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POLITICAL TRIALS

PRISON ACT TRIALS

The Strachan trial ended on December eleventh. Judgement has been reserved tentatively until January 26.

Mr Robert Harold Lundie Strachan has been charged with two counts under the Prisons Act relating to the publication of false information about prison conditions, and one count of perjury. He has pleaded not guilty to all the charges. The case arises from a series of articles about prison conditions published in the Rand Daily Mail on June 30, July 1 and July 2, 1965.

The State alleges that Mr Strachan made a false statement to a Durban attorney, Mr I.I. Arenstein, on June 18, 1965.

On the second count, Mr

Strachan is charged with contravening Section 44(f) of the Prisons Act of 1959 by publishing on June 18, false information about the experiences of prisoners or ex-prisoners and/or about the administration of the three prisons - the Port Elizabeth North End Jail, the Pretoria local prison and the Pretoria Central prison.

On the third charge, the State alleges that Mr Strachan acting in concert with or through Mr Benjamin Pogrund, a reporter of the Rand Daily Mail, and/or other persons, published or caused to be published in the Rand Daily Mail false information about conditions in the three prisons and/or the experiences of prisoners or ex-prisoners. (1)

Mr Theron is appearing in

the Regional Court, Johannesburg, on 12 counts - two of having made false affidavits; two of publishing false information about prisons in the newspapers, or causing it to be published; two of inciting people to make false affidavits or false information or cause it to be published; three of illegally providing groceries to a prisoner; three of accepting money from a prisoner, his friends or relatives. He has pleaded not guilty to all charges. (2)

An application by Mr Gysbert Johan van Schalkwyk, a former prison warder jailed for perjury, to the Chief Justice for a re-hearing of his case has been refused.

Mr van Schalkwyk was convicted in the Johannesburg Regional Court on August 17, 1965 of making a false statement under oath about conditions in the Cinderella Prison, Boksburg. He was sentenced to three years, but this was later reduced by the Supreme Court, Pretoria, to 18 months' imprisonment. (3)

Mr Gerhardus Prins, a former warder at Cinderella Prison, Boksburg, who made statements in support of Mr Theron, was convicted and fined R100 in Boksburg on December 1 on two counts of

contravening prison regulations by having monetary dealings with a prisoner and one count of being in possession of dagga. (4)

Mr Johannes George Jonker, head warder at Nigel Prison, was found guilty recently at a Departmental inquiry on two charges of assaulting prisoners and one of attempting to defeat the ends of justice. (5)

The specialist physician at the head of South Africa's multiple sclerosis research programme, Dr Geoffrey Dean, appeared in the Port Elizabeth Magistrate's Court on a charge under the Prisons Act of publishing false information. The trial was adjourned to January, 1966, and transferred to Cape Town.

COMMUNIST PARTY TRIALS

Mr Abram Fischer was remanded in custody to January 26 when he appeared in the Johannesburg Regional Court on December 22. His trial was converted into a preparatory examination. On January 25, 1965, when he was appearing with 13 others in the Johannesburg Regional Court on charges under the Suppression of Communism Act, Mr Fischer disappeared and estreated his bail. He was later arrested wearing a heavy disguise. (6)

Miss Sheila Weinberg, who was sentenced to 18 months'

imprisonment by the Johannesburg Regional Court for painting a slogan in Industria in March 1964 in contravention of the Suppression of Communism Act, had 12 months of her sentence suspended by two appeal judges in the Pretoria Supreme Court. (7)

Mr Rowley Arenstein was acquitted in the Durban Regional Court on six counts of contravening the Suppression of Communism Act.

Count one alleged that between January 1960 and July 1963 at Durban, Mr Arenstein became or continued to be an office bearer, officer or member of an unlawful organisation, the South African Communist Party.

The second count alleged that Mr Arenstein took part in the activities of the Communist Party. An alternative to count two alleged that in the same period Mr Arenstein performed acts calculated to further communism.

Four more counts alleged that Mr Arenstein contravened banning orders served on him. (8)

ANC TRIALS

Mr Eric Zuma and nine others were found guilty under the Suppression of Communism Act of being

members of the banned African National Congress and participating in its activities. The charge referred to a strike of employees of the Bay Passenger Transport Company in Port Elizabeth in 1961.

