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FOR UNITED NON-RACIAL ACTION

3c Vol. 8 No. 1 Registered at the G.P.O. as a newspaper

TRIALS

See page 3

Leading Scientists Restricted

FOCUS ON THE BANNED



BANNING ORDERS, OR RESTRICTION ORDERS, AS THEY ARE OFFICIALLY CALLED, HAVE BECOME SO MUCH A COMMONPLACE OF SOUTH AFRICAN LIFE THAT THEY SELDOM CALL FORTH MUCH IN THE WAY OF PUBLIC COMMENT. OCCASIONALLY, THE BANNING OF A PARTICULARLY PROMINENT PERSON OR AN INCIDENT SUCH AS THE REMOVAL OF BANNED WILFRED DRUTUS' FURNITURE ON CHRISTMAS EVE DOES CAUSE SUFFICIENT CONCERN TO BRING HOME TO SOME MEMBERS OF THE PUBLIC THE PLIGHT OF SUCH PEOPLE, PUNISHED AS THEY ARE WITHOUT RIGHT OF RECOURSE TO THE COURTS. FOR THE MOST PART, HOWEVER, THE HARDSHIP AND THE UNHAPPINESS OCCASIONED BY THESE ORDERS BECOME PAINFULLY APPARENT ONLY TO THE PERSON CONCERNED, HIS FAMILY AND HIS FRIENDS, AND SOMETIMES, TO A POLITICAL OR SEMI-POLITICAL ORGANIZATION IN WHICH HE MAY HAVE BEEN A KEY FIGURE. THE REST OF THE WORLD HARDLY NOTICES ANY LONGER.

But recently the spotlight of the press has been focussed once again on the banned. Two of South Africa's foremost intellectuals, citizens of whom any other country would have been justly proud, have been restricted. Not only have they been restricted from social and political intercourse, confined to particular magisterial areas and prohibited from communicating with any other banned person, but deliberately and specifically, both have been prohibited from carrying on with their occupation, that of lecturing at universities, and from publishing any writings, whether political or scientific.

The men affected are Professor Edward Roux and Dr. H.J. Simons. Professor Roux, head of the Department of Botany at the University of the Witwatersrand, was asked to stay on for a further five years when he reached retiring age in 1963. He may now not even enter the premises of the university. Although he had resigned from the Communist Party in 1935, he was "named" as a Communist when the Party was banned in 1950.

Dr. Simons has lectured at the University of Cape Town for 27 years. He is Associate Professor of African Government. A member of the Communist Party until its banning, he too was "named".

Staff and students of both universities have testified to the fact that neither has used his position to inculcate in students his political ideas, and in both cases strong representations had been made to the Minister of Justice not to carry out his threat to prevent "named" Communists from teaching at universities.

Spotlighting the fact that

the Minister of Justice is not infallible, Mr. A.K.M. Docrat, of the Natal Indian Congress, was finally correctly banned at the end of last year. A banning order had been served on him a year earlier, but in a wrong name. A charge was brought against him for breaking this order, but was withdrawn after he had spent four days in custody.

REASONS SELDOM GIVEN

Reasons for banning orders can be requested but are seldom given. It has recently been shown that a few banned people have been involved, with others, in acts of sabotage. This has caused a section of public opinion to incline to the attitude that the Minister is always right and has some valid reason, which he cannot necessarily disclose, for banning anybody. Others have pointed out, however, that banning orders are not a sufficiently effective method of dealing with suspected saboteurs, who should at least have been closely watched. The fact that they apparently went about their business undetected until a very late stage and were not subjected to house arrest by a government which had this power and did not hesitate to use it in other cases, is taken as a strong indication that the authorities concerned had no knowledge of such activities on their part and that they were therefore banned for their lawful political activities. It can even be argued that restrictions on their open politics were at least the partial cause of their "going underground". However that may be, it must be clear to every thinking person that errors and unjust decisions can never be rectified while individuals

can be dealt with so harshly and severely, administratively and in secret.

Penalties of up to three years' imprisonment can be imposed for infringing the provisions of a banning order. Most such convictions have resulted from the failure of individuals to report to the police once a week, as is required in many cases. It is not easy to remember to report. Recently convicted have been Bill Bhengu, in Natal, who served a week's imprisonment; Amy Rietstein of Cape Town, who is required to serve one week of her 12 months' sentence, and Ernest Gabriels, also of Cape Town, who was required to serve four days of his sentence of similar length, the remainder in both cases being conditionally suspended for two years.

