

Chapter Six

It has been said that all history is contemporary history in fancy dress. Eric Hobsbawm.¹

A Spiral of Trials

In the arrests, indictments and trials that occurred from the 1940s to the 1990s, history was being made and re-made; drama and farce competing. Beginning in 1946 with the “sedition trial”, it became a feature of successive governments to have a major trial each decade until the start of the 1990s. The trials commenced under Smuts with the indictment of the leaders of the African Mineworkers Union and members of the CPSA, and continued into the fifties with the Treason Trial in 1956, the Rivonia Trial in 1963 and protracted but less spectacular trials each decade until the advent of Mandela’s government in 1994. Each indictment involved a new courtroom conflict over the limits of political protest and fresh instalments of the same serial story. I was involved in two of these trials (the Treason Trial and the Bram Fischer Trial in 1956 and 1964 respectively) and was in my last year at high school during the miners’ strike in 1946. In that instance the Communist Party committed itself entirely to the strike, assisting the union in the writing and photocopying of leaflets; the transporting of union officials to the meetings on the various mines prior to the strike; and generally placing its resources at the disposal of the union. Still at school, I did not go out to the mines but helped with the photocopying on the Gestetner copier and the collation of the leaflets that were regularly distributed to workers in the mining compounds and at the union’s rallies.

Miners’ Strike and Sedition

The indictment of the leadership of the CPSA and a number of prominent leaders in the ANC on charges of sedition was directly related to the strike by African miners in 1946. The tension on the goldmines had been simmering for years. The demand for the legal recognition of African trade unions had occupied the attention of the CPSA and the ANC throughout the decade and later. Gana Makabeni, chairman of the Council of Non-European Trade Unions at the time, warned in a remarkably understated way that the refusal of the government to recognize African trade unions was causing increasing disquiet among African workers. At last, in October 1942, it seemed as if the government

would act. It appointed the Smit Commission which recommended that African trade unions be recognized under the Industrial Conciliation Act, but excluded the mining industry from the terms of that act! In the event, neither received recognition.

The agitation for trade union recognition continued with little success. By January 1943 there was still no progress, despite a strong case being made by the union to the Smit Commission. It was an election year and Smuts (careful not to commit himself to anything that would anger the Chamber of Mines or provide ammunition for Malan's National Party) laconically told a delegation asking about the recognition of African trade unions that

things are inconvenient just now ... There is a wave of unrest ... communist influence is at work ... on a fairly large scale ... If one could devise safeguards so as to ensure that these people [the miners] do not pass over into the hands of others, this would be desirable ... The goodwill is there.²

The mineworkers felt otherwise.

The CPSA had made a serious but unsuccessful bid in the early thirties to organize the mineworkers, but had neither the resources nor the experience in managing an oscillating migrant work force to sustain its efforts. The security system on the mines and the interruptive patterns of migrancy made trade union organization difficult. The miners would return to their homesteads almost as soon as they had been organized, when a new cohort of migrants would appear. A decade later in 1941, the ANC took active steps to form a union. Gaur Radebe held the shadow "cabinet" portfolio of secretary for mines in the Transvaal region of the African National Congress. There were other portfolios involving the various sectors of government. For example Edward Mofutsanyana, the CPSA's general secretary, held the ANC portfolio for labour at that time. Modelled on parliamentary lines, when Africans still aspired to parliament although they did not enjoy its protection, the creation of shadow portfolios was seemingly an absurdity, but it was empowering in its way. Radebe was already active in the 1930s and until 1942 a member of the Communist Party.³ As shadow secretary for mines in the ANC, he called a major conference in 1941 to discuss the conditions of the 400 000 African mineworkers. There had been a number of conferences before then but the historical significance of this one was that it did actually facilitate the formation of a durable union. The conference was a highly representative gathering of most of the leading progressive trade unions, which elected a committee of 15 "to proceed by every means it thought fit" to build up an African Mineworkers' Union, "in order to raise the standards and guard the interests of all African mine workers".⁴ Radebe was among the members selected as well as Mofutsanyana from the CPSA.

The conference was the first among many between 1941 and 1946, when the tensions between miners and mine owners finally exploded.⁵ The labour regime on the gold mines was a topic of angry protest at the epic open-air meetings I attended between 1944 and 1946 at the Johannesburg Market Square and these left a lasting impression on me.⁶ Although the meetings were called by the African Mineworkers Union (AMWU), both the ANC and the CPSA helped in mobilizing mass support for trade union recognition and improvements in the miners' wages and work conditions. The union's engagement with the Chamber of Mines threatened the real relations of power in the country and the confrontation with the mine owners was inevitably a challenge to the state, which protected the gold mining industry as if it were its executive arm. The Party threw its entire weight behind the miners, and along with the strikers and union officials, experienced the whiplash of the Smuts government as they challenged the migrant labour system and the awesome authority of the Chamber of Mines, the "spokesperson" for the major mining houses. The Chamber's indifference to the conditions of the miners was well known and its chronic attention to costs (rather than the welfare of the workforce) was the subject of many union grievances.

