlesinger. I just want to bring to the attention of the House the fact that Mr. Schlesinger expressed certain uncomplimentary views, (a) as to the mentality of the Leader of the Opposition, and (b) as to his veracity. I am capable of forming my own judgment on those matters, and I do not have to call to my aid Mr. Schlesinger.

We were again told by Dr. Jagan that the *New York Times*, a "reasonable and conservative paper", said he -- listen to the mentality of the gentleman; when he wants to quote from the *New York Times* he uses what one would recognise as the wrong conjunction -- [Mr. Luck: "What is the conjunction?"] The conjunction should have been "but". [Mr. Luck: "You are frightened to use it."] We are not really interested in what Schlesinger thinks of Dr. Jagan.

Let us consider whether there is any justification for the promulgation of this legislation, in the circumstances of Guyana. I would, of course, say this: It is accepted that there are certain activities carried on by citizens of various nations which are such as to make a trial for a criminal offence, or criminal offences, either a waste of time and taxpayers' money or not worthwhile. The hon. Member Dr. Jagan

[THE PRIME MINISTER]

asked, "How could a man like Nunes have committed any of the offences?" Dr. Jagan is either not in the control of his party or he is deliberately attempting to mislead this House, for Mr. Nunes has admitted that he was involved in the sabotage of buildings. [Mr. Nunes: "Evidence!"] On the 23rd May at 6.30 p.m. -- [Mr. Luck: "Withdraw!"] I refuse to withdraw. If Mr. Nunes had been more specific we would have been able to bring forward a criminal charge, but Mr. Nunes said that he was involved in the sabotage of buildings but had come to the conclusion that it was no longer sensible to pursue a course of violence. That was your statement to me in your hospital room! [Interruption from Mr. Luck.]

Mr. Speaker: Hon. Member. Mr. Luck!

The Prime Minister: Does it lie in the mouths of people like these to contend that this is a rape of the democratic rights of the Opposition? Great capital, on the part of the Opposition, has been made on a mere asseveration that this Bill is intended to suppress the political opponents of the Government parties. Even those who have had only a passing acquaintanceship with *Liversidge v. Anderson* will have had imprinted upon their minds the fact that the tests are objective ones. Activities must be activities aimed at undermin-

ing law and order. [Mr. Luck: "It is dishonest to mislead the House."] The dissenting judgment is not law -- [Mr. Jagan: "Dissenting judgment?"] It was the judgment which began the purple patch "amidst the clash of arms . . ." Even Ramsahoye can teach you that.

There is no intention on the part of Government to use the powers under preventive detention against anyone for what they read. There is no such suggestion in this Bill, there is no intention on the part of those promulgating this measure to use the powers of preventive detention against any individual who differs from the Government politically or ideologically. We can allow them to be naive, we can allow them to read anything that they want to read in the hope that somewhere along the line they will understand what they read. We can allow them all the protests, but as soon as there are subversive acts, acts calculated to undermine good government, then we say it is time to call a halt and to use the powers which inhere in any Government, regardless of its ideological orientation. There is no intention to stifle protests. There is no intention to suppress dissent.

For instance, it is as simple as this. Let us compare the Press Conference held by the Prime Minister with the Press Conference held by the former Premier. As far as the Prime Minister is concerned anyone - in-

cluding the representative of the *Mirror* who once said, "Sir, they told me to ask that " - can ask any question. As far as the former Premier was concerned, because Kit Nascimento and Armstrong asked embarrassing questions, they were banned from the Conferences. The previous Government showed itself intolerant of criticisms. Certainly not this one. I would say that the facts are all there. I would desire, on the part of the Government, to repeat that I am not prepared to prevent people from reading whatever they want to read.

11.20 p.m.

I am not prepared, nor is my Government prepared, to exercise any of the wide powers, even *dehors* this Bill, against persons who merely differ from the Government. I assure this House that these powers when exercised will be exercised without discrimination.

