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SPEECH BY THE PRIME MINISTER, MR. LEE KUAN YEW, ON THE PRESERVATION OF PUBLIC SECURITY (AMENDMENT) BILL IN THE LEGISLATIVE ASSEMBLY ON WEDNESDAY, OCTOBER 14, 1 9 5 9.

Sir, my Party's stand on emergency powers for the Government was stated on the October 8 last year when the last Assembly debated an amendment to the Preservation of Public Security Ordinance extending its life for another one year. At the time we made the stand in this House, we envisaged a situation where in October 1959 we would be responsible for the Government, and the Bill would either lapse or come up for a further extension. Therefore, it was with circumspection that we set out the principles that guided us and led us to the conclusion that as long as there are emergency laws in the Federation there will be emergency laws in Singapore.

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But for the benefit of members who were not in this House on October 8 last year, may I refer them to Volume 3, No.9 of Hansard, column 800 for my speech, to column 815 for the speech of my colleague the present Minister for

Health and to column 819 for the speech of my colleague the Member for Tampines.

May I read a few passages out of the speech I made.

> "But, there may be people - I am quite sure that there may be some in important positions not only in Singapore but across the Causeway - who may want to know what the People's Action Party propose to do in the next elections. Is it going to repeat the same anti-Emergency Regulations stand? Is it going to make this an election issue, and then having won the election seek to abolish the Emergency Regulations and precipitate a crisis? Under normal conditions, Sir, I would tell such nosey and curious people to wait for the proper time in the next few months when we shall be issuing our election manifesto. But it may be that the Federation of Malaya would like to know its position vis-a-vis Singapore after the next general elections, because the Federation of Malaya has to be represented on our Internal Security Council under the new Constitution. In fact, it is to have the decisive vote. What is to happen to these Emergency laws is a matter of some considerable importance to them, because there are now two political situations;

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one in the Federation and one in Singapore, both distinct and separate and self-contained, with a cordon sanitaire in the Straits of Johore. And they would like to know whether there is going to be a crisis immediately after the general elections, with an emergency meeting of the Internal Security Council summoned by the British to oppose any intended moves to abolish the Preservation of Public Security Ordinance. In such a situation, the Federation may find themselves in the embarrassing position (1) voting with the British against the Singapore representatives; or (2) voting with the Singapore representatives to abolish the Emergency laws which they in the Federation still consider necessary."

(Columns 802 and 803)

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"As a Party of the "Left", we may not always agree or see eye to eye with a Party of the "Right", as the Tunku has once called the United Malay Nationalist Organisation. But we can assure them that their views and susceptibilities will be given the most careful consideration by us. We state our stand now on the question of the Emergency laws, and it is this; that as long as they are necessary for the maintenance of the security of the Federation, so long will they

be necessary for Singapore. Sir, we state this now in the full knowledge and anticipation that there will be political bankrupts and charlatans, those who have, and those who have not ever graced the chairs of this Assembly, who will make promises to abolish them in the next elections. We have met such types before, and we expect to meet them in the next elections. When that time comes, we shall justify our view and our stand, that there will be no abolition of the Emergency laws in Singapore until they have been abolished in the Federation. Those who want the Emergency laws abolished in Singapore should try to help to establish conditions of peace and security in the Federation so that they may no longer be required there."

(Columns 804 and 805)

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"But we also wish to say that the use of these Emergency powers depends upon the stand of the persons who are equipped with them, and we stand for an independent, democratic, non-Communist Malaya. Within this democratic system, everyone has the right to compete, to preach his political views, but the competition must be for the purpose of working the system, not of destroying it. These

powers will not be allowed to be used against political opponents within the system who compete for the right to work the system. That is fundamental and basic, or the powers will have destroyed the purpose for which they were forged. If in using these powers you, in fact, negate the purpose for which you made them, then you will end up with a situation where force, and more force, will become increasingly necessary."

(Columns 807 and 808)

"In our definition "subversion" is any political activity designed to further the aims and interests not of our own people but of foreign powers; and by foreign powers we mean not just Russia and China, but also America and Formosa, and the Western bloc.

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Let me remind the Right that our antipathy for those who subordinated interests of the people of Singapore to foreign power interests through either local or expatriate agents is as strong now as it was when we were in the opposition. Lip-service docility will not hide their malevolent intentions to see that the Left Wing Government in Singapore does not succeed to the detriment of the interests of the Right.

"We in the People's Action Party would prefer to lose an election rather than win it on false premises and promises."

(Column 810)

The issue was clearly stated last year. The mandate that was given to us at the last elections was not made on false pretences.

It is, therefore, unnecessary for me to elaborate on the reasons for this Bill. But there are some changes about which members may wish to be informed.

First, clause 5 of the Bill repeals section 5 of the present Ordinance which provides for an appeal tribunal consisting of three judges and substitutes in its place the original position obtaining under the emergency laws of an advisory committee.