The Guardian described the gold mining industry "as a parasite on the economic life of South Africa". This was one of many articles on the mining industry that dealt briefly with the effects of the industry's destructive low-cost labour system. The article did not elaborate on the rationale behind the migrant labour system but noted that the industry owed its profitability to the maintenance of the mine owners' cheap labour policies. The Chamber, it wrote, "destroys the health of thousands every year and it fights tooth and nail to stop the raising of wages of Africans because it fears the effects upon its supply of labour".⁷

An elaboration of the labour system would have shown that the supply of labour and its price were uppermost in the mind of the Chamber, for it was these two factors that determined the scale of profits to shareholders. The mine owners were aware that the African migrant entered the goldmines to support an impoverished family in the rural reserves and not necessarily because mining was an attractive form of employment. He did not come to the mines for "the good food, the free beer and the cash he receives", as was sometimes projected.⁸ The migrant labour system was the industry's golden goose for perpetuating the low-cost African labour supply and enhancing profits, especially as an individual miner was paid at the rate of a single unit of labour, with no allowance for the maintenance of his family. The system, somewhat modified but with a new structure of wages, and a chastened Chamber of Mines, continues into the present. It was this system that the mine owners defended extensively but not always honestly when they appeared before the various government commissions, established to inquire into the miners' wages and working conditions.

The AMWU's demands for humanitarian living conditions for the miners and its continuous campaigns for increases in wages, struck at the heart of the industry's economic weakness. It was well recognized that the price of gold was fixed by the international agreement of the world's advanced economies. If wages rose and other costs of production increased, the mine owners could not add that increase on to the price of gold; this could be done for the products of manufacturing or agriculture, but not for gold. This led the mining houses at the earliest stages of gold production to act together through the Chamber of Mines to procure, house, feed and remunerate their labour force as cheaply as possible. Generally it was low-grade ore that was being mined in South Africa and the high profitability of the industry depended on the cheese-paring strategies of the mine owners.⁹ The Chamber was more than equal to the task of cutting costs. In less than a decade of mining it created a recruiting organization that spanned the sub-continent for labour and at the turn of the twentieth century went as far as China to procure unskilled labourers. They policed the labour force through the implementation of the pass laws (which the Chamber drafted for Paul Kruger's government in 1895), and the mine owners were protected from "deserting" labourers by the Masters and Servants Act, which made it a breach of contract, punishable by a jail sentence, for workers to break their contracts and abscond.¹⁰

It was the effects of these devices to secure the workforce at the lowest cost that the trade union dwelt upon in its first official presentation to the Mine Wages Commission created in July 1943 to "inquire into the conditions of employment in the mines". The commission was established as a result of pressures from the newly formed AMWU, which presented a 50-page report to it, largely compiled by the union in cooperation with trade unionist Ray Alexander and her husband Jack Simons, also a member of the CPSA and a lecturer at the University of Cape Town. In the report they targeted every sensitive strategy that the Chamber had adopted over the years to maintain its low cost labour structure.

The report criticised the depressingly low average wage which had changed little since the end of the nineteenth century; compared the remuneration of workers in trade, commerce and manufacturing to wages in the mining industry; and showed that mine wages had increased by a sixpence between 1931 and 1939 while the corresponding wages of the workers in other sectors had increased by four times as much. It vividly described the Chambers' soulless "storage" of its African employees in sub-human housing to save costs. Security guards in the compounds protected the mine owners against the so-called desertion of their employees and kept their workers from trade union influence.

