

Detention without Trial

Chapter 15 Page 1

Saturday 19 March¹ Ruth and Louis Goldman arrived today from Maritzburg to stay with us for a few days at 2 Ridsdale Avenue. After supper we started discussing the political situation, and we mentioned the rumours of another round of police raids to be made on members of the Congress movement as a result of the Anti Pass Campaign. Ruth and Louise became more and more uncomfortable as they realised that our house might be raided as well.

Eventually we asked them whether they would rather stay with other friends in Durban to avoid the possibility of their being found in our house during a raid? After some discussion, they decided they would not stay with us after all; they left at about 11 p.m. in the pouring rain.

Monday 21 March We heard on the radio today of the frightful massacre at Sharpeville in the Transvaal when the police opened fire on a peaceful demonstration outside the police station, protesting about the Pass Laws. There were many dead and a large number of wounded.²



¹ I am starting off the beginning of this account as a daily diary

² In Dr Sam Kleinot's obituary in October 2000, it is written that he was the surgeon in charge of Baragwanath Hospital in Soweto at the time, and that he was horrified to find that most of the dead and wounded had been shot in the back by the police.

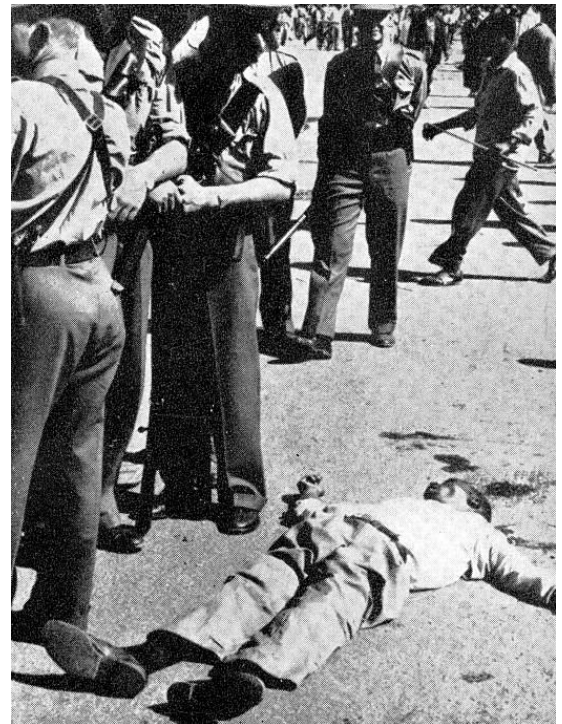


Previous page: People fleeing from the police ³

Above: some of the dead ⁴

Right: police and a dead man ⁵

On several evenings during the next few days, I went to Harold Strachan's house on the Berea where several of us were busy duplicating thousands of leaflets for the Anti-Pass campaign. This had been given a big impetus by Chief Albert Luthuli and other African National Congress leaders publicly burning



³ Photo: Black Star (from "The Tragedy of Apartheid" by Norman Phillips (George Allen & Unwin, 1961)

⁴ Photo: UPI (Norman Phillips *ibid*)

⁵ Photo: Wide World (Norman Phillips *ibid*)

their own passes in protest against the massacre at Sharpeville, and hence courting arrest.

Sunday 27 March We went today with Tom Armstrong to spend the day with him at his weekend house at Hillcrest. He was the physician in Durban with whom I did cardiac catheterisations at the Wentworth Hospital. He had severe ankylosing spondylosis of the spine; he was unable to drive and employed a chauffeur to drive him round in his large American car, where in between consultations he would get his clinical notes up to date. He was an excellent clinician, very dedicated to his work, and I enjoyed the sessions I spent with him. Margaret and I had a very pleasant day at Hillcrest, and he seemed quite sympathetic with some of the political views I expressed to him.

Wednesday 30 March At 3 a.m. we were woken by heavy knocking on the front door: three plain clothes policeman were there to arrest me: they said a state of emergency had been declared. But first they had to search the house for evidence which might be used against me in a subsequent trial. Most of our books and papers were in a small room off the back verandah, but there was a desk and a bookshelf in our spare room. On the spur of the moment I asked whether they would like to start in the "study" (our spare room!) and they immediately agreed. Margaret asked Maud to make coffee for everyone, and I managed to whisper to Margaret to get rid of all possible material in the back room while I was with the police in the "study".⁶

They were not the usual political police; they were members of the Vice Squad who had been called in to cope with the large number of simultaneous raids being carried out. They obviously didn't know what they were looking for. In the study I had, locked in the drawer of the desk, my father's Savage automatic pistol; I had not yet transferred the

⁶ I heard later that Margaret had sent John off to school early with a bundle of papers and with money to buy some breakfast at a cafe. Meanwhile Margaret and our maid Maud were busy passing papers and books over the back wall to the servants working for our neighbours.

licence to my name. I immediately told the police about it, and because it was securely locked away and had been licensed, albeit not in my name, they agreed to ignore it, suggesting to Margaret that she immediately give it to my brother who had a gun licence. That was a close shave! I think the excellence of the coffee helped. They didn't find much of interest in the study; they then went round the rest of the house, collecting the odd "political" book that had escaped the previous raid in December 1956.

Then at 4 am they took me to the Durban Central Police Station. There I found large numbers of my friends and comrades, including M P Naicker, Errol Shanley and Rowley Arenstein. Eventually we were driven off in relays of police cars to the Durban Central Prison: the doors clanged shut behind us, we were relieved of most of our belongings, including our watches, and were issued with our prisoner's cards. Mine showed the following:

Verhoorafwagtende - Awaiting Trial

Durban Tronk / Gaol	6315/60
Naam / Name:	Michael Kenneth
Alias:	Shuldham Hathorn
Beskuldiging / Charge:	Emergency Regs
Opgeneem / Admitted:	30.3.60

Errol, Rowley and I were then marched through more steel doors to A Block and handed over to Head Warder Volkenhorst and put into Cell No 1. Rowley was quite excited, rubbing his hands with glee and saying that now we had the opportunity of uninterrupted political discussion, for several months at least! Errol and I looked at each other in dismay: Rowley Arenstein was notorious for his ability to hold the floor for hours on end during his interminable political arguments and statements.