In his judgement the magistrate suggested that the authorities should ben SACTU (South African Congress of Trade Unions) which had identified itself with the strike and the ANC. (9)

PAC TRIALS

Three men, Messrs Mpinelelo Naron, Gladstone Khytogene and Mpimelelo Mbengi were imprisoned after being convicted at the Regional Court, Humansdorp, of belonging to the banned Pan-Africanist Congress and taking part in its activities. Messrs Naron and Khytogene were sentenced to a total of three years and Mr Mbengi to two years. (10)

Mr Justice Diemont ordered that a part of his judgement concerning 22 convicts charged with sabotage be sent to the Commissioner of Prisons for a 'long and careful inquiry' into alleged callous treatment of prisoners at the Gamkaspoort Prison.

The convicts were found guilty of sabotage and escaping from custody and sentenced to a total of 204 years.

It was alleged by the State

that the men, inspired by Poqo, planned to attack the police station and people of Ladismith, and then flee to Basutoland. (11)

Thirteen men were charged with belonging to the banned Pan-Africanist Congress between April 1960 and October 1964 in the Pretoria Regional Court.

Among the highlights of the trial so far have been: a meeting in the offices of a firm of Johannesburg attorneys at which Harold Wolpe, Arthur Goldreich and Abram Fischer were said to be present was described (12); the former chief propagandist of the ANC saying that if Africans took over, South Africa would go back to the days of Dingaan. (13)

180-DAY DETENTIONS

We last reported that at least ten people were being held under this clause for political offences. Since then, Dr Milindton has been released from detention.

However the following people have been detained: Mr Fred Carneson (who was later released and charged with sabotage), former MPC and one time editor of the banned journal New Age; Mrs Caroline de Crespigny, who is reported to be working on a novel about solitary confinement; Mrs Brenda Merco-

rio, an articled clerk; Mr Solli Malindi, a member of the Defence and Aid Fund; Mr Jack Mpundu; Messrs Simon Egert, Eric Flegg, Alfred Aronstam; and Gordon Winter. (15)

BANNED

Mr Massabalala Bennie Yengwa, of Njingeni Bantu Reserve, has been prohibited from attending meetings for five years. (16)

References:

1. Rand Daily Mail, Dec. 11
 2. Rand Daily Mail, Dec.
 3. Rand Daily Mail, Dec. 3
 4. Star, Dec. 1
 5. Star, Dec. 13
 6. Star, Dec. 22
 7. Star, Dec. 15
 8. Rand Daily Mail, Dec. 21
 9. Star, Dec. 21
 10. Rand Daily Mail, Dec. 11
 11. Cape Times, Dec. 15
 12. Rand Daily Mail, Jan. 4
 13. Daily Dispatch, Jan. 5
 14. Daily Dispatch, Dec. 13
 15. Cape Times, Dec. 10
Cape Times, Jan. 17
 16. Cape Times, Jan. 22
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Significant events in December and January

Police Raids

Widespread police raids on African urban areas occurred in the Transvaal and Natal during December and January. In Soweto in one raid, for example, 1,600 suspects were detained by two thousand four hundred policemen. Most of those detained were later released. A drop in the crime rate was reported. The object of the exercise was to attack crime 'at its roots'. (1)

Crime

When four Whites raped an African woman and assaulted her escort they were sentenced to six strokes each. The Rand Daily Mail asked what would have happened had four Non-Whites raped a White woman and assaulted her escort. (2)

Baby gift

Mr M.C. Botha, Deputy Minister of Bantu Administration and Development, appealed to White South African couples between the ages of 20 and 45 years to produce a baby for the Republican celebrations this year. (The South African birth rate is sixth highest in the world.) (3)

Basutoland

Chief Jonathan is to submit a formal request for independence on April 30. This has left the way open for negotiations with the South African Government. (4) But South African political refugees in Maseru fear South Africa may demand their return as part of the price of an agreement on issues of mutual interest. (5) The Prime Minister of Basutoland has already warned political refugees not to engage in Basutoland politics. (6)

Transkei

A resolution calling on the South African Government to grant the Transkei complete independence by May 5, 1967 was adopted by the Matluti branch of the ruling Transkei National Independence Party Conference at Matatiele recently. (7)

All the land under the jurisdiction of the local authorities of ten towns and villages in the Transkei, and part of the land under the jurisdiction of the local authorities of 13 other towns and villages has been reserved as from January 3, for occupation and ownership

by African citizens of the Transkei. (8) This means that Whites may now legally live side by side in these reserved areas. (9) But Kaizer Matanzima said that the proclamation was the first step towards the gradual take-over of the whole of the Transkei by Africans in accordance with the South African Government's policy. (10)