It was a chilling report in which much attention was given to the Chamber's "housing" arrangements in which 80 men were accommodated in compounds 25 feet

square in size, and where the bunks for sleeping were made of concrete and had no mattresses. The details of the miners work and living conditions are well known today, but never fail to anger and disgust.¹¹ I believe it was infinitely worse than prison and it is hard to view the system as anything but a variant of slavery. Perhaps that was what the union was saying when it described the mineworker “as a chattel at the mercy of his employers”.¹² Of course it was not the slave system, but it had many of its elements and was sometimes worse than slavery. The labourers’ freedom of movement was curtailed by the pass laws; their lives were constrained within the carefully controlled compounds; their reproductive patterns determined by the employment cycle; their families separated by the refusal of the mine owners to allow the men’s wives and families to live in the urban centres; and their physical strength barely sustained by the appalling food they ate. Njabulo Ndebele in his novel, *The Cry of Winnie Mandela*, describes the separation of men from their womenfolk, the men only returning to their homesteads to help with the harvest and reproduce the family. Some preferred not to depart again, while others settled down “to the indulgence of memory”, many of them never returning home, “leaving behind waiting women who sometimes followed their men [while] some women simply waited”.¹³

The trade union complained bitterly about the barrack-like single male accommodation, the separation of families and the oppressive compound managers who became “brutal despots”. The quality of the food was also a deep grievance. The worst food supplied by the Chamber was the meat; “a special grade known as ‘compound cattle’, trek oxen that could not find a market anywhere else”. It was inedible. According to the miners, “the meat is spoilt by storage and is sometimes rotting with worms in summer: we call it *duladula – rubbish!*”.¹⁴ Culturally it was also offensive. “We are given uncleaned intestines ... [and also] brains which are taboo for our people ... The practice of chopping up the whole head of the animal, uncleaned, is also objectionable to us”.¹⁵ It was a sickening story. There was only one meal a day and as unpalatable as the food might have been, resistance to eating it was short-lived. Myth had it among the Mosutu migrant workers that a man would go mad if he eats the brains of an ox or cow. I doubt, however, whether every Mosutu went hungry in deference to this folklore. The most edible item was the bread, which was referred to by the miners as “*mbunyane intlokaye kati*” – as small as a cat’s head. I knew it in prison as “katkop” (literally, shaped like a cat’s head) which we would sometimes hoard.

The Chamber was unmoved by the union’s criticism of its labour practices. It responded by saying that “in addition to the handsome wages of two shilling and three pence per day, the African mineworker receives a scientifically balanced food ration and housing valued at one shilling and a penny per day”.¹⁶ It was payment in kind and probably seen as yet a further financial burden upon the industry. What with the cost of

recruitment, the administration of the labour system and the unit costs of the limited health, housing and food, it was a capital loss to shareholders if miners voted with their feet and absconded from the mines, as often happened when the miners felt trapped in an alien and repressive environment. The practice of absconding was referred to by the mine owners as “desertion”, a familiar term in coercive institutions like the military, the prisons and the mines. On the recruitment of the Chamber’s workforce, the NRC which also made a submission to the commission, referred to the system as “legalised machinery for trafficking in human beings, a system not unlike slavery [which] has long outlived its usefulness”.¹⁷

Rusty Bernstein and Edward Mofutsanyana (both of them soft-spoken intellectuals on the Johannesburg District Committee of the CPSA) presented the Communist Party’s statement to the commission. They urged the Chamber to pay a living wage to all its African miners and challenged the Chamber’s view that the wages of African miners were supplemented by the income of their families in the reserves: “This is absurd”, they argued, “it would be nearer [to the truth] to state the converse, that the labourers earnings are absolutely necessary to supplement the income of a family eking out a miserable existence in the Reserves”. The AMWU had brought its biggest guns to the commission, including J.B. Marks, the union’s president, Eli Weinberg (its adviser) and Hyman Basner (the union’s friend, lawyer, protagonist and a legendary MP). W.H. Andrews, the Communist Party chairman was not present, but later wrote in *The Guardian* of 8 July 1943 that the statement presented by the union was the most impressive ever made on behalf of the African workers.

Despite the impressive presentations, the Commission reported in April 1944, “that the Chamber’s labour policy was sound”.¹⁸ It could hardly avoid recommending wage increases, because these had not changed for nearly 30 years. In the event its recommendation of a paltry increase of five pence per shift for surface workers and sixpence for underground workers (on the basic wage of one shilling and ten pence per shift) only served to enrage the workers. To make matters worse, the mine owners pared down these recommendations to four pence and five pence per shift respectively and ignored practically all the other recommendations made by the commission. On reflection, it would seem that Smuts’ government had a better idea of the ramifications of ignoring the miners’ demands than the Chamber, and agreed to pay for the recommended wage increases by a remission of mining taxation. The miners’ wage increases were therefore simply externalized to the ordinary taxpayer who subsidized the Chamber of Mines. The remaining recommendations, which the Chamber ignored, would have indirectly enhanced wages.¹⁹ Interestingly, these wage-related increases, off-set by concessions in mining taxation, might have averted the strike had they been made earlier.