The day passed slowly. We were allowed out for 10 minutes to collect some bread and what passed for tea for lunch, and again for an indescribable "supper" at about 5.30

pm. Then at 8 p.m. we heard a lot of shouting between the warders, and they came to tell us that we were being released as a result of a successful writ of *habeas corpus*, on the grounds that a copy of the State of Emergency signed by the Minister of Justice had not yet reached Durban. We were released, but told that we had to report at the main Durban police station at 10 a.m. tomorrow to be re-arrested!

Margaret fetched me home; I was given some supper, and we talked into the night on the events of the day. Margaret told me that the relatives of those detained had taken immediate court action for our release, and had been successful in getting us out, at least until tomorrow morning.

Thursday 31 March We were re-arrested at 10 a.m. We had heard that the Congress Movement had apparently decided that apart from selected individuals, we should all submit ourselves to the police for re-arrest. Errol and I were very relieved that Rowley had not reappeared at the police station: he had obviously decided to go into hiding.

Then back to the Durban Central Prison where we were again relieved of our belongings - I had taken the precaution of leaving my Rolex wrist watch at home with Margaret this morning. Then again deeper and yet deeper into the prison, with each set of steel doors clanging shut behind us. Head Warder Volkenhorst was waiting for us, and again locked us up in our Cell No 1 in A Block.

A Block contained about 34 cells on two floors housing about 135 white male prisoners, while the identical B - E Blocks were for non-whites. There was also a small Block for black female prisoners. In Afrikaans, A Block was pronounced "Ah Seksie". Errol and I soon found out from Warder Viljoen that Cell No 1 was the death cell, used for prisoners awaiting transfer to Pretoria Central for execution. It was right opposite the warder's office next to the entrance gates to A Block, so that condemned prisoners could be easily observed at frequent intervals. There had been no hangings at Durban Central for a number of years now: this was being done more efficiently at Pretoria Central. But Warder Viljoen assured us that the gallows at Durban Central were still being

maintained in a state of readiness in case there was a change in policy.

A Block was full, and as there were no prisoners awaiting execution, it had been decided to put the two "politicals" in Cell No 1. Usually two prisoners were not allowed in a cell together because of the danger of "homosexual practices", but the Chief Warder had thought it would be safe to overlook this regulation in our case.

The cell measured about 7 x 10 feet, with a ceiling about 12 feet high. The walls were of brick about 22" thick, painted with grey enamel paint to about 4 feet from the ground and then a cream colour above. There was a small window about 12" square, with iron bars but no glass, high up on the wall opposite the door; this overlooked the exercise yard which I could just see if I sat on Errol's shoulders. The door was the only one in the block to have a small peephole through which to keep a watch on the condemned prisoner. The floor was of red cement with a gleaming wax polish.

We each had 3 blankets (one of mine still had dried vomit on it) and a small hard pillow about 1 " thick. In addition, we each had a felt mat about 1/2" thick to lie on at night, and a small wooden stool to sit on during the day. There was also a toilet - these had recently been installed in A Block because of the recent typhoid epidemic in Durban Central,⁷ but of course not in the Blocks occupied by black prisoners. Errol and I each had a plastic mug, a plastic spoon and a scratched plastic dish. That was the entire contents on the cell.

At about 4 p.m. we were allowed out for 10 minutes to collect our evening "meal", a disgusting mess, a slice of bread and a mug of alleged coffee, and we took it back into our cell. We had to leave our shoes outside the door, which was then slammed shut for the night as we started eating our food.

The lights went out at 8 p.m., and it took us a long time to get to sleep. I eventually found a position in which to minimise the discomfort of sleeping on the cold concrete floor on the 1/2" thick mat (about 12 mm thick).

⁷ This typhoid epidemic in Durban Central had occurred in December 1959, about 4 months previously, and 16 prisoners had died.

Friday 1 April In the afternoon, we were taken to the Central Durban Magistrates Court on another writ of *habeas corpus*; apparently our relatives and lawyers considered it important to establish publicly the fact that we had been detained, for under the Emergency Regulations our names could not be mentioned in the press. We were able to wave discretely from the dock to Margaret and Dorothy Shanley sitting in the public gallery during the proceedings. After this brief spell in the outer world, we were returned to the Durban Central.

Saturday 2 April Errol and I were allowed out of the cell for 30 minutes to wash: no soap as yet, and only cold water. We cleaned our dishes by rubbing them with earth from the courtyard and then rinsing them off under a cold tap. Then we joined the silent queue for breakfast, collected it and went back into the cell to eat it.

Because Errol and I had to be segregated from the ordinary prisoners in case we contaminated them politically, we had only 30 minutes of exercise in the yard, supervised by a warder who had been instructed not to talk to us. Soup and a piece of bread for lunch, and supper again in the cell at about 3.30 p.m.

I found it very difficult to get to sleep when the lights went out; I noticed a cold layer of air was making its way from under the cell door a few inches from my nose, and I started getting a mild degree of asthma.

Sunday 3 April Sunday was the worst day so far; only 30 minutes out of the cell the whole day, and the evening meal at about 2.30 p.m. so that the warders could lock up the Section and have more time off duty. My asthma was worse than yesterday.

Monday 4 April I spoke to Volkenhorst, the Head Warder in charge of A Block about my asthma, and said I needed medical attention.

