

SMOKESCREENS & MIRRORS

Tracing the 'Marxist Conspiracy'

TAN WAH PIOW



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FOREWORD by
Dr G RAMAN



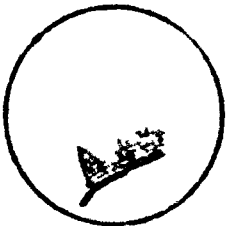
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Smokescreens & Mirrors. Tracing the 'Marxist Conspiracy'
Copyright © Function 8 Lim ted, 2012
ISBN 978-981-07 2104-6

Published by Function 8 Limited
22 Marsha Road, Singapore 424858
Website www.function8.org

Printed by Targa Lithographers, Singapore

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National Library Board, Singapore Cataloguing-in-Publication Data

Tan, Wah Fioo

Smokescreens & mirrors tracing the "Marxist Conspiracy" Tan Wah Fioo.
Singapore Function Limited, 2012.

p. cm.

ISBN 978-981-07 2104-6 (pbk.)

- 1 Subversive activities—Singapore.
- 2 Students—Political activity—Singapore.
- 3 Singapore—Politics and government 1965-1990. Title.

JQ1063

322.42095957 dc23

OCN789638881

Function 8 Limited a social enterprise initiative by a of individuals who believe that there is a need to facilitate the sharing of political and economic experiences of those who had, are eager to contribute to society through reflection and civic discussion.

The name "Function 8" represents hope that, just like the F8 key computers resets a computer to "safe" and basic mode for troubleshooting, we can also reflect over the of what makes societies just and meaningful and the role of democratic processes in achieving those

With seminars, talks, workshops, reflections, the company hopes to restart the process of critical thinking, rejuvenate the staleness of a society based economic expediency and reclaim the human dignity and freedom which the basis of our humanity.

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FOREWORD

We recall history, sometimes with joy, sometimes with pain. The emancipation of slaves in the USA, Mahatma Gandhi's fight for Indian independence and Mao Tse Tung's speech from Tiananmen Square after overthrowing Chiang Kai Shek stir our emotions.

Singapore's "independence" on 9 August 1965 was received with tears. Lee Kuan Yew's remark when he was campaigning for merger with Malaya that "An island nation is a joke," has not been forgotten. That joke is a painful one looking at the congestion in the streets of Singapore and the steep rise in the cost of living. What would Singapore have been if we had remained in Malaysia, becoming its New York which Malaysia's first Prime Minister Tengku Abdul Rahman wanted it to be?

What would Singapore's political destiny have been if operation Cold Store in February 1963 had not taken place? More than 100 heroic men and women were detained the cream of the left-wing. They would have been the answer to political succession in Singapore.

Casting our minds back to such events makes us despondent. The 1987 detention of 16 social activists who had no political affiliation or involvement is such an event. Our collective conscience had revolted against this dastardly act by the PAP government and its irrational and farcical justification of the detentions. They were accused of being members of a Marxist conspiracy!

Who was the mastermind of the conspiracy? Tan Wah Piow who was 8000 miles away in England studying at Oxford University! What was the background of the conspirators? They were lawyers, playwrights, engineers and counsellors, including a man named Vincent Cheng, who had spent 9 years at a seminary to be ordained as a priest!

This book is Tan Wah Piow's answer to the PAP government's spurious charges against him. It also discusses his own views on politics and changes he would want to see in Singapore. One section is devoted to the charge against him and 2 others of rioting at the Pioneer Industries Employees' Union (PIEU) in Jurong in 1974.

The trial resulted in a distortion of justice. I will explain why. I represented Wah Piow initially together with the late Francis Khoo. I was also the legal advisor to the University of Singapore Students' Union (USSU) at that time.

In 1974 the Subordinate Courts were not called the Subordinate Courts but the Criminal District and Magistrates' Courts. They were situated along South Bridge Road, opposite the Central Police Station where One George Street now stands. The Courts were housed in a 2-storey building.

All new arrest cases were mentioned in Court No. 9 which was on the ground floor. If cases were within Magistrates' Courts' jurisdiction and if parties were ready, a date for hearing would be given. The accused in Magistrates' Courts were allowed bail pending the hearing. Rioting was within the jurisdiction of the Magistrate's Court.

Cases which fell within the District Courts' jurisdiction which could mete out more severe punishment would be transferred to the 1st District Court (Court No. 1) on the Saturday following for allocation of dates for hearing. Court No. 9 never gave dates in District Court cases. It also never transferred Magistrates' Court cases to Court No. 1.

I was in Court No. 9 on that day on another matter when I saw Wah Piow in the dock. Accused persons who are not on

bail are made to remain in the dock awaiting the granting of bail. I was shocked to see him in the dock and asked him what had happened. He explained how he was arrested in the early hours of the morning and taken to Central Police Station. He was interrogated and brought to Court.