Sentencing Gabriels, the magistrate said: "Forgetfulness is no excuse. The minimum sentence is 12 months' imprisonment, which shows you how serious the crime is. I take into account the fact that you did report the next day."

It is impossible to describe the personal hardships involved in living under a banning order. These differ in every case, but one thing is common to all, the sense of insecurity. The banned person can seldom be sure that he is not infringing one of the many restrictions placed on him. Most vague of all is the definition of a social gathering, and the banned person cannot feel safe while he is in the company of anyone outside his own immediate family.

The suspension of the notorious 90-day clause has brought a sense of relief even to many of the most conservative hearts. But South Africa can never claim to be governed by the rule of law while anyone can be arbitrarily restricted and confined at the whim of one man, without recourse to the courts or reason given. Such measures reveal only one thing, fear of the ideas held by those who have to be dealt with in this way. And ideas are not so easily suppressed.

- by Alan Paton

IDEAS NEVER DIE

People, in my circles at least, have become self-conscious about wishing their friends a happy New Year. They qualify their wishes. Some wish their friends a "happier New Year". Some say wistfully, "may the New Year be happier for us all". Some say nothing at all.

I used to think that it was the older people who felt this reluctance, because the griefs of the world weighed more heavily upon them, because the excitements of falling in love and having children and making a career saved younger people from other preoccupations. But after 1964 I can no longer believe it. The events of last year were catastrophic for many young people, and that was largely because of their concern for justice.

I should like therefore not to wish my readers a conventional happy New Year, but to write about those things that will be as true in the New Year as ever they have been,

ideas that will be as valid in the New Year as in the Old, however much this may appear to be untrue.

There is a saying that ideas are powerful, that some indeed are invincible, beyond all control of rulers. I believe this is true. I know that the lazy and the timid can shelter behind this belief, and leave all progress to be brought about by the ideas themselves. I know that the impatient want to boost the ideas along, by means ranging from persuasion to revolution. It is largely when persuasion appears to fail that the impatient turn to revolution.

In the first place I want to say that the ideas and

values for which the new Liberalism has stood in South Africa are as valid in 1965 as they were in 1964. There is only one foundation on which the new South Africa can be built, and that is the equal participation and recognition of all South Africans. That means the abolition of the colour bar, the death of Apartheid, and political and economic equality.

Nothing that happened in 1964 can alter these truths, and nothing that happens in 1965 can do so either. They are the very fundamentals of Liberal belief; they are embodied in the policies of the Liberal Party, they are inseparably associated with CONTACT.

These truths and ideas live in people. They have no independent being of their own. They live in us. And they live in a lot of other people, some known, some not known to us. While they go on living in us, they are transmissible. It is only if they cease to live in us, and to inform our lives, that they will be in danger of dying out.

Under the circumstances in which we live, it happens often that we despair of the power and durability of these ideas and values. We have a low opinion of ourselves, of our failure to win public support. Often to us it seems that Liberalism and Liberals are in continuous and ignominious defeat.

There are two reasons for believing this not to be so. One is the fact that many people abroad think that we are performing the only duty open to us, be steadfastly refusing to make our truths and values conform to those of our rulers, in spite of threats and intimidations.

I have a second reason for believing in the power of these ideas, and that is the fear that the Government has of them. We are at the moment fighting a desperate rearguard action, many of our members have been silenced, and intimidation is rife. Nothing could seem weaker in some eyes than Liberalism. Yet the Government calls repeatedly on its supporters to be on their guard against this insidious foe. The very vehemence of these attacks is to me a proof that the Nationalists fear something that exists even within themselves.

And if anything has strengthened these forces, if anything has called some of them out to show themselves openly, it has been the work and witness of the Liberal Party of South Africa.

There Is No Short Cut

THE YEAR OF BUSINESS BOOM AND OF POLITICAL DEPRESSION HAS PASSED PAINFULLY AWAY. IT GOES OUT UNMOURNED AND LEAVES ONLY THE HOPE THAT 1965 WILL NOT BE QUITE AS BAD, AND THAT IT MAY MARK THE TURN IN SOUTH AFRICA AS IT IS THE TURN OUT OF THE FIRST HALF OF THE DISMAL 1960s.