Tuesday 5 April I was told that I was being taken to Addington Hospital on the advice of the prison doctor for an X-ray of my chest. In due course, two Special Branch police officers arrived at the prison, and I was pushed into the back of a Volkswagen Beetle for the short journey to Addington Hospital.

To my vast relief, I found that the radiologist on duty was my friend Dr Nathan Sachs. He made a great show of putting on a lead apron, and on the grounds of a lack of protective aprons for them, he made the two policemen leave the X-ray room and wait outside. Then he quickly asked the nurse to get coffee and biscuits for us both. Using the pretext of needing to take repeated X-rays of my chest, he managed to spin out my time in the x-ray room for a full hour. He told me my X-ray chest was quite normal; he would tell Margaret how I was getting on, and handed a prescription to the policemen to get filled from the hospital pharmacy: it was for an antispasmodic medicine to relieve my asthma.

Friday 8 April Today was my 38th birthday. In the afternoon, I was given a parcel which had been handed in at the gate by Margaret - a medium blue short-sleeved shirt,⁸ a pair of khaki shorts, stockings and a pair of sandals. It was a marvelous present, as for the past week I had been wearing only the clothes I had brought in with me - I had been allowed to bring in only one change of clothing. There was also some soap and toilet paper which made life a lot easier.

Another surprise was the arrival of three books from the prison library which had been selected by the trustee prisoner Brown who was in charge of the library. One of these books was Boswell's *London Diary*.

Saturday 9 April Pandemonium broke loose in the prison this morning. We heard orders being shouted to all warders, and then we heard the ominous sounds of rifles and ammunition being distributed and sound of rifle bolts being tested. Warder Viljoen whispered to Errol and me through the

⁸ I still have this shirt, and wear it at least once each summer.

door "President Verwoerd has been shot. There is going to be big trouble". But about 20 minutes later, the news spread round that it was a *white* man who had shot at Verwoerd, who had been only wounded - a big sigh of relief went up all round the prison population.

Then the head warden in A Section, Volkenhorst, told us that another political prisoner was coming to share our cell: Errol and I immediately wondered if he was a police spy to listen in to our conversation. In due course he arrived. He was Norman Phillips, a 6-foot tall Canadian, and in an agitated state of mind. It soon became apparent that he was *not* a spy.

He was the Foreign Editor of the *Toronto Star*, sent by his paper to South Africa after the Sharpeville massacre.⁹ Norman Phillips' prison card number was 7019, and mine 6315, so 704 prisoners had been admitted to the Durban Central from 30th March to the 9th April. I imagined most of them were political prisoners, but it was difficult to be certain.

Norman came in with only the clothes he was dressed in - and with his pockets emptied. Errol and I shared our limited supplies of soap, toilet paper and food with him. And to put him at his ease, I asked him to tell us about the geography of Canada and to give an outline of its history.

Sunday 10 April Norman was unable to sleep on his mat on the floor last night, and raised merry hell with Volkenhorst, demanding a bed. When a few hours later a thin mattress arrived, he refused to use it unless Errol and I were given mattresses as well.

Ross Francis, a Senior Aide to the Canadian High Commissioner had apparently flown to Durban from Pretoria in order to interview Norman Phillips. A message came through to A Block from the prison governor, Colonel

⁹ His stay with us is best described in his *Daily Telegraph* report of 16 April 1960, and in Chapter 17 of his book *The Tragedy of Apartheid* (George Allen & Unwin, London, 1961). The book is in our bookshelf, and photocopies of sections of both are in my diary.

McLachlan, that Norman was to be got ready for an interview with the Canadian High Commissioner's representative.

Norman had been deprived of his electric razor on admission, and had refused to use the rusty blades supplied for use by prisoners. He declined to see his High Commissioner's representative without being allowed to shave first. The Governor then instructed Volkenhorst to retrieve and give him back his electric razor. Then the fun started. The shaver was fitted with a US/Continental plug, and the only electrical outlet in our cell was the bayonet socket in the 12-foot high ceiling for the single 40-watt light bulb. So a warder was sent off to an electrical shop with the razor to get a suitable adapter. This took some time as it was a Sunday and the shopkeeper had to be found and fetched to open up his shop. A step ladder was unchained somewhere in the prison, brought into the cell by some trustee convicts, the light bulb was removed and the shaver was attached to the ceiling socket - 12 feet above the floor. But the electric cable of the shaver was not long enough and it hung from the ceiling well above Norman's head. The table from the head warder's office then had to be brought into our cell, Norman stood on it, I held his legs to steady him and he was able to shave off several days growth of beard!

When he got back to our cell, Norman told us that at first Colonel McLachlan had insisted on being present during the interview, and that only family matters could be discussed. Mr Francis then rose to leave and the interview terminated. A few hours later, McLachlan received orders from Pretoria to allow the interview to proceed in private, and Norman was taken off again for his interview. On his return to our cell, Norman said that Ross Francis had told him that the South African External Affairs Minister had stated that Norman Phillips had been detained for questioning by the Special Branch.¹⁰

¹⁰Eric Louw, the current Minister of External Affairs in 1960, was the pro-Nazi Nationalist MP who in July 1940 had declared "General Smuts must give way for a Nationalist Government and the next day we will negotiate with Germany and Italy for peace".

Detention without Trial

Chapter 15 Page 11

Monday 11 April Norman Phillips' interrogation by two Special Branch officers finally took place today. They were Captain S J van der Westhuizen (Chief of the Port Natal Security Branch) and Head Constable Wessels who had arrested him. Norman told us on his return to the cell that the whole exercise was a farce, and was obviously carried out only to justify his detention. He was told he would be released the next day.

