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CIVIL LIBERTIES IN WARTIME

Britain's "Remarkable Record"

*A talk in the series "Calling New Zealand,"
by Professor HAROLD LASKI,
broadcast by the BBC on April 7, 1941.*

I HAVE recently been investigating with some care the use made by the Government of the enormous powers conferred upon it since the War began, in so far as these affect the civil liberties we are fighting to preserve. Sometimes discussion of these powers gives a completely wrong impression of their operation. I have read, for instance, articles in American magazines by British Communists which implied that we'd become a completely Fascist State, and in some of the more extreme periodicals in this country an endeavour is made constantly to convey a similar view.

The Facts

What are the facts? In what realm and to what extent have there been suppressions? I take the position as it was on March 31 of this year, and the figures I shall give you are those given to me by the Home Secretary, Mr. Herbert

Morrison. One Communist daily and one Communist weekly have been suppressed. Under the regulations which permit prosecution of persons creating alarm or despondency, 105 persons have been tried. Of these, 20 have been sentenced to terms of imprisonment varying from one day to three months. In 51 cases fines have been imposed, though the Home Secretary has reduced the fine in 14 of these. The charges in 29 cases have been dismissed. Four persons have been charged with action intended to hamper the prosecution of the war. Two of them were sentenced to three months' imprisonment, and two have been fined.

The Home Secretary has the power to ban processions and public meetings. Under this power he has prohibited three meetings in the whole country and the only processions banned have been those in London, a situation which dates back to the Fascist riot of 1936 and 1937. The Home Secretary has the power to detain people of whose hostilities to the national cause he is confident. Under this power, at one time or another, 1,600 persons have been detained. At present 929, of whom 790 are men and 139 are women, are in detention. Who are they? Five hundred of them, of whom about 200 have since been released, were persons of British nationality but of Italian origin, whose previous habits suggested that they were active sympathisers with Fascist Italy. About 700 persons, of whom some 400 have since been released, were active members of the British Union of Fascists whose active support of Hitler and Mussolini was well known. Another 400 persons, of whom 130 have since been released, were detained because either their hostile origins or association gave ground for the view that they were in sympathy with the enemy.

All these detained persons have had an appeal to a strong Advisory Tribunal, over which the eminent Liberal Lawyer, Mr. Norman Birkett, K.C., who is well known for his defence of civil liberties, has presided. In practically every case the Home Secretary has acted on the advice of this Tribunal.

Some Blunders

Perhaps to these cases I should add a considerable number of searches of private houses by the police in different localities. Most of these cases are purely formal, but there have undoubtedly been some in which the police have acted with great stupidity — one, for example, in which the dangerous documents seized turned out to be some notes on the "Tribal Organisation of the Eskimo," made by a university lecturer on the essay of one of his W.E.A. students. Recently, further, the BBC banned some actors and musicians who came out in support of the Communist-inspired People's Convention. This issue was raised in the House of Commons. The Prime Minister remarked that any penal-



PROFESSOR HAROLD LASKI

"... The invasion has been very small"

isation of concerts was odious to the people of this country, and the BBC immediately removed the ban.

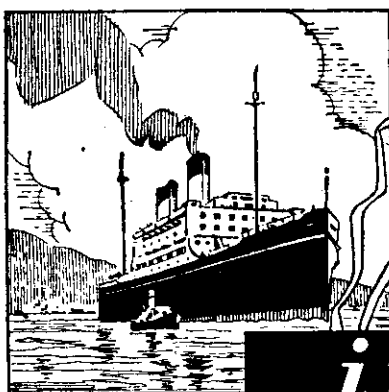
The Censorship

There is also the censorship. It prohibits, of course, the publication of any news—the movement of ships, for instance—which might be of use to the enemy, but it does not interfere with comment on the news. On the censorship, there are two simple things to say. First, it has never interfered with the transmission, both by letter and by cable, of passionate anti-war articles by Communists and Pacifists to American journals. Second, Mr. Kingsley Martin, the distinguished editor of the left-wing *New Statesman*, not seldom a stern critic of the Government, remarked to me with emphasis only the other day that he had nothing but praise for the common sense and discretion of the Censors Department. He had no difficulties with it.

Well, there's the whole record. Here is a country fighting for its life with the knowledge before it of what the "Quislings" have done in the occupied countries. You have two papers banned, you have 22 people imprisoned for brief periods, mostly for petty malicious gossip, often deliberately invented, about parachutists or air raid casualties. You have some 1,500 people at one time or another detained, of whom 600 have been released, and all those remaining in detention are people whom an authoritative and independent Tribunal has on appeal quite rightly detained on grounds of national security.

Pacifist propaganda goes on; Communist propaganda by meeting, by leaflet, by periodical is unceasing. Anti-war candidates stand at by-elections and conduct their campaigns wholly undisturbed. Save for the electoral truce between the major political parties, the normal intellectual activities of the nation are unchanged by the war. Granted the gravity of the position, I suggest that anyone with a sense of proportion would be bound to conclude that this is a remarkable record. There are, I think, one or two things in it to regret. I still believe that Mr. Morrison would have

(Continued on next page)



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