What 1964 did show was that the demise of white racist rule in South Africa is not likely to be hastened by the type of sporadic violence epitomised by the Spear of the Nation, the National Committee of Liberation or the African Resistance Movement. For those in the struggle against racialism and all it means in South Africa there is no simple short cut. Attempts to find one have dangerously weakened the radical opposition and have consigned some of its most able leaders and members to prison or to the impotence of exile.

We shall have to accept that this struggle will continue to be a dour test of endurance with the immediate odds stacked in favour of the Government. If we have learnt this lesson in 1964 and are prepared to face up to its challenge, then the year has not been entirely wasted. And we shall move into 1965 with a clearer idea of what can be done by liberals and other radicals.

On the surface our possible contribution may seem to be hardly worth the effort of keeping movements alive, maintaining offices, finding members and publishing newspapers and pamphlets. Although our opposition is essentially political, it is treated by the Government as a police matter. More than ever before to be a radical opponent of racialism in South Africa is to move in the twilight world of the police suspect. It is to be aware of being the subject of a thickening dossier in police files; of being watched and listened to; of being warned, threatened and perhaps of being turned by a banning order into what The Guardian so aptly calls "a South African unperson".

"The South African Ministry of Justice," says this British newspaper, "is named with an exquisite irony. Not all its acts of gross injustice are heard about in Britain, and not all of those reported raise the protest they deserve;

Continued on page 4

Countrywide Trials Continue

EX-DETAINEES ALLEGE ASSAULT; MINISTER SUED FOR DAMAGES

POLITICAL TRIALS ARE ONCE AGAIN IN THE NEWS FOLLOWING THE LULL OVER THE CHRISTMAS HOLIDAYS. MOST SIGNIFICANT, PERHAPS, IS THE TRIAL, CONTINUING IN JOHANNESBURG, OF ABRAHAM FISCHER AND OTHERS ON CHARGES UNDER THE SUPPRESSION OF COMMUNISM ACT, BUT OTHER TRIALS OF IMPORTANCE HAVE ALSO TAKEN PLACE THROUGHOUT THE COUNTRY DURING DECEMBER AND JANUARY.

On 18th December, in Johannesburg, five men were found guilty of sabotage and of furthering the aims of Communism. They were found to be members of the High Command of the Umkonto we Sizwe, and to have conspired with the Rivonia trialists. Wilton Mkwazi was sentenced to life imprisonment, Ian Kitson to 20 years, Lalee Chiba to 18 years, John Mathews to 15 years and Sathyandranath Maharaj to 12 years' imprisonment. Sentencing them, the judge said that the men before him were unrepentant. He would apply the law in all its vigour, he said, but would not impose vindictive sentences which would breed resentment and thus encourage disregard for law and order.

After they had been sentenced, the men in the dock turned to the gallery and shouted "Amandla awetu" and other slogans, raising their hands in salute.

In Cape Town, on 8th January, 37 men appeared in three batches in the Bellville Magistrates Court, charged with being members of an illegal organization. They are alleged to be members of the Pan-Africanist Congress.

Several former 90-day detainees have alleged that they were ill-treated and assaulted during their detention. In December, Lt. W.J. van der Merwe was found not guilty by a Johannesburg magistrate of criminal assault on Hugh Lewin, who has been convicted for sabotage. Lewin has now, however, announced that he is bringing an action for R2,500 against the Government. Fourteen other Johannesburg ex-detainees are also suing the Minister of Justice on similar grounds. They allege that they were made to stand for long periods, day and night, while being questioned by teams of policemen. Some allege physical assault. Sathyandranath Maharaj, who is claiming R5,000, states that he was slapped and kicked in the groin, his hair was pulled out, he was punched and "whipped" on the head with a baton, pressure was applied to part of his body with a nail protruding from a plank and a dagger was held at his throat. Two Cape Town ex-detainees, Alan Brooks and Stephanie Kemp, are also suing the Government for damages.

In the Johannesburg Regional Court, in December, three women were found guilty of assisting

political fugitives to leave the country illegally.