Tuesday 12 April Half an hour before Norman's release today, the extra food he had been permitted to order on Sunday finally arrived. His birthday was to be the coming Saturday, and he left us two tins of bully beef and one of gooseberry jam. We gave him our home telephone numbers and he said he would try to contact our families to give them some news of how we were getting on.

This is the end of my daily diary.

Errol and I then gradually settled down to our incarceration – at first we thought it would be only a matter of days before we were released, but after a while we realised it could be months or even longer ...

After a week or two Volkenhorst told us to get ready for our interviews with the Special Branch the next day. We earnestly debated whether we would answer some questions and not others, or refuse to answer any questions. It was a long time before I got to sleep ...

Errol and I were taken separately for interview by the Special Branch. Apart from confirming my name and address, I refused to answer any questions without my lawyer being present to advise me. One of the detectives said “Well, there is no possibility of your having a lawyer, so perhaps we had better close this session”. I was surprised that it had been so easy.¹¹

¹¹We heard later that all detainees had given somewhat the same response; it was still early days in the development of the police state, and detention without trial and torture were not yet being used.

Daily routine in the Prison

We were woken by a bell at 06.00, dressed and tidied up the cell. We had already been instructed how to do this. The felt mat had to be rolled into a cylinder, and then placed in a vertical position. Then each blanket had to be folded in an exact manner, and these were then placed on top of the vertical mat. Then followed the “pillow” and our personal belongings. This structure was known in prison parlance as a *radio*. It had to remain in place until we were locked up for the night after getting our evening meals; we each had a small wooden stool on which to sit during the day time.

One of the complications for the prison authorities was the insistence by the Special Branch that we were to be kept isolated from the other prisoners at all times. We suspected that this was ostensibly to prevent us “contaminating” the ordinary prisoners with our ideas, but in reality it was to prevent us knowing what was going on in the outside world. Prisoners awaiting trial had access to their lawyers and were allowed to have newspapers; ordinary prisoners were also allowed to have newspapers sent in to them. Errol and I were denied any access to newspapers or lawyers, and the warders were instructed to search the ablution block before Errol and I were allowed there for our 20 minutes each day. But there was no toilet paper in the ablution block, only torn up squares of newspaper, and on several occasions we found interesting information from the “toilet paper”. With the introduction of flush toilets into most of the cells, the lavatories in the ablution block were only used by prisoners while exercising in the yard.

The other problem arising out of our segregation from other prisoners was the question of our exercise periods. Our two 30 minute periods in the exercise yard had to be at times when the other prisoners were in their cells, and they had to supply an extra warder to oversee us. He had been instructed not to talk to us, and Errol and I were not permitted to talk to each other in the yard. But after a while, the warders watching us ignored any quiet conversation between us. The prohibition of talking in the yard was not a problem, for we had nearly 23 hours a day to talk to each other in our cell.

The only exception to our segregation from the other prisoners was in queuing up for meals. For breakfast, lunch and supper, the cells were opened up, and all prisoners filed in strict silence to the entrance of A Block to the table where the food was dished up. But with so many warders around, it was virtually impossible to talk. However, the silence was often broken by one of the prisoners complaining loudly about some aspect of the food. This brings me to the question of what we were given to eat.

Breakfast consisted of maize-meal porridge, with scraps of last night's meal still in it; no sugar or milk, and a cup of so-called coffee. Lunch was bread and sometimes jam. The evening meal, served somewhere between 4 p.m. and 5 p.m. consisted of "stew" with a few bits of gristle floating in water, mashed potato and a grey looking mess which was alleged to be cabbage. One of the things which caused a rumpus amongst the prisoners was the presence of large cockroaches (dead and boiled) in the food; there was another occasion where a bandage full of pus from the finger of one of the cooks was found in our food. Sometimes the food was so disgusting that we couldn't stomach it, and we washed it down the toilet. But we couldn't wash the dishes until the next morning; in order to keep down the cockroach population, we balanced our unwashed dishes on a mug in the centre of a bowl of water. That seemed to do the trick.

The only treat in the evening was the two slices of brown bread. It was considered that white bread made from refined flour was too good for prisoners, hence the whole-meal brown bread. But little did the prison authorities realise that the brown bread from Bakers Ltd, situated a few hundred yards from the prison, was recognised as the prime bread available in Durban at the time! I used to keep back one slice of bread to eat when the lights went out; this helped me get to sleep at night.

Having collected our food, we took it back to our cell to eat it. But first we had to put our shoes outside the cell door which was then locked up for the night. While we were eating our food, the process of the day-time warders handing over to the night warders began. To check on the number of

prisoners, each shoe was counted individually, and the result, divided by two, had to tally with the number of prisoners in the section. The counting usually had to be done several times; there were often arguments between the warders as to the result of dividing the number of shoes by two.

The nights were difficult after the lights were out. It was pitch dark apart from a slight glow of Durban's lights coming through the window. But the night was full of sound: the traffic passing along the street outside was a distant hum, gradually becoming identifiable as individual cars or lorries as it got later. Then there were cries coming from the other blocks - black prisoners suddenly shouting out, and then equally suddenly becoming silenced. Sometimes there was distant screaming which seemed to go on for ages. Occasionally one would hear the black women screaming from their block over the wall beyond A Section.

Of course, not having watches, we never knew the time - except late at night when there was relative quiet, and then one could hear the sound of the distant Post Office Clock as it chimed out the hours. Sometimes it was 2 a.m. before I got to sleep.