Mamuthla

The Bishop of Kimberley and Kuruman, the Rt. Rev. C.E. Crowther, said that he was "ashamed to be associated by the accident of my race with those responsible for this disregard of humanity and ordinary human wants of food and shelter". He was referring to the uprooting of 1500 Africans from their homes in Holpan to the Mamuthla Reserve where, according to reports, they were dumped on the open veld without food or water and without the chance of employment. (11) This was denied by the Department of Bantu Administration and Development, but they gave the Bishop permission to distribute food to hungry Africans in the Reserve. (12)

Swaziland

A rift has developed between the ruling Imbokodvo National Movement of Swaziland and the White-led United Swaziland Association. The latter are demanding reserved legislature seats in the new constitution, the former says no. (13) Dr Msibi, general secretary of Imbokodvo National Movement, said that "tenacious adherence to the belief that Swaziland could be a shining example of non-racialism in a jaundiced and prejudiced world" had led the country from political turmoil to stability. (14)

References

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2. Rand Daily Mail, Nov. 20
3. Die Transvaler, Nov. 30
4. Star, Dec. 2
5. Star, Dec. 23
6. Star, Dec. 21
7. Star, Dec. 24
8. Daily Dispatch, Jan. 1
9. Daily Dispatch, Jan. 4
10. Daily Dispatch, Jan. 6
11. Star, Dec. 22
12. Star, Dec. 23
13. Daily Dispatch, Jan. 6
14. Rand Daily Mail, Jan. 5

long view by

ALAN PATON

THE NDAMSE AFFAIR

It is not likely that Chief Minister Matanzima of the Transkei would want my advice or welcome my opinions. He regards Liberals as trouble-makers, rogues, and even murderers. He and I are quite different in one fundamental respect - he is a Xhosa and I am a South African; and of course he is a powerful man and I am not.

Nevertheless I am going to proffer my advice and give my opinions, and this will be in regard to the appointment or rejection of Mr Curnick Ndamse as Professional Assistant in the Transkei Department of Education.

Mr Ndamse is a man of courage and strong opinions. While he was on the staff of Fort Hare College he made certain criticisms, as he thought he was entitled to do, on the whole question of Bantu Education.

As a result of this action he was dismissed by the Council of the College, on the grounds that he was insubordinate and was guilty of academically reprehensible conduct. This incident reveals clearly the nature of academic freedom at Fort Hare.

Chief Minister Matanzima then decided that he would use Mr Ndamse's gifts for the benefit of the Transkei, and he first appointed him to a post at the Jongilizwe College for the sons of chiefs, and later appointed him, or contemplated doing so, to the post of Professional Assistant. I do not know the full truth, but it is suggested that the Chief Minister did so against the wishes of the Commissioner-General, Mr Hans Abraham, and against the wishes of white education officials, as he was fully entitled to do. This appointment was regarded as an affront by the Republican

Government, who had already been antagonised by the Transkeian Parliament's decision to discard Bantu Education, and to introduce the official languages at an earlier stage in the primary schools, so that ultimately most instruction, certainly that in Mathematics and Science, should be given through the medium of one of these languages if parents so desired. The schools welcomed this change, and voted overwhelmingly in favour of the use of English. This decision naturally did not commend itself strongly to a Government and a Party that is overwhelmingly Afrikaans-speaking. The Republican Government then decided to take what can only be described as an extreme step. The Republican Minister of Justice, using the Suppression of Communism Act, served a banning order on Mr Ndamse, and this order, like most of its kind, forbade Mr Ndamse to enter any educational institution. In other words, Mr Vorster virtually made it impossible for Chief Minister Matanzima to appoint Mr Ndamse as Chief Educational Officer in the Transkei.

Now under the Transkeian Constitution, the Transkei Government has the full

control of education, while the Republican Government has the full control of internal security. It is now quite clear that this compartmentalisation has broken down, and indeed the entire Constitution is full of these irreconcilabilities, as this paper and others pointed out at the time. However I am not at pains to rewrite the Constitution. I merely ask the question, what should the Chief Minister do now?

Mr Vorster's step was blatantly intended to make it impossible for the Chief Minister to have Mr Ndamse as Professional Assistant. We have no evidence that this action was contemplated before the appointment, and we have no evidence - in fact we never do - in such cases, that Mr Ndamse was furthering the aims of Communism. If he had been, the Chief Minister would never have thought of appointing him.