So far as we are concerned, the people are allowed to criticise; people are allowed the freedom to differ from the Government, but as soon as they have ideas like those which Mr. Nunes had we will have to deal with them. [Mr. Nunes: "Release my colleagues."] He asked me to release his colleagues; he said he was a responsible man but not the rest of them. Even Luck suspected that you had told me about the matter. [Mr. Luck: "You are misleading the House!"] So far as misleading the House is concerned, I will say more about that later. I know that you are

on your way to Canada, if you will be admitted there.

I am grateful for the remarks made by the naive Leader of the Opposition - a person lacking in nimbleness of wit. [Interruption.] There is a certain amount of hypocrisy in this matter. Every Government in the world has an Intelligence Service. When the P.P.P. was in office it had an Intelligence Service. When the head of the Special Branch told Dr. Jagan that he had only one stool-pigeon in the P.N.C. executive, Dr. Jagan asked him, "Why don't you get another one?" [Laughter]

A great deal of play has been made about both Tribunals. Let it, however, in fairness to the Leader of the Opposition be said that his critical remarks with respect to the Tribunals were directed solely to the advisory Tribunal which sits in the case of restrictions. I was rather surprised to hear that a Tribunal appointed by the Chancellor in his absolute discretion, without consulting anyone, from amongst Judges and persons entitled or qualified to be Judges, was the subject of such sly remarks and ill-digested criticisms.

This evening we learnt that Judges in the past, under the most trying circumstances, gave justice. [Interruption] Mr. J.A. Luckhoo gave more than justice in the "gasolene case". It was the very epitome of justice, because he held, and I say quite rightly, that the case should have been proved beyond all

[THE PRIME MINISTER]

reasonable doubt and the petitioner had not so proved his case.

We have heard, and Mr. Luck knows, that a Judge was fair in the *habeas corpus* case of *Luck v. Sharples*. [Interruption.] The Judges of the West Indian Court of Appeal were pellucidly fair in the case of *Luck v. Sharples*. How on earth will we ever get a Tribunal which is accepted as impartial by the Opposition?

In the case of the Tribunal which has power to bring an end to detention, it is power given to the Tribunal by the executive. It has power to release a man from detention. In other words, the executive will have absolutely no influence over the Tribunal. There is no point in saying that the Tribunal will be chosen by the Prime Minister in preparation for the detention of people.

So far as the Tribunal, which is advisory, is concerned, two persons will be appointed by the Prime Minister. For that, we make no apology because, again under the Constitution, the Tribunal may be merely advisory. It is not a question of constitutionality here at all; it is a question of whether the circumstances in this country make it necessary to have this law. The executive is not in any circumstances compelled to accept the advice of the Tribunal. In that respect we are merely following the pro-

visions of what might have been our Constitution if Dr. the hon. Fenton Ramsahoye had his way, because he made provision for an Advisory Tribunal in cases of detention and restriction during an emergency. In our case we, first of all, established a Tribunal which may be described as executive, and another Tribunal, which is advisory, to deal with detention and restriction respectively.

11.30 p.m.

The hon. Member Dr. Ramsahoye never thought of these two types, but what need have we any further to answer the irrelevancies? As I said before, the one member of the Opposition who spoke with logic was the hon. Member Mr. Saffee but I have had cause to observe that in the light of our own experience, in the light of the experiences of men like Kenyatta, in the light of the experiences of men like Nehru in 1949, in the light of experiences of men like Ayube - [Interruptions.] - ideology is not the criterion. What is the criterion is whether or not there are certain acts and whether or not the Government considers it expedient to deal with them. Unusual acts deserve unusual remedies. This unusual remedy the Opposition has failed to recognise is only pendant, for it is provided that the section which pertains to detention will not come into operation unless, and until, an Order is signed. [Interruptions.] It was dis-

honest of the then Minister of Education to allow a guarantee to be signed by someone who did not have the property value which the regulations called for on the recommendation of a former Attorney-General.

I want to give an assurance to this Assembly and to the public that, in the same way as an emergency will not be declared unless the objective circumstances so dictate, even so will the advice to the Governor-General be tendered only if the objective circumstances so dictate. There is no intention on the part of this Government to bring into operation immediately those sections which relate to preventive detention. There is no intention, there is no ability, on the part of the Government to introduce preventive detention for dealing with strikes. There is no intention or ability on the part of the Government to use preventive detention in the case of persons who merely differ. But this Government will be lacking in its duty to the public, in its duty - as Nehru said - to the vast majority of the population of this country, if it failed to exercise this power whenever anyone attempts to indulge in such acts as were indulged in over a certain period. [Applause.]