The days seemed equally long, but at least they were punctuated by going out to collect our three meals, and our two half hour exercise periods. We were very lucky to be able to get books from the prison library. This was run by a Mr Brown, a trustee prisoner serving a long term for fraud. He would collect our books on a Friday, and bring a fresh supply on the Saturday morning. He soon got to know the sorts of books we would like, and his selection was very good on the whole.¹²

Soon after I was detained, Margaret was told that she would be allowed to hand in three paper-back books for me provided they were novels and had no political content. I heard later that she was late seeing patients in her rooms, and had only a few minutes to select some books for me at the nearby bookshop and get them to the prison in time: she didn't have time to check what each book was about. I found

¹²Appendix 27 lists the books I read during my Detention.

that one of these three books was a novel about a man in England condemned to death for murder: it was about the final month of his life in prison, in a condemned cell just like ours, before being executed by hanging. It was full of all the gory details! Margaret would have died of embarrassment if she had known what she had brought me to read; luckily I managed to read it and *not* have a sleepless night!

Errol

I couldn't have had a better person than Errol Shanley to share my cell. Although he was not a member of the Party, he nevertheless had a long record of work in the trade union movement in Durban. And he and Dorothy had been amongst the original 156 arrested in December 1955 and charged in the notorious Treason Trial: they were amongst those released half way through the trial.

But the main thing was that Errol was a real *friend*. His family and ours saw each other frequently; we had a number of joint picnics at Hillcrest. Dorothy was a patient of Margaret's, and when she opened her office in JBS Buildings on the corner of West and Field Streets, Dorothy became her receptionist.

Errol had a variety of jobs, sometimes as a clerical worker in an office; at other times he would help out his elder brother who ran an undertaking firm in Durban. Errol was well known in trade union circles in Durban; he had stood on a number of occasions as a Communist Party candidate in the Council elections.

Errol also earned some money writing the weekly racing column in the progressive weekly *Guardian* newspaper.¹³ His forecasts of winners for the races held every Saturday at the Greyville racecourse in Durban were uncannily correct, and he developed an awesome reputation as a successful horse-race tipster. He had a phenomenal knowledge of the *form* of race horses in Durban over the previous 20 years. He told me how he used to go early in the morning to the Greyville Race Track to see the various horses undergoing their training, and

¹³I suspect that a large part of the *Guardian's* circulation in Durban was due to Errol's weekly column.

made up his own mind about the potential of a particular horse to win a race. So in contrast to most other racing tipsters, Errol's success was built on real knowledge of the horses.

This reputation of Errol's soon became known in the prison, and after a week or two, towards the end of the week there would be urgent consultations at our cell door between Errol and a number of warders who used to bet on the races on Saturdays. Brown, the trustee librarian, was also a racing enthusiast and made an arrangement with a certain warder to place bets on his behalf each Saturday at the race-course. There was a frightful rumpus one week when it turned out that this warder had forgotten to place Brown's bet on a horse which Errol had tipped to win a place. The horse came in first!

The other thing about Errol was his marathon running. He had run each year for a number of years in the Comrade's Marathon. Each year the direction of running was changed: one year it would be from Durban to Maritzburg, and the next in the reverse direction. The distance was exactly 56 miles, City Hall to City Hall. At the Maritzburg end, the marathon terminated in Alexandra Park, south of the city centre: in order to make up the exact distance, the competitors had to do three laps of the athletics track in Alexandra Park. Errol had missed two marathons while on the Treason Trial in Johannesburg, and it looked as if he might miss this year's one as well But nevertheless, in order to keep fit, Errol insisted we use our two 30-minute exercise periods to keep fit. We were not allowed to run, but a really *fast* walk was the next best thing. Errol calculated that it took 22 laps to equal one mile, and we always tried to cover at least one mile at a fast walking pace in each of our sessions.¹⁴

¹⁴When Errol and Dorothy took exit visas and came to live in London in the early 1970's, Errol started entering the London Marathon: this was a half marathon, i.e. 13 miles. And he completed the course every year in the required time until his last race in the year he turned 80. This was also successfully completed; he was paced by his son Nigel running alongside him.

The other prisoners

A-Section as I have mentioned housed only white prisoners, totalling 130-140 on average. A large proportion of these were either awaiting-trial, or those convicts whose sentences were under two years, or who were awaiting discharge near the end of their sentences. Longer sentences were usually served in the Pretoria Central Prison. The remaining few prisoners were *trustees*, long-term prisoners essential to the administration of the system. Their duties included keeping the corridors of the prison block polished each day, setting up the tables outside for the meals, fetching the food and dishing it up. Others, like Brown in the library, were in the administration: these included trustees working in the reception section, keeping prison records etc.

One of the latter was a young American serving a short sentence for fraud - he kept the daily records of all prisoners entering and leaving the prison. He would sometimes sidle up to me while we were queuing for food and whisper in my ear how many ANC supporters had been arrested; how many them were being shipped off to prisons in Maritzburg and elsewhere in Natal - on certain days the cells in the black blocks at Durban Central held ten to fifteen prisoners, with barely standing room: all in cells the same size as Errol's and mine; and then the pressure would ease somewhat as the outflow of prisoners exceeded the inflow. A week or two later he told me that the Pietermaritzburg prison was full to bursting with ANC detainees. On hearing that my wife was a doctor, he tried to persuade me to get Margaret to falsify his medical records at Addington Hospital so as to secure him an early release. In vain I pointed out that Margaret didn't work at Addington Hospital - but he didn't believe me and my source of information about the numbers of ANC prisoners dried up.

Following the 1956 uprising against communist rule in Hungary, many Hungarians had fled the country and were given asylum in the West, including South Africa. Many of these "refugees" were in fact common criminals on the run, and some of them landed up in the Durban Central while we were there; most were serving sentences for armed robbery.

The prison doctor

After we had been in prison for about three weeks, I was suddenly ordered one morning to attend the prison doctor. I was escorted by two warders to the other side of the prison and handed over to the warder in the prison doctor's section. I instantly recognised him as one of the doctors in the audience of the Durban Medical Society when I had recently given a lecture on *Chronic Cutaneous Porphyria*.