Following the commission's report, the union informally prepared its members for a major confrontation with the Chamber of Mines, although its immediate reaction was to formally reserve its right to press for a Wage Board investigation "whose recommendations were more likely to be acted upon than those of government commissions". The next two years were effectively little more than a preparation for a general strike on the mines. In this, the Chamber relied upon the state literally to defend its cheap labour system and if all else failed, to order its police force physically to beat the strikers back to work.

The prelude to the strike was the calling of a number of mass conferences, one of them held in early in May 1945, the others in April and May 1946. Significantly, the first of these was held just before the war ended, when strike action would no longer threaten the "war effort". It was a memorable delegate conference of miners from all over the reef, convened by the union to consider their grievances and elect representatives to urge Smuts' government to instruct the Chamber to implement the recommendations of the Native Mine Wages Commission, released in 1944. The union's meetings were really mass rallies for everyone, also open to supporters of the ANC, the CPSA and the Transvaal Indian Congress, but the majority of those present were workers at particular mines delegated to represent those who could not attend the meeting. I remember the occasion quite well. I was an observer from the YCL and also its literature secretary. The pamphlets I brought to the conference were almost all produced by the CPSA and dealt with topical issues, but none that I recall specifically concerned the miners. There were, however, leaflets that the Party had helped to reproduce on its hand-operated Gestetner machine. The miners were distinguishable from the other participants by their warm woollen blankets which they wore over their Sunday clothes, oblivious of the heat in the packed hall. Among them were *indunas* (headmen) of the different mine sections, theoretically "the eyes and the ears" of the mine managements, but they were not all informers and whatever their purpose in attending the meeting, they experienced the same poor conditions as their charges, who were often from the same rural village.

Each of the miners' interventions from the floor was translated into one or two languages, and also into English, which had the effect of reinforcing their grievances rather than endlessly repeating them. One after the other they rose to complain about their wretched conditions, the low wages, the onerous work, inedible food and the separation from their families. They were captives of the system – treated like units of labour – and as long as they worked well at the rock-face or continued to perform the labouring jobs they were given by the various mine managements, they were of no further interest to the Chamber. The mine owners had long since calculated the per capita costs of maintaining the mine labourers at the threshold of subsistence and they would take no quarter from anyone who wished to upset that calculation. The militancy of the workers was

impressive, but the lasting impression they left on me was their powerlessness in the work place, and the awesome faith they had in the union.

The mine owners, for their part, were unrepentant and repeatedly rejected the union's submissions, especially the demand for married miners to live with their wives in townships close to the mines. The only response from the Chamber was to say that the union's notion of "urban villages" was ridiculous and that "it was almost inconceivable that any responsible person should advocate the substitution of the attractive and healthy existence [of women in the rural reserves] "for a native township on the Witwatersrand."²⁰ If this response was hypocritical (for the rural reserves were nothing but poverty stricken) its attitude to the union's demand for the recognition of their trade union was unashamedly insulting. Echoing Smuts' fatuous remarks on the readiness of Africans for trade unions, the Chamber repeated the well-worn myth that "the natives were not ripe for [trade union membership] and are still in a state of pupillage ... Native trade unions would be in the hands of professional agitators".²¹ This further enraged the miners and stiffened their resolve to strike.

They were in that mood when the union called a number of urgent meetings between April and August 1946. At the first of these rallies, in April 1946, about 2 000 mineworkers attended the meeting and demanded ten shillings a day, adequate food and the withdrawal of wartime proclamation 1425, which prohibited a gathering of more than 20 workers without a special permit on "gold proclaimed land" – namely, mine property. The Chamber characteristically ignored this, although the warning signs of confrontation were evident from the number of short strikes that had already occurred at several mines during the earlier part of 1946.

The formal decision to undertake a general strike on the mines was taken at a memorable mass meeting on 4 August at the Market Square in Newtown. It was a bright Sunday afternoon, flags flying,; street vendors selling mealies roasted in charcoal in open fires; the miners conventionally wearing blankets; the participants in the vanguard of the audience squashed against the speakers' platform; an old lorry, with a line of speakers from the AMWU, the Party and the ANC; a crackly sound system which worked intermittently, rigged up in front. I recall J.B. Marks, president of the union, explaining the significance of the ANC and the Party's support for the AMWU and telling the meeting that he was a member of all three organizations: "*one*, because they supported the miners; *two*, because they were on the side of the poor, and *three*, because they were all in the struggle together against the bosses". As he spoke he held up the appropriate number of fingers on his right hand to demonstrate his membership of each of these organizations. There was a moment of light relief when he inadvertently blew out his front dentures and rescued them with the three fingers he'd raised to indicate the third organization he belonged to.

