



contact

FOR UNITED NON-RACIAL ACTION

Vol. 9 No. 4

July, 1966

POLITICAL TRIALS

PRISON ACT TRIALS

Mr Robert Harold Lundie Strachan has had his sentence of two and a half years reduced by one year in the Pietermaritzburg Supreme Court.

He had appealed against his conviction in the Durban Regional Court on one count of perjury and two counts under the Prisons Act, arising from articles which appeared in the Rand Daily Mail on June 30, July 1 and July 2, 1965.

Mr Strachan was found guilty of making a false statement in Durban to Mr Arenstein, causing false information concerning experiences of prisoners and ex-prisoners to be published and causing false information to be published concerning the administration of these prisons.

The grounds for his appeal were that the magistrate had

erred in accepting the evidence of the State witnesses in view of the discrepancies and inconsistencies in such evidence; and that the magistrate erred in his approach to, and in his rejection of, the evidence of the defence witnesses, in particular of Mr Strachan and the political prisoners.

In his judgement, Mr Justice Milne said that while the verdict of guilty on all three counts must stand "the appeal succeeds to the extent that we have held that a certain number of statements made by the appellant in his affidavit and in the publication in the newspaper were not proved beyond reasonable doubt to have been falsely made".

On May 30 Mr Strachan handed himself over to the prison authorities to begin his sentence.

* * * *

The trial of Mr Theron is still continuing in the Regional Court, Johannesburg. He is appearing on twelve 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 the charges.

COMMUNIST TRIALS

Mr Abram Fischer was found guilty in Pretoria of conspiring to commit sabotage and furthering the aims and objects of the Communist Party and was sentenced to life imprisonment.

He was found guilty of nine of the fifteen charges listed in the indictment, and on the alternative charge on the remaining six charges.

The first charge dealt with allegations that Mr Fischer was a party to a conspiracy with the African National Congress and Umkonto we Sizwe to aid or procure the commission of acts of sabotage which would have endangered the health and safety of the

public and caused general disruption to the country.

This would have been done by training people in guerrilla warfare and teaching them to make arms. It was alleged that buildings and installations were, in fact, damaged, all with the purpose of causing a violent revolution in the country.

After finding Mr Fischer guilty of the first charge the judge said that it was common cause that Mr Fischer was a member of the Communist Party and he was thus found guilty on the second, third and fourth charges.

The fifth, sixth and seventh charges were based on various documents prepared with the object of furthering the achievement of the objects of Communism. The court was satisfied, the judge said, that the evidence had shown Mr Fischer to be guilty to these charges as well.

Mr Fischer was also found guilty on the alternative charges numbered eight to thirteen. These are all counts of fraud arising from Mr Fischer's use of false names.

On charges fourteen and fifteen, Mr Fischer was found guilty of forging a driver's licence and an identity card,

but was found not guilty of uttering these two documents.

* * * *

Both Mr Isaac Heymann and Mr Michael Dingake were found guilty in the Supreme Court, Pretoria, under the Suppression of Communism Act. The former was sentenced to five years' and the latter to fifteen years' imprisonment.

Messrs Heymann and Dingake were both charged with being office-bearers, officers or members of the South African Communist Party and the African National Congress from January 1, 1961 to August 31, 1965.

The second charge against them was that between January 1, 1964 and August 31, 1965 they did instigate, incite, aid, advise, encourage or procure persons to undergo training or obtain information which could be of use in furthering the achievement of any of the objects of Communism or of the A.N.C.

As the first alternative to the second charge, they were accused of conspiring with one another and with the S.A.C.P., the A.N.C. and Umkonto we Sizwe as well as twenty-five named persons, including Mr Abram Fischer, and other persons unknown, to incite, instigate, aid, advise, encourage or procure persons to undergo training

or to obtain information which would further any of the objects of Communism or the banned A.N.C.

The second alternative to the second charge was that both men took part in the activities of both or either the C.P. or the A.N.C.

The judge found both guilty of being members of the banned C.P. In addition he found Mr Heymann guilty of taking part in the activities of the C.P. and Mr Dingake of having procured people for training or to obtain information for the C.P., the A.N.C. and Umkonto we Sizwe.