He gave me a white coat, and ordered coffee and biscuits for two. It was the first I had had since my visit to Addington Hospital. He then said that he would like to have my opinion on several cases of suspected porphyria in prisoners - he had told the prison authorities that I was an "expert on porphyria" and needed my opinion!! For the next hour we examined about ten black prisoners and discussed each case in detail. It was quite clear that he knew all about porphyria, and had used this "consultation" as a stratagem to get me out of my cell for an hour or so.

The Flogging

After we had been there about a month, we saw being brought into A Section an escaped prisoner who had just been re-captured. He had on handcuffs and leg-irons, with a short chain connecting the two. He had been serving 8/15 years when he had escaped, a sentence with a minimum of 8 and a maximum of 15 years, typically given to repeat offenders. He had been caught again while stealing a car: it was his bad luck that it belonged to the Chief of Police of Durban! The penalty he was given for escaping was ten lashes.

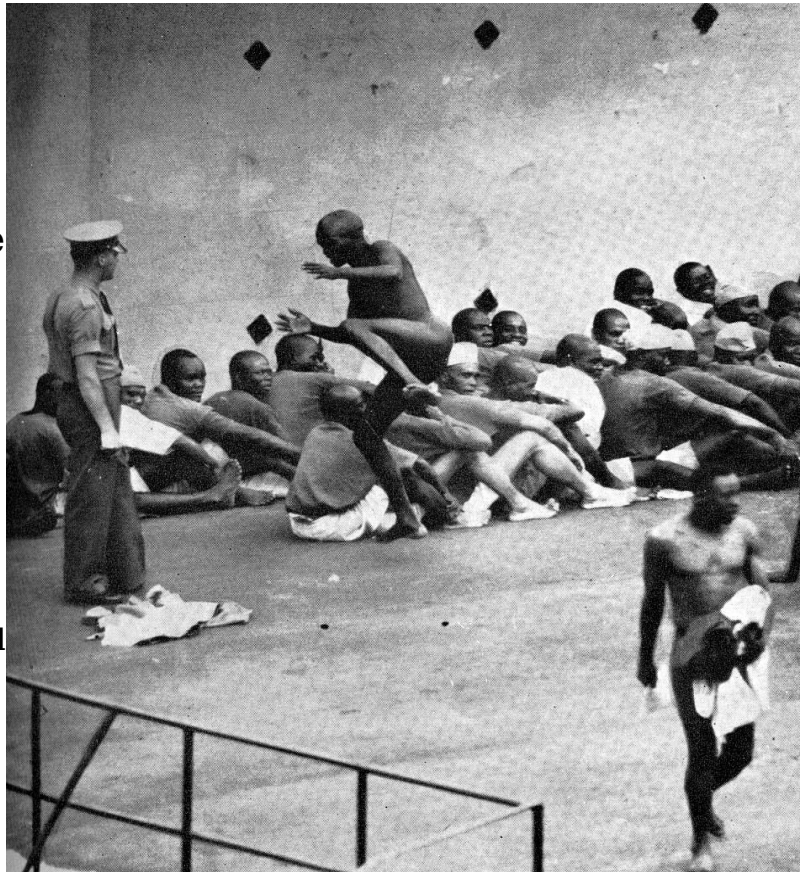
The next day, we heard the warders and trustees making urgent preparations for the flogging in the exercise yard, exercise for the prisoners that morning being cancelled. Errol lifted me up and I saw just a few yards away the wooden triangle being erected to which the prisoner would be strapped. A short while later he was escorted by two warders past our cell door - he had been fitted with special trousers split down the back and the legs to enable him to wash while still in his chains. We heard him being strapped on the triangle, and then the loud *thwack* of each lash at intervals of

about 15 seconds. He didn't cry out until the last few lashes. A few minutes later, he was dragged semi-conscious back into A Section with blood pouring down his legs.¹⁵ It was be about two weeks before he was strong enough to go out into the exercise yard.

Black prisoners

On several occasions, black prisoners doing manual labour outside the prison during the day, arrived back late, escorted by their armed guards, at the same time as we were queuing up for our evening meal in the open space between A Block and the Administration (entrance) Block. We would watch these prisoners being forced to strip naked and be searched for contraband items. The vast majority of these men showed striped scars across their buttocks where they had received lashes. Many of these were still fresh lesions, oozing pus and blood.

This shows the procedure of ensuring that black prisoners did not have anything concealed on their persons, the so-called "Tausa Dance".¹⁶



¹⁵The details of the flogging procedure with a Malacca cane soaked in salt are given in Harold Strachan's book "Make a Skyf, Man" (2004)

¹⁶Photo: Drum Magazine, Black Star (Norman Phillips *ibid*)

Beds

Errol and I were greatly surprised when a few weeks after Norman was released, Volkenhorst told us to get ready for our *beds*. Two black trustees brought in two iron beds: they were each 24" wide, which meant that with one on each side of the cell, there was a space of just over 24" between them. They both had sagging springs, and lumpy coir mattresses about 3" thick. But they were sheer luxury compared with our 1/2" felt mats and the two small wooden stools which were then taken away. It also meant that we could lie on our beds in the daytime, something strictly prohibited with our mats.¹⁷

Ted Gillman and Research

After about two months, Head Warder Volkenhorst told me that Colonel McClachlan, the Prison Governor, had agreed with my "boss" at the hospital to allow me to do some urgent research work. It turned out that Ted Gillman, probably on the advice of Frank Walt, had contacted the prison governor to say that urgent medical research work was being held up because of my detention, and that I was the only one who could do the statistical calculations (this was probably true!) He arranged to deliver to the prison a ball pen, paper, a hand Facit calculating machine, and a file of data to be processed. Then after a few days, he would collect the results and bring more data.