It was an emotive address, prescient in warning the workers to be prepared for repression and perhaps violence. Possibly, few of the miners present fully appreciated the gravity of his remarks, which effectively anticipated that the Chamber would stop at nothing to defeat the strike: “You are challenging the basis of the cheap labour system. You must be ready to sacrifice in the struggle for the right to live like human beings”, words that matched the seriousness of the occasion. I also recall the roar of approval accorded to the veteran union secretary, J.J. Majoro, when he told the gathering that any further meetings with the Chamber were a waste of time if the mine owners were not prepared to recognize the existence of the union. The strike followed eight days later.

The resolution to strike was carefully phrased to draw public attention to the unreasonableness of the Chamber as the country’s major employer and the validity of the union’s demands. It was carried unanimously, stating plainly:

Because of the intransigent attitude of the Transvaal Chamber of Mines towards the legitimate demands of the workers for a minimum wage of ten shillings per day and better conditions of work, this meeting of African mineworkers on the goldmines resolves to embark upon a general strike of all Africans employed on the goldmines, as from 12 August 1946.²²

The decision was subject to confirmation by the miners at (clandestine) meetings to be held before 12 August at every compound.

It was evident from the relatively large numbers of miners who heeded the call to strike that there was widespread endorsement of the strike. At the labour intensive deep-level mine at Robinson Deep and at the New Kleinfontein mine, 100% support was reported. At least six mines ceased production on the first day and about 32 were affected on the second, out of the Rand’s total of 45 mines. There was also impressive support across the arc of mines along the reef. The union calculated that between 80 000 and 100 000 of the mineworkers responded on the first day (12 August), but the precise number will never be known. The union’s estimate, at best impressionistic, was probably too high. On the other hand, the Chamber’s count of between 45 000 and 50 000 out of a total 308 000 African mineworkers on the reef, was considered too low, a deliberate lie to counteract the union’s claims of success. On the mines where the union’s organizers had access to the compounds, the men came out in large numbers and word spread to many mines where the workers followed the strikers into action.

The depth and sweep of the strike over the entire reef drew a violent response from the Chamber, on whose behalf Smuts instructed the police to beat the workers back to the rock-face. Although there have been impressive strikes since then, it was probably one of the bloodiest strikes in South African history.²³ *The Guardian* reported 30 miners killed over the four days of the action.²⁴ This figure (which was never confirmed) was probably

correct, given the serial brutality of the police on all the affected mines. At the Robinson Deep, Nourse and Simmer & Jack mines the police used batons against the miners, and repeated the action at the Sub-Nigel mine on the second day of the strike, where six men were shot dead when they attacked the police for escorting scabs to the mine. A further six were crushed to death in the panic that followed. The events at the Sub-Nigel mine were vividly described by Ruth First in the YCL newspaper, *Youth for a New South Africa*:

More than 40 policemen went one thousand feet underground to deal with a thousand [Africans] who were staging 'a sit-down strike'. The police drove [them] up stope by stope, level by level until they reached the surface ... [They chased them] over mine dumps and through the veld for miles before they could be rounded up and driven back to the compound.²⁵

The efforts of the Natives' Representative Council to stop the police brutality were futile. Michael Harmel later noted,

the strike had ceased to be merely a strike but had become a war between 1 600 armed police and unarmed working men scattered throughout the reef ... Thousands of unknown miners have been seriously wounded, had their heads bashed in, their bones broken ... All pretence that the state is an impartial democratic body, standing above the struggle, was dropped. The Smuts government [had] revealed itself as the agent of the mine owners.²⁶

There is no doubt that this was an accurate assessment of the strike, although it was well known to us long before the strike, that the state was not impartial. The pain in the aftermath was intense. There was no other course of action open to the union. It had exhausted all the avenues for pressing its claims through the Wage Board, the Native Mine Wages Commission, through "attempted negotiations" and now full scale industrial action.

The outlook was bleak. The president of the African Mineworkers' Union, J.B. Marks, was arrested the day after the strike ended and the union office was raided. Its records and membership cards were removed in preparation for a trial in which a number of individuals in the Party's leadership were to be joined with the AMWU on charges of contravening the Riotous Assemblies Act and War Measure 145 (continuing an illegal strike). The latter was the least ambitious of the charges that the state could prefer.²⁷ In all, 50 people were targeted in the raid and trial that led to a clean sweep of the leaders of the African Mineworkers' Union and the members of the Johannesburg District Committee of the Communist Party.