A dramatic development marked the opening stages of the trial when Mr Dingake, a Bechuana national, refused to plead and claimed he had been kidnapped and brought illegally into South Africa.

An application for leave to appeal by Mr Heymann was enrolled in the Supreme Court, Pretoria.

* * * *

Mrs Violet Weinberg, a former 180-day detainee, was sentenced to three months' imprisonment in the Supreme Court, Pretoria, for refusing to give evidence during the trial of Messrs Heymann and Dingake.

Mrs Weinberg has petition-

ed the Chief Justice for leave to appeal against her conviction and sentence.

* * * *

A former M.P.C. and editor of the banned publication New Age, Mr Fred Carneson, was found guilty at the Criminal Sessions, Cape Town, on three charges under the Suppression of Communism Act and sentenced to a total of five years and nine months' imprisonment. He was found not guilty on a charge of sabotage.

To two of the charges - that he was an office-bearer or member of the Communist Party, and that he unlawfully had in his possession publications banned under the Suppression of Communism Act - he pleaded guilty.

He pleaded not guilty to the sabotage charge and to a charge that he took part in the activities of the Communist Party though he admitted the correctness of certain of the allegations in this charge.

He denied taking part in the activities of the party by serving as a member of its central committee and attending, advising and addressing meetings of that committee; by planning as a member of the central committee the activities of Umkonto we Sizwe; and

by planning and advising acts of violence in the Transkei.

He admitted the correctness of allegations that he had taken part in the activities of the party by procuring certain people to join it, duplicate pamphlets, post correspondence, form a cell and use premises for the party; by addressing party meetings; by accepting subscriptions; by procuring a person to put his postal address at the disposal of the party; and by hiring premises for the party.

He was found not guilty of the parts of this charge which he denied, and guilty in terms of the allegations which he admitted were correct.

* * * *

Sixteen young men - five of them pupils at the Roodepoort Indian High School - are to appear in the Roodepoort Magistrate's Court shortly on charges under the Suppression of Communism Act.

The charges relate to the appearance of painted slogans on the school walls and "Boycott the Republic Festival" pamphlets at the school recently.

There will be two trials, with eight accused at each.

The first group, which includes five pupils, will be

charged in connection with the slogans. There is an alternative charge of malicious damage to property.

They appeared in the Roo-depoort Magistrate's Court recently for remand.

The second group will appear in court in connection with the distribution of the pamphlets.

* * * *

An articled clerk of Umtata, Mr Zantse Mzimba, was found guilty in Umtata on two charges under the Suppression of Communism Act, arising out of his possession of a copy of Fighting Talk and one of New Age, both of which are banned.

He was sentenced to twelve months' imprisonment of which nine months was suspended for three years on condition that he is not during that period convicted of any offence under the Suppression of Communism Act.

PAN-AFRICANIST TRIALS

Four men were sentenced to five years' imprisonment each when they appeared in Grahamstown on charges under the Suppression of Communism Act.

The four were Messrs Zolile Samuel Pityane, Ernest Tshazibani, Jubulani Mkuzo, and Salu Soyizwapi.

They were found guilty of being members of the unlawful Pan-Africanist Congress; that they left the Republic for Basutoland without valid passports or permits; and that they underwent or took steps to undergo training which could have been of use in furthering the achievement of the objects of the P.A.C.

Three witnesses told the court of secretly crossing the Basutoland border during 1964. They explained how they attended lectures in Maseru held by the P.A.C. for P.A.C. members.

These lectures were devoted chiefly to guerilla warfare. Instructions were given in fighting with inadequate weapons, surprise attacks, hit and run tactics and the art of camouflage. Persons attending these lectures also did physical training.

* * * *

The Pan-African Congress security, following its banning, was too good for the witnesses who had testified against him to have personal knowledge of the facts, said Mr Vuyisile Tole in the Supreme Court, Grahamstown.

Mr Tole pleaded not guilty.

to a charge of recruiting or attempting to recruit men for military training, which could be used to further P.A.C. objects.

One witness described leaving the Republic and when going through Bechuanaland being arrested at Livingstone station and brought back to South Africa.