In Pretoria, on the same day, Sholto Cross was sentenced to 60 days imprisonment, conditionally suspended for three years, after he had pleaded guilty to a charge of attempting to escape from the Pretoria North police station while he was being held under 90-day detention. Cross said that, under detention, his moods fluctuated. He was depressed, developed a rash and suffered from headaches. He had nightmares and was unable to think rationally. The defending attorney told the court that Cross had spent 154 days in gaol without being charged and had found the situation intolerable.

In Durban, where Kesval Moonsamy is facing trial, charged under the Suppression of Communism Act, three state witnesses were gaoled on 18th January for a year for refusing to give evidence. They are Subramoney Govender, Ganesan Naicker and Basil Weach. Meanwhile, it is reported from Swaziland that another state witness in a different trial has fled to avoid giving evidence. He is Barry Higgs, who has said that he was subpoenaed to give evidence against attorney Roly Arenstein, charged under the same Act and out on R1,000 bail.

In Port Elizabeth in December, Livingstone Mrwetyana was convicted of being a member of the African National Congress and of distributing strike pamphlets.

Sammy Petersen appeared in the Cape Town Magistrates Court on 11th January. He is charged with sabotage.

In Umtata, Somzana Ngcukuva pleaded guilty to a charge of being in possession of banned literature, a copy of New Age. He was sentenced to four months' imprisonment, suspended conditionally for three years. In passing sentence, the magistrate said that he would take into consideration the fact that he had been detained for 112 days before his trial. Mr. Ngcukuva had previously, during 1963, been detained for five months at Alice without being charged.

Blanche la Guma was cautioned and discharged when she appeared in the Regional Court, Goodwood, in December, and was found guilty of possessing an article

on nursing, written by herself, published in the banned publication, New Age.

Tofie Barden and Fatima Abduragman were found not guilty in the Cape Town Regional Court on 11th January of conspiring to assist five political prisoners to escape from Pollsmoor Prison. Originally charged with them, Arthur McDillon, a warder, was found guilty at a separate trial and was sentenced to three years' imprisonment.

Two other Cape trials with political connotations were that in which Norman Cupido was sentenced for contravening the Group Areas Act and that in which the appeal by Wilbur Smith against the banning of his novel, "When the Lion Feeds", was allowed in the Cape Supreme Court. Norman Cupido was fined R50 (or 50 days), suspended for three years, and was told that he would be ejected from his Rylands home if he had not moved by 31st January. Dissenting from the judgment given by Mr. Justice van Zijl and Mr. Justice Beyers in the "When the Lion Feeds" appeal, Mr. Justice Diemont said: "I fear that the South African Act is framed in such wide terms that much harm can be done to the cause of literature without any corresponding good being done to the cause of morals - but that is a matter for the Legislature to put right and not for the courts".

ONE IN TEN HAS TB

DURBAN: There has been a slackening of Government efforts to remove Africans from freehold land in the last few months. Many Blackspots which had removal numbers painted on their doors preparatory to removal have been left in peace.

One of the possible reasons for the delay is the impact of a recent Government health survey of the Msingas reserve, Zululand, where much of the land given in exchange for Blackspots is being consolidated. It has been found that one person in every ten is a case of hospitalisable TB. Malnutrition is rife and the bad conditions and virtual imprisonment by influx control are largely responsible for the periodic outbreaks of faction fighting in the area.

AREAS ACT BRINGS DESPAIR

Recent moves in terms of the Group Areas Act have demonstrated how harshly and unjustly it is affecting long-established non-White communities.

Firgrove, it seems, is to be White and Macassar Beach Coloured. This means that 17 White families must move, as compared with 300 non-White ones, an inequality of treatment which is characteristic of Group Areas zoning.

In Halk Bay, it is proposed, despite protests from all sections of the community, to remove the Coloured fisher-folk. This is being done in spite of the fact that they were the original inhabitants of the town. An attempt is, apparently to be made to re-establish them as a fishing community elsewhere, but no new amenities can compensate a fisherman for the loss of the locality whose character and moods he has learnt from babyhood to understand.

In Simonstown, it appears that Indian businesses are to

be removed from St. George's Street in the centre of town, where they have traded, in harmony with their neighbours, for many years. Where they are to go is not quite clear. If they are expected to move to Rylands, which has been set aside as an Indian Group Area, they will simply be joining a community of traders with no customers to serve. In Simonstown, too, there have been widespread protests against the implementation of the Act.