Although the Party had provided substantial assistance to the union, the indictment of its District Committee had more to do with Smuts' obsession that professional agitators were behind the strike than anything else. In his mind, the agenda of the "agitators" (meaning the Communist Party) extended to conspiracy, sedition, even treason. Unfortunately all that was missing for their indictment on these counts was the evidence. The CPSA was thoroughly involved in the strike and aware of its planning, but there was no attempt to commit any of these acts. For the moment, the charges under the Riotous Assemblies Act and War Measure 145 were the best the prosecution could do. As with the Treason Trial a decade later, and some of the other trials that followed in the 1960s, the only official gatherings representative of South Africa were in the country's courtrooms. In this instance, wrote *The Guardian*, black, white, Coloured, Afrikaners, Africans, Indians and Jews sat together in the Johannesburg Magistrate's Court.²⁸ It was a novelty in 1946 but it became commonplace in the next 20 years.

The accused in the miners' case consisted of the leaders of the African Mineworkers Union and the Johannesburg District Committee of the CPSA. In some cases membership was cross-cutting. J.B. Marks, for instance, was a member of the ANC, the Communist Party and the AMWU, while Moses Kotane was a member of the Communist Party and the ANC, but not a trade unionist. On the other hand, Hilda Watts, Lionel (Rusty) Bernstein, Abram Fischer and Michael Harmel (to cite only the best-known members of the CPSA) were not members of either the ANC or the AMWU. It would have been anomalous at that time for the whites to be members of an African nationalist organization and their presence in the union as non-miners – not even trade unionists – would have been quite irregular. This did not prevent their working in the closest cooperation with the union and the ANC. Smuts' accusation that the strike was communist-inspired was disingenuous, inferring that the African workers would not by themselves have raised any of the grievances brought by the union and that in any case, the miners' conditions were not anything to complain about. The only reason for the protest, he told parliament, was because of the work of agitators.

The state's attempt to blame the Communist Party for the union's strike failed for lack of evidence and the prosecution dropped all the charges against its members, including the charge of conspiracy and incitement under the Riotous Assemblies Act.²⁹ These charges were also subsequently dropped for the remaining accused, who pleaded guilty to the single charge of continuing an illegal strike. They were individually fined between £15 and £50 for this offence. This was a far cry from the original, dramatic charges of "conspiracy" and in the event a resounding defeat for the prosecution. Regrettably, it was a pyrrhic victory for the Left as it was followed by a period of intense police harassment, arrests, courtroom battles and unwieldy show trials, unlike anything the movement had previously experienced.

The union soon reflected on the events that preceded the shootings, arrests and trial that followed. Almost immediately after the strike, it recorded the criminal indifference of the employers to the case of the African mineworkers, noting that

practically every communication they had addressed to the employers over the six years of the union's existence had received neither reply nor acknowledgement. ... The pay and conditions of employment were a notorious national scandal as monthly wages remained at three pounds per month, the same as it was in 1900.³⁰

The union's tone was tense, not so much for the massacre of the striking miners, but for the intransigence of the Chamber. Year after year, the union had attempted to secure a response to its demands from both government and the employers, but its efforts had met with nothing but frustration and contempt. The 1943 Mine Wages Commission had raised the expectation of the workers, but "their hopes were dashed by the open admission that the inquiry's findings were based on the necessity for the maintenance of the 'cheap labour' system".³¹

Sedition

Within a fortnight of the trial's ending, the security police raided the office of the Central Executive Committee of the Party in Cape Town, its offices in the different centres and the homes of its members. The Party saw this as a campaign by the Smuts government "to win the applause of the gold mining industry" in the critical aftermath of the mine strike, and to punish the CPSA for its sustained identification with the mineworkers over the years. Initially the Party interpreted the intensification of the state's assault on it as a move by the ruling party to demonstrate that it was capable of a tough anti-communist stance against its political opposition. As time wore on, it saw the government's action as more far-reaching and strategic than a tough stance against Communism, but rather a signal that without repression it could not hold the line against the depth of peoples' grievances, and "as the prelude to a general onslaught on all the labour and national liberation organizations".³²

As if to verify this conclusion the police swooped on the leadership of the CPSA and raided the offices of *The Guardian* newspaper in all the major cities, apparently to collect evidence for an impending trial of members of the central committee on charges of sedition, arising out of the miners strike. The security police searched for papers, pamphlets, letters ... anything that would bolster the state's charges of a conspiracy. The general impression was that the security police themselves did not know what they were

looking for. Initially the net was widely cast and in addition to targeting the members of the Central Committee, warrants were issued in terms of the Riotous Assemblies Act for searches on trade unionists and party members in the various centres, especially in Natal, where there had been a number of political rallies in support of the miners' case. Among those raided in Natal were trade union leaders G. Ponen, Errol Shanley, M.P. Naicker and M.D. Naidoo.³³ None of them are alive today but they are all celebrated figures. I knew most of them but not Errol Shanley to whom I was introduced while awaiting trial for treason at the Old Fort in the 1950s in Johannesburg, ten years later.