* * * *

In April, 1966, thirty men from the Gamkaspoot Prison appeared in Cape Town on a charge of sabotage.

On May 5, fourteen were discharged on the grounds that there was insufficient evidence against them.

They were: Messrs Booie Mahanga, Kula, Mbakombe, Hagile, Matross, Lusekile, Ngcenge, Biyana, Duma, Tokota, Gweba, Nzimande and John Gayi.

The trial of the remaining sixteen continued.

The State alleged that the men were members of a banned organisation, the Pan-Africanist Congress, and that they attended meetings of this organisation. It was also alleged that they conspired to attack and murder four other prisoners at the jail and then to attack their warders and escape.

On June 3 a further seven were found not guilty and

discharged.

The men were Messrs Mpondo; Malvern, Ciliza, Zinga, Majola, Balasane, and George Naxali.

On June 15, five of the remaining nine men were found guilty of sabotage.

They were: Messrs Bell, Mafu, Mbele, Zakumba, Ntuli. Mr Nosiko Charlie was found guilty of becoming a member of Poqo, a banned organisation.

Messrs Mrwentyana and Jamani were acquitted. The ninth man, Mr Sam Radebe, had a stroke and went to hospital. He will be tried later.

Mr Bell was sentenced to twelve years; Mr Mafu to eight years; Mr Mbele to five years; Mr Zakumba to ten years; Mr Ntuli to five years; and Mr Charlie to four years' imprisonment.

AFRICAN NATIONAL CONGRESS TRIALS

Five men serving sentences on Robben Island for political offences were each sentenced to another four years on further charges involving the banned African National Congress.

They were tried in Humansdorp, and convicted of contributing or soliciting funds

(continued on page 8)

Longview by

ALAN PATON

WAITING FOR ROBERT

The Kennedy visit can only be described as a phenomenon. The phenomenon resides not solely in him nor solely in the vast expectant crowds. It is the conjunction of the two that is phenomenal. These long waits, this excitement, those outstretched hands, what are they but the signs of a hunger and a thirst, greater than we imagined? And who better able to satisfy them than our visitor?

It was exhilarating to hear again those truths that have been driven into hiding by the enemy, by the blaring trumpets and the shouting hooligans, by the promises of security and the imputations of treachery, by the vested interests and the need for import licences, by the bans and the threats and the cruel laws. It was exhilarating to hear again that totalitarianism cannot be fought by totalitarianism, that independence of thought is a strength not a crime, that security and self-preservation

are not the supreme goals of life, that to work for change is not a species of treachery.

And what was the excitement? It was to feel part of the world again. Reginald Reynolds, the Quaker observer of Africa, once brilliantly and wittily likened white South Africa to a room full of men and women smoking and drinking with doors and windows closed, and when a stranger came in and exclaimed, "My, what a fug in here!" they cried out at him, "How do you know? You've only just come in!". Kennedy was like a fresh wind from the wider world, reassuring those who had said there was a fug that they were right after all.

It is said of course that his only reason for coming to South Africa was to benefit himself politically. This may well have been one of his reasons. I am sure that if Dr Verwoerd could

benefit himself politically by touring abroad, he would do so, if he could find a country to go to. But even in my short acquaintance with the Senator, I was convinced that he really believed in the things he was telling us. I could not help thinking that he would be welcome in almost every country of the world, whereas Dr. Verwoerd would have to confine himself to Portugal and its so-called provinces, Rhodesia, and perhaps Spain. Algeria is off the list, and even Mississippi is slipping. Nor could I help thinking that if Dr. Verwoerd visited Soweto, where would be that multitude of outstretched hands, waving in greeting, trying to touch him maybe? And the simple reason is that Kennedy has something in him that Dr. Verwoerd has not, some warmth for all people, not just his own.

It would be a mistake to imagine that the Kennedy visit has made our world anew. What he in effect said to us was this, "I know all about your situation, about the bans and the threats and the imputations of treachery, and I've come to tell that you've been fighting for the right things; and to encourage you for tomorrow". He can't

fight our battles for us, and it is we who have to live our particular South African tomorrow. One feature of that tomorrow will be a sustained campaign to shut all the doors and windows again. And we must face the possibility that during the campaign some people are going to get hurt.