Recent investigations have revealed the utter despair and sense of helplessness with which Coloured people throughout the Peninsula have faced their removal from the pleasant, old-established places under the mountain or near the sea where they have lived for generations. Most of them, forced to sell their homes at prices which do not allow them to buy elsewhere, face a new existence in one of the brash and sandy townships on the Cape Flats.

These townships, designed for slum clearance, are no sort of exchange for the homes swallowed up by the greed and ruthlessness of the Group Areas Act.

Democrat Wins Appeal In Transkei

UNTATA: Mr. S.K. Ngudiwa, a prominent member of the Democratic Party, has successfully appealed against a deportation order served on him in terms of the Transkei's Emergency Proclamation 400 of 1960. He was recently informed of this by the Bantu Affairs Commissioner at Cofimvaba.

Deportation orders were issued against him and two other men, Mr. N. Lindani and Mr. N. Damane, by Chief Tambekile Matanzima, an uncle of the Chief Minister.

WILL NOT SEE 'ZULU'

DURBAN: There is bitterness among Africans, particularly in Natal, about the decision to exclude them from the film "Zulu". According to Ilanga lase Natal, many are incredulous that such a decision can have been taken about the film which they themselves helped to make.

Mr. W. Khanyi, Secretary to the Paramount Chief, told Ilanga that he was shocked. "This is surprising, for the film has to do with the history of the Zulus and moreover the Zulus participated in the shooting of it."

No Short Cut

— Continued from page 2

feelings, alas, become too quickly numbed."

This Ministry of Injustice, with its massive and still growing security arm, on 11th January suspended its right to subject political opponents to the torture of detention in solitary without trial. It retains all its other instruments of political suppression.

But, as we move into 1965, we should remember and should remind others that political police can do no more than stifle the symptoms of discontent. They cannot cure the real ills of the country, and they will not be able to save their Government from the economic, social and other consequences of a system which South Africa is less and less able to support.

It will be our duty in 1965 to continue to expose these ills. This year even more than in 1964 burgeoning economic development will make nonsense of a labour policy based on a man's race and not on his intelligence and actual or potential skill. South Africa has moved rapidly during the past three or four years to become a large-scale manufacturer of goods. It needs more and more people to produce these goods and it needs people with enough money to buy them. The policy of the Government meets neither of these requirements. This is being realised by economists and businessmen from the level of the cabinet down to the junior lecturer in Pretoria University and the shopkeeper in the country

dorp. Their needs will not be met nor their problems solved by the vague promises of an apartheid utopia; and as its one-time protagonists steadily lose faith in their dream so they will grope like men just awakened from a long sleep.

It would, of course, be fatuous to expect them to switch to the only real alternative. The idea of race domination and the fear of total integration are too deeply fixed in the minds of white South Africans to be lightly cast aside. They will avoid the alternative for as long as they can and conversion is likely to be painful and probably convulsive.

But the conversion of white South Africans should remain among the most important of our aims. It should also be accepted as the hardest perhaps of all the heavy tasks of the liberal in South Africa. It will have to be seen through the mists of what is being done by white men to South Africans of other races; we shall have to project it beyond the pervading presence of the political police. This will not be easy. But to seek real change to a better South Africa without the participation of all its people would be to move off to another deceptive short cut. For 1965 we should resolve to avoid short cuts to nowhere. The long, hard way is grimly before us. By deciding to travel along it we may yet make this year a time of hope and achievement.

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African Postal Union: R1 (10/-)
Rest of the world: R1.50 (15/-)
Airmail: R2 (£1) or \$ 6

NO SCHOOL?

CAPE TOWN: African children attending Coloured schools in the Western Cape were threatened with immediate eviction this year, but have been granted a reprieve in view of the fact that there is no alternative schooling accommodation available.

Now from Natal comes the news that African children already in school whose parents do not qualify for permanent residence in urban townships are in danger of not being re-admitted. It is estimated that about 4,000 children are affected.

Officials state that these children from rural areas are keeping legitimately urban children out of school. It is, however, admitted that children who are not allowed to return to school in the towns will not be able to find schooling opportunities elsewhere.