The defendants in the Sedition Trial in 1946 were all members of the Central Committee of the CPSA. Generally the allegations were far-fetched and dramatic, asserting that the Party had engineered the strike to “overthrow the government of the day” and substitute a Communist regime in its place by means of revolutionary upheavals and the seizure of political power by the workers.³⁴ Additional charges included the training of professional revolutionaries, the education, organization and agitation of non-Europeans, and some technical offence connected with the contravention of the Official Secrets Act. Altogether there were eight members of the Central Executive Committee on trial, among them some of the most well-known names in the Communist Party, including its national chairman, W.H. Andrews; its general secretary, Moses M. Kotane; Advocate Harry Snitcher (chairman of the Cape District of the Communist Party); Betty Sachs (known as Betty Radford), editor of *The Guardian*; Dr H.J. Simons, a lecturer at the University of Cape Town; Fred Carneson (secretary of the Cape District Committee of the Communist Party); Isaac O. Horvitch (former secretary of the Cape District Committee); and Lucas Philips (trade union secretary). Some of these I would meet again in the Treason Trial in 1956 and get to know quite well.

Sam Kahn acted as part of the legal team in the 1946 Sedition trial. His co-barrister was V.C. Berrange, short and dapper in size, but a giant in stature against the prosecution and a legal “street fighter” of some elegance. He was to go on to defend us together with ever-larger teams of defence lawyers in the lengthy trials of the mid-fifties and sixties. The attorney general, Dr Percy Yutar, was the prosecutor in the Sedition Trial and in the Rivonia Trial in 1964. He failed to convict the members of the Central Executive Committee in 1946, but 17 years later returned with an even heavier air of theatre to secure convictions against members of the ANC and the SACP in the Rivonia Trial of Mandela and eleven others.³⁵

Unsurprisingly the charges against the members of the Central Executive Committee of the CPSA collapsed in 1946 for lack of evidence. The preliminary phase of the trial lasted about three weeks and provided a lasting source of information for future historians on the role of the party during this period as well as its approach to the trade union movement and strikes. Jack Simons (who conducted his own defence) told the court that

the CPSA had “made a singular contribution” to creating racial harmony within the Labour Movement and had encouraged the organization of skilled and unskilled workers; it was not the Party’s policy to interfere with the unions or to call strikes. The responsibility for the anger of the miners rested with the Chamber of Mines who had done little to address the union’s requests for arbitration or the miners’ conditions of work. Yutar rejected the defence’s explanation – but not before the accused objected to irregularities in the proceedings and a fresh preliminary hearing was ordered. This was held in December 1946 – after which the accused were committed to the Supreme Court on a charge of sedition.

The court hearing took place a month before the National Party came to power in May 1948.³⁶ In this trial, the prosecution had for its own purposes, transformed the African Mineworkers Union into a concealed wing of the CPSA, blithely ignoring the evidence of their own informers (present at the rallies of the union) and distorting the prosecution’s earlier interpretation of documents confiscated during the police raids in order to prove that it was the Johannesburg District Committee of the Party that had engineered the strike. Meanwhile, “expert” witnesses asserted that the Central Executive Committee of the CPSA was responsible for the bloodshed that had occurred during the strike, as it had initiated the action in the first instance. After lengthy evidence and exhaustive legal argument the court was unable sufficiently to prove these linkages between the AMWU, the Party and its Central Executive Committee. Nor was it able to establish the violence and political revolt necessary to substantiate a serious charge of sedition. Paradoxically, the National Party government (partly for whose benefit Smuts had adopted a tough anti-communist stance) withdrew the charges in October 1948, nearly two years after the initial arrests.

The Chamber, for its part, was undaunted by the consequences of the strike and implausibly defended its labour policies in a booklet published during the course of the trial. In it, the Chamber wrote: “Most Native labourers are housed in brick buildings set among well laid gardens, lawns and playing fields known as compounds ... [which] ... tempers the impact of what is to him a strange and bewildering world ...”³⁷ The blood spilt in the strike meant nothing to the Chamber and they continued to project the life of the happy African miner adjusting to an Elysian world created specially for him by the mine owners.