Francis Khoo had arrived by then as he came to know of Wah Piow's arrest. The Court then went into session. The presiding magistrate was Ibrahim bin Burhan, a good Muslim and conscious of an accused person's right to bail. The prosecution applied for remand for a week. I opposed this and applied for bail offering myself as bailor. The prosecution opposed bail. Though the magistrate could reject the prosecution's objection to bail he gave in to the objection. The prosecution applied for the case to be transferred to Court No. 1, presided by T S Sinnathuray. This was unprecedented but the magistrate obliged despite my remark on the unusual haste at which this was done! There was not a murmur from him.

In Court No. 1, I applied for bail again. This was turned down and Sinnathuray proceeded to fix dates for hearing. The dates for hearing were only a month away when normally, a date for hearing would not be available until at least 8 months away I asked Sinnathuray why there was such hurry. His answer was the most senseless and inane response I had heard from a judge, "You know, memories of witnesses in rioting cases can be hazy and that is why I am fixing early dates!" Murder cases at that time took 3 years to come up for hearing! Isn't memory of witnesses more critical in murder cases? Yet the Courts could wait for 3 years before conducting a murder trial!

I knew something was wrong. Wah Piow then instructed me to ask for an adjournment as he wanted to engage senior counsel, if necessary, a QC from England. I told Sinnathuray that and he asked me to get back to him after I got the QC admitted to the Singapore Bar and that he would then consider an application for adjournment to suit the QC's diary.

Would not this mean that he would indeed CONSIDER an application for an adjournment in the interests of justice? The

Oxford Dictionary defines “consider” as “contemplate mentally; weigh the merits of, reflect, reckon with, make allowance for” etc. Was he not mindful of the adage that “justice must not only be done but manifestly seen to be done”?

With that expectation we rushed through an application for the admission of John Platts-Mills QC who was a member of the same chambers as DN Pritt QC, the defence counsel for the Fajar accused, the courageous 8 from the University of Malaya (as University of Singapore was then known) charged with sedition. We served the court papers on the Attorney-General and the Law Society, neither of whom objected to the admission of the QC.

We went back to Sinnathuray and informed him of our successful application and asked for an adjournment to a date in September or October when the QC would be able to take on the brief. If Sinnathuray had followed the normal routine and roster on fixing of dates for hearing, the hearing would have only come up in February or March 1975. As he said he would “consider” our application, we were hopeful that he would grant us the adjournment. But “NO”. Our application was rejected summarily! Sinnathuray did not even “consider” our application as the term is understood.

We knew something was amiss. Wah Piow had to be neutralised. He was too much of a threat to the trade union mafia headed by don Phey Yew Kok. He was endangering the government’s policy of maintaining industrial peace at all costs. Even if workers were retrenched without retrenchment benefits or not paid at all. In some cases, wages were paid by vouchers issued by NTUC’s Fairprice Supermarket although the Employment Act prohibits such mode of payment. There was collusion between employers and the NTUC on this totally unlawful conduct.

And so the trial began. Wah Piow had decided to act in person. I represented the 2nd accused Ng Wah Leng, a worker, and Francis the third accused, Ms Yap Kim Hong, a worker from American Marine. There was intense media coverage of the case both locally and internationally. A QC from Australia, Frank Galbally, was sent by the Australian Students’ Union to attend the trial as an observer.

PIEU and the NTUC were represented by the late Ramanujan who was holding a watching brief. Tan Teow Yeow, a senior DPP, was the prosecutor. But he was there only on the first day of the trial. The next day Wahab Ghows, the Solicitor-General himself, led the prosecution. That showed the importance, or was it the nervousness, that the government had displayed at the trial.

The Court was packed every day of the trial which stretched over 2½ months with 47 full days of hearing. The audience comprised lawyers, students and workers. The workers were dragooned into attending the trial. They were each given free lunch, free transport to and from the Court and \$5 each as allowance. One of the workers who attended the trial told me this himself. He was ashamed that he did this.

The workers were there as a show of strength against the students. But the students were not intimidated. They were united in championing the cause that their union had undertaken, i.e., the workers be paid their due wages and those that were retrenched got their benefits. The consciousness of the students was so intense that even the Solicitor-General's daughter asked him why he was prosecuting Wah Piow because she knew he was innocent.

The Solicitor-General told me this himself. I had to enlighten the Solicitor-General. "Of course your daughter knows that Wah Piow is innocent. He should not be prosecuted at all." When torn between performing his duty and appeasing his conscience he chose the earlier. He did not have to stress himself very much because the judge himself took on part of the prosecution's job.

I will give one instance of this. I was cross-examining Inspector Cross, the Investigating Officer of the case. He went to the scene after receiving information about the "rioting". I asked him whether the information disclosed that Wah Piow was involved in the rioting. He answered "Yes". I then questioned him whether he was at the scene outside the PIEU premises. He answered in the positive. My next question was why he did not arrest him on the spot. He was lost for an answer and there was a long pause.