This magazine, and the Liberal Party also, express their thanks to NUSAS for their imaginative invitation, and to Senator Kennedy for accepting it, and for giving us so invigorating and encouraging an experience.

(continued from p.6)

for the A.N.C. and allowing their homes to be used for A.N.C. meetings.

On the first charge they were each gaoled for three years and on the second for one year.

The men are Messrs Gerald Peter Nguna, Cecil Magqabi, Alfred Moosa, Baba Bolo, and July Tungu.

* * * *

The sentences of two men who were convicted on three counts under the Suppression of Communism Act were reduced on appeal by the Supreme Court, Grahamstown.

Mr Nelson Pindani and Mr Samuel Majoni were found guilty by the Regional Magistrate in Humansdorp of being members of the banned African National Congress, of contributing to, and soliciting funds for, the A.N.C., and of allowing their homes to be used for A.N.C. meetings.

Mr Pindani was sentenced to four years' imprisonment, Mr Majoni to four and a half years.

Now Mr Pindani will serve three years' and Mr Majoni two and a half years' imprisonment.

The sentence of a third man, Mr Meglory Magwayi, was left untouched by the Supreme Court. He had been convicted on two counts of the Suppression of Communism Act and was sentenced to two years' imprisonment.

The men's appeals against their convictions were dismissed.

* * *

The Supreme Court, Grahamstown, refused an application by Dr Masilamoney Pather for leave to appeal to the Appellate Division.

Dr Pather wished to appeal against further convictions under the Suppression of Communism Act.

It was held by the Regional Magistrate that Dr Pather had allowed his home to be used by the banned African National Congress for a meeting and that he contributed funds to the A.N.C. and also allowed his home to be used for the collection of A.N.C. funds.

At the time of his trial Dr Pather had already served a sentence for holding an illegal meeting in his house in April, 1961.

The defence counsel said it was a sort of "refined cruelty" for a man to be charged and convicted of a crime and later released and then charged again.

The meeting for which Dr Pather was convicted was held a month before the meeting referred to in his second trial.

He was sentenced to three years' imprisonment, of which nine months were suspended.

He appealed against the

three convictions to the Supreme Court, Grahamstown.

His appeal was dismissed and the convictions were confirmed.

* * * *

About 160 people at present serving jail sentences are to be tried on further political charges. The trials, which have started, will run continuously, and will probably be held in Humansdorp, Cape Province.

One of the first prisoners to be tried again was Mr Dixon Fuyani. In January 1964 he was sentenced to two years' imprisonment for belonging to the banned A.N.C. In February this year he was sentenced to seven years' imprisonment for soliciting or contributing funds for the A.N.C., furthering the aims of the A.N.C., and making his house available for the activities of the A.N.C.

Recently, Mr Benson Ndimba was sentenced to four and a half years' imprisonment. He was due to be released in July after serving thirty months' imprisonment. In 1964 he was found guilty of charges under the Suppression of Communism Act. This year he was convicted of

contributing funds to the A.N.C., and allowing his house to be used for meetings of the A.N.C. in June or July 1962.

The third person to be retried was Mr Nicolas Mangesana. In the Regional Court he was sentenced to four years' imprisonment for contributing funds to the A.N.C. and allowing his house to be used for meetings. Mr Mangesana is at present serving a thirty-month sentence on Robben Island. He will have completed it by July this year.

MISCELLANEOUS

Mr Jackson Nkosiyané and Mr Nicodemus Nogcantsi, two members of the opposition Democratic Party in the Transkei who have been appearing in the Supreme Court, Grahamstown, on charges of plotting to kill Chief Kaiser Matanzima, Chief Minister of the Transkei, were each sentenced to seven years' imprisonment.

An application for leave to appeal was granted but bail was refused.

They were originally charged on three counts, one with an alternative. They were found guilty on counts two and three and acquitted on count one and its alter-

native.

The first count alleged that Mr Nogcantsi, aided and abetted by Mr Nkosi-yane, acted on the advice of a witchdoctor and buried medicine in the Mount Frere District, which, according to the advice, would cause the death of the Chief Minister. The alternative charge alleged that Mr Nogcantsi incited Mahomed, the witchdoctor mentioned in the first count, to murder the Chief Minister. They were acquitted on this charge.