It was brilliant! After breakfast each morning, Volkenhorst arranged for his personal little desk to be brought into our cell by trustees, together with the Facit calculator etc. etc. After the data file had been examined for contraband, the cell door would be locked for a few hours while I worked away. Then everything would be moved back to Volkenhorst's office until the next day.

The actual work that I did was about thirty analyses of variance for one of our forthcoming papers. After about three weeks, I had finished the lot, and everything was collected

¹⁷We heard some time after our release that the Indian detainees had been supplied with beds - this is probably the reason we got them as well. But not our black comrades.

again by Ted. It had been a wonderful relief to the tedium of prison, helping to pass the time - and something which would be useful in any case.

But I had retained a ball pan and some sheets of blank paper when everything was returned to Ted Gillman. I used these to start keeping an abbreviated prison diary in *Speedhand*, a form of shorthand I had been learning at home over the past six months. Every day I would add one or two lines describing notable events of the day.¹⁸

The Gramophone

My friend Frank Walt,¹⁹ a consultant paediatrician who also worked at the McCord Zulu Hospital in Durban, happened to know Colonel McLachlan. After negotiating with him, Frank bought me a Phillips portable battery operated gramophone, collected some of our records from Margaret, and delivered it all to Colonel McLachlan early in May. It was arranged with the Head Warder that I would be allowed to play it in our cell for the hour before lights out each evening. It created a sensation in A Section - each evening, the warder on duty would knock on our cell door and give us the other prisoners' requests. The most popular record, requested almost daily by prisoner Knight (a trustee serving 15 years), and played at full volume so that it could be heard all over A Block, was *My Fair Lady*, the most popular track being *Wouldn't it be Laverley*.

18I smuggled three pages out when I was released, hidden in the sock under my left heel. I recently tried to read it again, but not having used Speedhand since the early 1960's, I found I would have to learn it all over again.!!

19 Frank Walt emigrated to Britain in 1961, and was a general practitioner in Boston in Lincolnshire. He died from prostate cancer on 19 October 2000. His obituary appeared in the BMJ on 9 December 2000. I was a co-author with Frank in a paper "High Protein Feeding in Kwashiokor" (Walt F, Hathorn, M: Archives of Disease in Childhood, Vol. 35, pp 455-459, Oct. 1960)

Visitors

After we had been inside for about a month, the Special Branch relented and we were allowed to have visitors once a fortnight. Margaret came to all of them except one, when she gave her place to Elsie and Fergus to visit me. We had a special warder listening in to ensure that no news was given to the prisoner except strictly family affairs. These visits only lasted about 20 minutes, but during the days before each visit, Errol and I could feel the excitement rising: we looked forward to them so much. But both of us felt rather depressed after each visit, knowing it would be another two whole weeks before we saw our loved ones again.

During one of these visits, Margaret told me she was running short of cash in her bank account. I suggested she get a *power-of-attorney* drawn up by a lawyer so that she could operate on my bank account. This she did, and it was brought to A Section for me to sign, with Volkenhorst as the witness.

The prison warders

One of the warders told us about the end of May about the Indian detainees in Durban Central. "They are really well set up, man", he said. "They are in that new building, about 16 of them, with their own day room and kitchen, and all their cells are open all the time".²⁰ A few days later, the same warder, obviously in contact with his opposite number guarding our Indian comrades, said "The Indians are going to send you two some curry tomorrow afternoon". Sure enough, a delicious curry for two arrived in time for the next day's afternoon meal, together with mealie-rice. It was great, and it was repeated two or three times in the next few weeks.

As I have already indicated, Errol was frequently consulted by warders wanting betting tips for the horse races.

I had a different type of clientèle, mainly warders wanting advice on legal, personal and medical problems.

For example, Mr Mommen was desperate to leave the prison service, which he described as "the lowest of the low"

²⁰We heard after our release from MP Naicker that they had even been given permission to bring in an upright piano!

(in a way he was correct: prison warders' salaries were only marginally higher than for white labourers in government service). He needed a good reference to seek employment elsewhere. Being a doctor, could I give him one? I suggested it wouldn't be a good idea to have one from me because of my political background; but I said when I was released I would speak to my wife about it: she was also a doctor, and had a different surname.²¹

Other warders had personal or medical problems, and others obviously needed proper legal advice. But sometimes the advice came in the opposite direction. Warder Viljoen, during one of exercise periods, asked me what make of car I had. I replied "A British Triumph Herald". "Aha!" said Viljoen, "I can help you if you ever have trouble with your car keys or lose them". He took out of his pocket his set of personal keys and showed me his car key: next to it was the duplicate, which had been altered. He had filed flat certain of the projections on the blade of the key: this turned it into a master key for any make of British car - all their door locks were made by the Briggs & Stratton company. "But be careful," said Viljoen. "Don't use it to open any one else's car, otherwise I will be seeing you here in *Ah Seksie* again!"

* * *

Towards the end of May 1960, Errol and I were each served with an *Order* signed by the Minister of Justice, giving him the right to detain us for another year. Our hearts sank.

* * *

Release

On the afternoon of Tuesday 28 June 1960, Volkenhorst came to our cell door to say that we were to be released from prison the next morning! We couldn't believe our ears.

Was the Emergency over? Were there any catches? Were we likely to be re-arrested. Errol and I realised that

²¹ Mr Mommen phoned me on the 5th of July, and collected his reference on Margaret's letterhead on 6 July - Margaret could truthfully say "she had known him during 1960" !!

speculation at this time was futile, but there was no doubt that our spirits had been completely revived.