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In September, I had discussions with the present Chief Justice about the functions of the Judiciary under the Preservation of Public Security Ordinance which is due to lapse on October 20. The position is that the judges have been unhappy over their duties under section 6 of the Preservation of Public Security

Ordinance and have indicated that they would like to be relieved of their executive responsibilities under that section and act only in an advisory capacity.

This is not something new. In 1955, when the former Chief Minister, Mr. David Saul Marshall, had to deceive the people into believing that he had abolished the Emergency Regulations by replacing it with the Preservation of Public Security Ordinance, he obtained the consent of the then Chief Justice, Sir Charles Murray-Aynsley to allow the judges to serve on an executive appeal tribunal. When Sir Charles Murray-Aynsley retired and Sir John Whyatt succeeded him as Chief Justice, protests were made to the then Government about the improper use of the Judiciary under the Preservation of Public Security Ordinance.

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In September 1958 a month before the Ordinance was due to expire or come for extension, the then Chief Minister wrote to the then Acting Chief Justice Mr. Tan Ah Tah asking him to agree to allow the judges to continue for one year. The Acting Chief Justice replied in these terms:

"My brother Judges and I are all of the opinion that it is extremely undesirable for members of the Judiciary to constitute the Appeal Tribunal under the Preservation of Public Security Ordinance, 1955. .... we think it was a mistake to have caused the Judiciary to be associated with the work of the Tribunal.

"However, in view of the reasons for the extension of the life of the Ordinance set out in your letter, and more particularly in view of your assurance that the Judiciary will not be called upon to do this work for more than one further year, the Judges who constitute the Tribunal have agreed, with great reluctance, to continue to serve as members of the Tribunal."

These letters are on record and leaders of the opposition are aware of their contents. On principle it is wrong to use the Judges in this way.

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First by the very nature of the tribunal the judges are not presented with a justiciable issue. They are not presented with issues either of fact or of law and asked to decide on the evidence adduced according to the Evidence Ordinance. They have either to accept or to reject Government intelligence on a particular person. If they accept it in all cases and agree with the decision of the executive

then they become a rubber stamp for the executive. If they reject the intelligence then they will have to be responsible for the consequences that it may bring about on the security of the State. The net result has been that in the vast majority of cases they have accepted Government intelligence, but now and again they have allowed a few appeals. This they must do unless they are to be obvious rubber stamps of the executive. This position they consider unsatisfactory, and in fact it demeans their high office.

Secondly, on principle the responsibility for the detention or otherwise of a person under extraordinary powers such as this, cannot rest with the judiciary. An executive which shifts this responsibility to the judges by asking them to superimpose their judicial stamp on an executive decision is shirking its responsibility and abusing the judiciary. On principle it is not the duty of the judiciary to act as administrative or executive officers of the Government, nor are they properly equipped to discharge such functions. In all civilised countries the responsibility for the security of the State rests with the elected Government, not the judges of the state. In Singapore as the Leader of the House has stated, that ultimate power rests with the Internal Security Council on which Singapore has three out of seven representatives. Therefore in the last analysis let us clearly understand that these extraordinary powers under the P.P.S.O. is ultimately

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vested not in the Singapore Government but in the Internal Security Council. But certainly they are not vested in our judiciary.

The other amendment will give the Minister more flexibility in the exercise of these powers. Under the present law restrictions can only be imposed after the person has been detained. A man must first be detained before he can be released on conditions. Under Clause 3 of the Bill a person can be placed on conditions without first having to detain him. This will avoid unnecessary detentions. Also to avoid having to detain more people than is necessary, the powers of restriction now being made more flexible to allow a wider field of cases where conditions can be imposed on a person allowed to remain outside instead of keeping a person inside a place of detention. Hence Clause 3 of the Bill which sets out that restrictions can be specified not only in respect of residence but also of employment or activities. This, Mr. Speaker, Sir, are the two principal amendments that this Bill seeks.

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But let me be the first to remind this House that the ultimate answer to the Communist challenge is not provided by this type of legislation giving the executive emergency or extraordinary powers. Finally it is the economical, social and political conditions and the battles on these planes that decide whether Singapore, and indeed Malaya, will grow from strength to strength as a

democratic State in which the more tolerant features of human civilisation are preserved whilst the economic needs and necessities of the people are rapidly met, or whether a more totalitarian system will succeed the democratic state to cater for these economic needs. These powers can only provide a temporary damper against those who set out to wreck the democratic state. The principles which guide this Government in the exercise of its primary functions as a Government have been enumerated by the Deputy Prime Minister. I would like to hearken back to what I said on behalf of my Party last year:

"Within this democratic system, everyone has the right to compete, to preach his political views, but the competition must be for the purpose of working the system, not of destroying it. These powers will not be allowed to be used against political opponents within the system who compete for the right to work the system. That is fundamental and basic or the powers will have destroyed the purpose for which they were forged."

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(Column 807)

"At the same time we state quite categorically that we believe in the democratic system, that we will allow full competition within the democratic

system, but competition for the purpose of destroying the democratic system will be resisted."

(Column 811)

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