Count two alleged that Mr Nkosi-yane and Mr Nogcantsi attempted to incite two unnamed people of the South African Police to murder the Chief Minister. They were found guilty of this charge.

Count three alleged that they incited three members of the Democratic Party, Mr Majija, Chief Ndamse and Mr Diko, to murder the Chief Minister. They were found guilty of inciting only Mr Majija.

ON THE BANNED

The following people were served with restriction orders under the Suppression of Communism Act. They are: Messrs Ian Robertson

(President of the National Union of S. A. Students), Abdul Kays and Abie Hurzuk (both members of the District Six Defence Committee), Appolis Slingers (treasurer of the Teachers' League of S.A.), Lawrence Simelane (restricted for two years), Moses Bhengu, Stephen Gawe, Elson Khanyile, Makay Maboza, Stanley Kaba (recently released from Robben Island), E. S. Msutu, D. Thomas, Morris Runu, R. Ngwendu, S. Filila, and B. Tyesi.

Also restricted are Mrs Phyllis Naidoo (an executive member of the banned Defence and Aid Fund), Mrs Ruth Lazar, Tembisi Heleni and Runa Lifi.

Further restrictions have been placed on Mr Peter Brown, former national chairman of the Liberal Party, and Mr Roley Arenstein.

Messrs Bernard Gosschalk and Simon Egert were restricted to their homes for twelve hours a day.

* * * *

Mrs Sarah Carneson has been charged with failing to report daily to the police and hence contravening her banning order. She was

remanded to July 25.

* * * *

The Minister of Justice, Mr Vorster, has refused to relax the banning order served on Mr J.C.B. Mbata, a field officer of the Institute of Race Relations. But following demands by the Transkei Government he agreed to lift the restriction on a former university lecturer, Mr C.M.C. Ndause, to enable him to assume a position in the Transkei Education Department.

* * * *

Miss Ilse Fischer, a daughter of Mr Abram Fischer, and Mr Sholto Cross have been listed as communists by the liquidator of the assets of the Communist Party. Mr Cross is trying to get the Minister of Justice to allow him to continue reporting on financial matters. (No listed person may be quoted.)

* * * *

ON DETAINEES

The following people are among those still being detained under the 180-day detention clause. They are: Messrs Hassim Seedat, Geoff Rudin, Serious Dodo, Victor Finkelstein, Silvester Ntugele, David Barkham, Alfred Mangali, David Ernst, M.D. Naidoo, Melville Fletcher, and Dennis Bransky.

The British Embassy is believed to have made inquiries about a Swaziland man, Mr E. Mbele, who is believed to have been detained.

A total of sixty-two Transkeian citizens had been detained under Proclamation 400 between January and April, 1966, according to the Transkei Minister of Justice, Mr G.M.M. Matanzima. Charges had been preferred against three of them. No maximum period of detention is prescribed under the proclamation.

* * * *

SECURITY POLICE ACTIVITY

Besides bringing people to trial, banning, house arresting and detaining them, the Security Police have done the following things:

Asked a Kimberley firm of travel agents for the full itinerary of the Anglican Bishop of Kimberley, the Rt Rev. Clarence Crowther, when he goes overseas in August;

Attended the meetings of students addressed by Senator Kennedy;

Photographed a group of students returning to Port

Elizabeth from Cape Town, where they had attended the National Day of Affirmation of Academic and Human Freedom;

Investigated a fire in a garage of a pro-Government Indian;

Interrogated Indian school boys in connection with anti-Republican slogans which were painted on the walls of two Indian schools;

Questioned members of the District Six Defence Committee; and

Warned officials of the Teachers' League of S.A. and other teachers to discontinue their activities.

WHITE AFRICANS

UDI seems to have released a conscious and vocal movement among White Africans to justify themselves and attack their critics. Encouraged, possibly, by Mr Smith's unembarrassed desire for 'white rule' in his life time, they have attempted, in tones ranging between the plaintive paranoia of 'We are also people' and aggressive demands for rawhide whips, to claim attention and sympathy.