Mr Vorster's action is a direct and calculated challenge by the Republican Government to the Transkei Government. The Republican Government is virtually saying to the Chief Minister, "You are a self-governing state, and amongst other things you are in complete control of education, but we cannot allow you to appoint

persons to educational posts who are unacceptable to us".

What is Chief Matanzima to do? He can of course insist on Mr Ndamse's appointment, and intimate to the Republican Government that he would find the position intolerable if the banning order was not rescinded.

Failing that, there is surely only one course to take. It is to secure the unanimous support of the Opposition Party, for a complete withdrawal from all legislative and administrative duties allotted by the Constitution, and to allow the territory to revert to white control.

It is my belief that this would be regarded throughout the world as the act of a self-respecting people who were told they could govern themselves, and then found that they could not. It is my hope - though I do not expect this to be shared by the Chief Minister - that it would expose the sham of the Bantustan policy, and shake even the unshakable Dr Verwoerd.

Out of such an action only advance could ultimately come. And it would be real.

PAPWA'S HANDICAP

What is it about Mr Sewsunker Sewgolum (Papwa, as he is rather over-familiarly known) that makes him such an embarrassment to Cabinet Ministers and Group Areas officials? It is not just that he is an Indian. There are thousands of Indians in South Africa, who, even if they bring no pleasure to the Nationalist authorities, cause them no actual pain. It is not that he is personally disagreeable. On the contrary, every sportswriter remarks on the pleasant modesty of his demeanour. It is simply that he plays very good golf: and in Apartheid South Africa, this is disastrous. There is no room here for a first rate golfer (or cricketer, or boxer, or athlete, or footballer) who is not white. Members of (white) South African Olympic Committees may well be sincere (if not entirely disinterested) in their intention to aid non-White sport; but their aid had better stop a long way short of producing champions, or else they will create awkward situations at major sporting events all over the country, and may actually find themselves victims of the horrifying accusation of bringing politics into sport.

However, perhaps this accusation will soon be rather out of date. Most sports-writers and sporting spokesmen are really a little uneasy about Papwa. They express sympathy with and affection for him, report with pleasure all manifestations of his great popularity, give publicity to the elegance of his (caravan) accommodation in Port Elizabeth, and in general say much that is pleasant and proper - always stopping short, however, of any criticism of the Government officials who are causing all the trouble. When they have been so circumspect in their handling of the busy and powerful, ban-equipped and regulation-furnished creators of Apartheid in sport, they may find it a little difficult to descend in their accustomed full cry upon its critics, whose only weapons are their words.

Perhaps, of course, they won't find it difficult at all. It is permissible, even virtuous, in this country to dispose of courage and sportsmanship, courtesy, humanity, sincerity, truth and reasonableness, and replace them all with Apartheid. Episodes like Papwa's latest restrictions give some unfor-

tunate glimmerings of the nastiness of this substitution even to quite unpolitical people, whose interest in newspapers is usually limited to the back pages. Dr Verwoerd's best hope is that all the frustrations and tensions of his dealings with tournaments have a bad effect on Papwa's golf, and send his handicap as quickly as possible up to suitably second-rate figures.

KATE

BLACK SASH

The Black Sash was formed in 1955 to fight the Senate Bill - the Bill that enabled the Government to get round the entrenched clauses of the Constitution by packing the Senate with their own supporters. (1)

Although the Black Sash did not succeed in this fight, the organisation was continued to work for the principles of parliamentary democracy within South Africa, and to uphold civil rights and liberties.

To most people the Black Sash suggests protest vigils; but this is not the only activity undertaken by the Black Sash, nor even

at present its main activity. It holds public meetings, Brains Trusts, and other functions. Most of its effort now goes into maintaining two Advice Offices, one in the Cape and the other in the Transvaal. These offices assist Africans with legal problems connected with the migrant labour system.

Indeed, the major attack of the Black Sash has been against the pass laws and the migrant labour system which tends to break up families because the husband is separated from his wife and children for long periods. The organisers believe that as a result of their protests the pass laws are not so inhumanely administered as before.

In October, 1965 the Black Sash celebrated its tenth anniversary in Port Elizabeth. Mrs Jean Sinclair, the National President, said that the Black Sash would remain steadfast in its devotion to liberty and justice and would, to the best of its ability, keep alive the spirit of dissent. (2)

Cape Town City officials have refused to co-operate with the Black Sash's Athlone Advice Office on the grounds that adequate channels exist for Africans with migration problems.

(3)

References:

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 3. Cape Times, Nov 17, 1965.
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