However, the strike did not deter the union from organizing the miners and nor would the spiral of trials (those already held and others to come) discourage the movement from mounting the defiant campaigns that characterized the 1950s or from creating the Freedom Charter, with its strident aspiration of transferring the mineral wealth “beneath the soil” to the people.

Chapter 6

- 1 Eric Hobsbawm, *On History* (Abacus, London, 2004), p. 302.
- 2 *Inkululeko*, 23.01.43.
- 3 He was expelled in 1942 ostensibly for supporting the formation of the African Democratic Party whose agenda, Liberal linkages and impatient attitude towards the ANC were unacceptable to the Party. After that he had a long career outside the CPSA and the ANC. He served on the Alexandra Bus Boycott Committee in 1943; the Transvaal Provincial ANC; and the NEC of the ANC in 1949. In the late 1950s he joined the PAC, left the country after Sharpeville and became the PAC representative in Zambia in 1964.
- 4 E. Roux, *Time Longer than Rope: A History of the Black Man's Struggle for Freedom in South Africa* (University of Wisconsin Press, Madison, 1964), pp. 334–335.
- 5 There were unsuccessful attempts by the Party to organize the mineworkers in 1931 and 1932. See Roux, *Time Longer than Rope*, p. 334.
- 6 I chose to research the Chamber of Mines for a doctoral thesis on my release from prison in 1968. This was published under the title of *The Foundations of the South African Cheap Labour System* (Routledge, Kegan Paul, London, 1982).
- 7 *The Guardian*, 06.04.44.
- 8 Levy, *The Foundations*, p. 3. This was an “opportunity cost” view by the Chambers’ historian, Cartwright, of the motivation for African labour to the mines.
- 9 Levy, *The Foundations*, pp. 16, 17.
- 10 These are outlined in detail in the early chapters of Levy, *The Foundations*.
- 11 AMWU submission to Witwatersrand Mine Natives’ Wage Commission, July 1943.
- 12 AMWU submission to Witwatersrand Mine Natives’ Wage Commission, 1943.
- 13 Njabulo Ndebele, *The Cry of Winnie Mandela* (David Philip, Cape Town, 2003), p. 5. Approximately 1% of the more skilled of the miners’ families were allowed to join their menfolk in the urban centres.
- 14 AMWU submission to Witwatersrand Mine Natives’ Wage Commission, July 1943.
- 15 *Ibid.*, AMWU submission, July 1943.
- 16 *Ibid.*, AMWU submission, 8 July 1943.
- 17 *The Guardian*, 22.07.43 (the NRC’s discussion on the mine strike is described in chapter 4 above).
- 18 *The Guardian*, 06.04.44.
- 19 The wage recommendations are cited from the Smit Commission Report, April 1946, in Roux, *Time Longer than Rope*, p. 336. The suggested increases included a threepence increase per shift for the rise in the cost of living, two weeks of paid leave per annum and a three shillings boot allowance over 30 working shifts.
- 20 *Inkululeko*, 18.09.1943. My italics.
- 21 W. Gemmil, speaking for the Chamber of Mines, cited in *Inkululeko* 18.09.1943.
- 22 Roux, *Time Longer than Rope*, p. 336.
- 23 *The Guardian*, 15.08.46.

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- 24 *The Guardian*, 22.08.46.
- 25 *Youth for a New South Africa*, No. 5, September 1946.
- 26 *The Guardian*, 22.08.46.
- 27 *The Guardian*, 13.08.46.
- 28 *The Guardian*, 29.08.46.
- 29 On the details of the trial see *The Guardian*, 29.08.46; and 7.09.46.
- 30 *The Guardian*, 15.08.46.
- 31 *The Guardian*, 15.08.46.
- 32 *The Guardian*, 9.01.47.
- 33 Pauline Podbrey describes some of these trade unionists in her autobiography, *White Girl in Search of the Party* (Haded Books, Pietermaritzburg, 1993).
- 34 See Jack Simons and Ray Simons, *Class and Colour in South Africa, 1850–1950* (IDAF, London, 1983), p. 585.
- 35 There are many accounts of Yutar’s single-mindedness in this trial. See Joel Joffe, *The Rivonia Trial*, Mayibuye History and Literature Series, No. 57 (Mayibuye Books and UWC, Belville, 1995); Lionel (Rusty) Bernstein, *Memory against Forgetting* (Viking Press, London, 1999); and Glen Frankel, *Rivonia’s Children: Three Families and the Price of Freedom in South Africa* (Jonathan Ball, Johannesburg, 1999).
- 36 Simons and Simons, *Class and Colour in South Africa*, p. 586.
- 37 *The Guardian*, 21.08.47.