It is not quite true to say that White Africans have the same faults and virtues as everyone else. As members of a highly privileged and powerful aristocracy, they are exposed - and many of them have yielded - to some peculiarly aristocratic temptations; especially the determination to hang on to their privileges with all strength and even ruthlessness,

and an inability to recognise the lower orders as equally important human beings. It is just unfortunate that these are the very faults which accidents of history have caused to look particularly heinous to the world in this generation.

Since White Africans owe their privileges to their colour, these things are closely connected in their minds; and so people who object to their privileges are usually accused of attacking their whiteness. (The oddity of dubbing 'anti-white', European and American nations whose people are themselves at least 90% white, seems to escape them.)

It is unpleasant to feel guilty, and a genuine belief in the righteousness of your own behaviour is a great aid to tranquillity. The further belief that you belong to an unjustly persecuted minority is probably an actual psychological tonic. Mr Smith with his minority of support in Rhodesia (which somehow becomes a virtue rather than a reproach) is a potent symbol of the persecuted; and this is one reason for the passionate support for him generated among some quite unexpected

people. I have heard as a comment on the African situation: 'Thank goodness for the Front! I'm sick of apologising for my white skin' from a South African whose life hinges on the comfort and power that his white skin provides. This is merely stupid; but when its logic extends to the belief that the Group Areas Act is a noble weapon in a righteous moral cause, it becomes wicked and dangerous

The world in general is not unjust. It is concerned to deny to White Africans much less than they deny to others. When Sarah Gertrude Millin talks emotionally of the 'Africans and Asians against whom South Africa for her life's sake discriminates', it is only White South Africans who feel moved. Outsiders for whom the lives of Africans/are im- /an
portant too cannot be ex- As
pected to sympathise. And it is the unreasoning selfishness of judgements like hers which makes it possible to have published, and taken seriously in this country, the sickening fascist rubbish we have recently had inflicted on us.

KATE

Q U O T A T I O N S

People charged in a Magistrate's Court do not really need a lawyer if they are innocent, the Deputy Secretary of Justice, Mr J. N. Oberholzer, said yesterday.

He also said: "In criminal cases, however, it would be paradoxical for a Government to undo the work of one of its own departments (the police) by giving legal aid. The expenses incurred in detecting criminals, after all, were very considerable."

NATAL MERCURY, June 3, 1966

* * * *

"What we, as an executive committee, insist on is that guest speakers at the opening of schools and school and hospital graduation ceremonies should be approved of by ourselves."

The Administrator, Mr T.J.A. Gerdener, in the Natal Provincial Council.

DAILY NEWS, June 9, 1966

* * * *

The formation of a folk singers' group at the University of Pretoria has been banned. And reasons given

are that folk singing - not the "Sarie Marais" but the American coffee bar kind - is subversive, communistic, and threatens the future of the Afrikaner.

NATAL MERCURY, June 13, 1966

* * * *

"In the eye of the Government of Pretoria, the visit is as welcome as a mild plague."

(Comment from Washington Post on Senator Kennedy's visit)

NATAL MERCURY, June 6, 1966

* * * *

He (Blaar Coetzee) said that when university students wanted inspiration they did not look to South Africa's culture and heritage, but to America and Senator Kennedy. The students had invited Martin Luther King to South Africa. Now they invited Kennedy. It would not surprise him if the next person they invited was Kwame Nkrumah.

Mr Blaar Coetzee, Deputy Minister of Bantu Administration and Develop-

ment, speaking in Pietermaritzburg.

DAILY NEWS, June 7, 1966

* * * *

Senator Kennedy: "In your townships today I saw little Negro children. There may be a little Einstein among them. There may be a Dr Verwoerd" (loud laughter).

DAILY NEWS, June 9, 1966

"He (Senator Kennedy) was asked what the chances were of his seeing members of the Government. He answered that a request had been made four weeks ago, and it was indicated that there was 'some reluctance' about seeing him."

NATAL MERCURY, June 6,
1966

* * * *

Senator Robert Kennedy was last night described as "the big I-am from the United States" by Mr Blyth Thompson, a defeated National Party candidate in the General Election.

NATAL MERCURY, June 3,
1966