Question put.

*Assembly divided: Ayes 29
Noes 19, as follows:*

Ayes	Noes
Mr. Wharton	Dr. S.A. Ramjohn
Rev. Trotman	Mr. Persaud
Mr. Tello	Mr. Linde
Mr. Singh	Mr. Ally
Mr. Sancho	Mr. Khan
Mr. Prashad	Mr. Lall
Mr. Field-Ridley	
Mr. Budhoo	Mr. Jagan
Mr. Blair	Mr. Luck
Mr. Too-Chung	Mr. Hamid
Mr. Joaquin	Mr. Wilson
Mr. Duncan	Dr. Ramsahoye
Mr. Clarke	Mr. Nunes
Mr. Bowman	Dr. Jacob
Mr. deGroot	Mr. Hubbard
Mr. Thomas	Mr. Chandisingh
Mr. Merriman	Mr. Ram Karran
Mr. Mahraj	Mr. Benn
Mr. Kendall	Mr. Chase
Mr. Kasim	Dr. Jagan
Mr. Jordan	
Mr. John	19.
Mrs. Gaskin	
Mr. Correia	
Mr. Cheeks	
Mr. Bissember	
Mr. d'Aguiar	
Dr. Reid	
Mr. Burnham	

- 29.

Motion carried.

Bill read a Second time.

Assembly in Committee.

11.40 p.m.

Clause 1.

Mr. Chase: I move the substitution of the figures "14" for the figures "11" appearing in the first line of the proviso to subsection (2). The purpose

[THE PRIME MINISTER]

of this Amendment is to provide that all 14 sections of Part 1 - Preliminary - should be treated in one way, that is, that they should come into operation on such day, not being prior to the coming into operation of the other sections, as the Governor-General may, by order, appoint.

The Bill, as printed, excludes Clause 13 dealing with the Advisory Tribunal and Clause 14 dealing with the explanation of this part of the Bill from that proviso. It is my contention that clauses 13 and 14, particularly clause 13 dealing with the Advisory Tribunal, and clause 12, which I omitted to mention, should all be treated in the same way. Clause 12 is the clause dealing with the restriction of movements of suspected persons. This clause permits the Minister, if he is satisfied with a view to preventing a person from acting in a manner prejudicial to public safety or public order or the defence of Guyana, to make an order restricting that person.

It seems to me that, in the same way as the powers of the Minister in relation to the making of an order for detention are limited by the proviso to this clause 1 (2) in the same way this power, in relation to the restriction of movement of suspected persons, should similarly be limited. Apart from clause 12, the proviso excludes the advisory tribunal which is to be appointed by the Chancellor, who

appoints the Chairman, and by the Prime Minister, who appoints two other persons after consultation with the Chancellor.

I therefore move that the proviso to Clause 1(2) be amended so that the proviso will now read:

"Provided that sections 3 to 14 (inclusive) shall come into operation on such day, not being prior to the coming into operation of the other sections, as the Governor-General may, by order, appoint."

You may be concerned with the lateness in receiving those notices, but as I indicated from my seat, the Leader of the House Mr. Bissember had indicated to us that it was not proposed to proceed with the Committee stage of this Bill at this time. Consequently, they were being held in order that full consideration could be given to every Amendment that was being proposed so that as much time as possible could have been given to us to consider the points which we have in mind. That is responsible for the lateness of those notices, but they are quite within the Standing Orders and ought to be considered at this time. I therefore move the Amendment which stands in my name to Clause 1, subsection 2, of the proviso thereto.

The Chairman: I want to suggest that we take the Adjournment now so that the Clerk and I can go through the Amendments. They have just been handed to us.

Assembly resumed.

ADJOURNMENT

Resolved, "That this Assembly do now adjourn until Friday, 25th November, 1966, at 2 p.m."
[**Mr. Bissenher.**]

Adjourned accordingly at 11.47 p.m.