The batteries in the gramophone were still working, and we were given an extra long session of music that night - it would be the last time the other prisoners would have music in the evenings, for the gramophone had to leave with me. The other thing Errol and I did was to arrange for our remaining supplies of food and other luxuries like soap to be given to other prisoners. Then to sleep.

The next morning, after breakfast on the 29th of June, we were taken with our belongings to the Reception to collect the remainder of our confiscated possessions, and to be discharged. But I was told that the gramophone had been brought in through Colonel McClachlan and it would have to remain there until he released it.²²

We then each had to sign a *Certificate of Release*, which made it clear that the Emergency was still in force. It laid down the conditions on which we were to be let out of detention. These included not communicating with anyone who had been detained or who had been a member of a banned organisation; being indoors at home from 8 p.m. until 8 a.m. the next morning; not going out of the magisterial district of Durban without the permission of the Chief Magistrate of Durban, and reporting to the Police Station every Monday morning. The penalties for breaking these conditions were either a hefty fine or up to five years in prison. Another condition was "That you do not publish or cause to be published or supply to any person any information relating to your detention or the detention of any other person in terms of the Emergency Regulations".

We happily signed. Errol was to be picked up by his brother in a taxi, and I was told that my wife would be picking me up in the car. I then was led through the last remaining iron door to the entrance to the prison, and there I saw Margaret standing next to our car! But the final touch was that as a white man I was not supposed to carry my own

²²I got a phone call from the Durban Central Prison a week later to come and collect the gramophone. When I spoke to Frank Walt about it, he told me to keep it; it went with us to Ghana.

belongings: a black prisoner, a trustee under the supervision of a white warder, carried my meagre belongings the few yards from the prison entrance to the boot of the car which Margaret had just opened. As I loaded everything in, Margaret and I were devastated to find a duplicating machine and paper resting there - left by mistake by one of the "comrades" who had last used the car. Luckily the warder didn't notice it; we shut the boot and drove off home. What a marvellous reception I got from them all!

It was wonderful being home again with Margaret and Sally; to be able to have my first bath for three months, to sit in a chair, to have excellent food to eat sitting at a table, to talk our heads off. And then at the end of the day to curl up in bed with my lovely Margaret.

Ted Gillman had been on the phone: I immediately said I would see him at work in the department the next day. Time was short, for Ted and his family were leaving South Africa in about five weeks time for the UK where he had obtained a post as Head of Physiology with the Agricultural Research Council at Babraham, near Cambridge.

So I drove in the Triumph Herald to the Medical School in Umbilo Road, and spent several hours with Ted. My salary would be secure for the next three or four months; by then, I must have got another job. The possibilities he suggested were either applying for a grant from the South African Medical Research Council to keep me at the Medical School in Durban, or taking up an offer of a Senior Lectureship in Physiology which Joe Gillman in the Physiology Department at Wits had made. I said I would think about it. Before going home, I quickly finished the calculations on a set of spectrophotometer readings on plasma iron levels on patients in King Edward VIII that I had done at 5 p.m. on Tuesday 29th March, just before my arrest. They were part of a research project with Ninian Lamont.

When I got home, I found Elsie and John had just arrived from Maritzburg: she had fetched John for the day from school, and would be taking him back the next day. So the whole immediate family sat down for a meal together. John said that Mr Slater, his Head of House at Hilton, had been

particularly good to him over my detention.²³ After supper, Elsie and John left for 8 Heathwyld Road in Maritzburg.

---oOo---

Margaret's account of the last three month

Over the next few days and weeks, I gradually heard from Margaret details of what it had been like over the past three months. John was still at Hilton as a boarder, and she had been in touch with him many times. Sally seemed to be quite happy at school, but was missing her father a lot. Margaret herself had been very busy with not only her practice, but also having to cope on her own without me. In addition, there was the *State of Emergency* which was still in force.

In the first few days of April after we were detained, Margaret had taken part in the demonstration by the relatives of the detainees, and she showed me the copies of the photographs she had got from the local press (see next page).

Margaret and Donald and our friend Vera Ponen had all been arrested, and then loaded, pram and all, into a police van, and driven to the Central Police Station; they were released shortly afterwards.

Margaret, with Vera Ponen pushing Donald in his pram, on the demonstration in Smith Street.



²³ Sally told me in 2008 that some of the girls at the Durban Girls College had seen that a Michael Hathorn was among those detained, and that they had realised it was her father. They were not very pleasant about it !



**Donald, Margaret and Vera Ponen
being escorted to the police van**

Attitude of the Family

Although the immediate family were obviously concerned with what was happening to me, the only real support had come in a letter from Jim Hathorn:

Dear Margaret,

This is just a line from Miriam and me to express our sympathy and indignation over Michael's arrest. This sort of thing makes our blood boil. Don't bother to reply to this.

Ever yours, Jim Hathorn ²⁴

Soon after I was released, we received an invitation to Jim Hathorn's 80th birthday party to be held on 14 July. But we then got a phone call from his wife Miriam to say that Jim was not well and the party had been postponed. I heard later that Peter Brown, a member of the Liberal Party, was the only

²⁴ Jim Hathorn (my father's first cousin) was one of the few Hathorns to have any progressive views. He had just that month published a book *A Layman's Diagnosis of the Human Situation* (Oakwood Press) which was a collection of his essays on the relationship between the forces of nature and the collective experience of man as embodied in the term "Civilisation". And it is interesting that the only Hathorn later to refuse military service in Namibia was his grandson Peter.Hathorn

white person to have been detained in Pietermaritzburg: he was a nephew of Jim Hathorn's by marriage.

Margaret also told me about an amusing incident. Mrs Russel, the former Mayor of Pietermaritzburg, had seen Elsie a month or two before in the street, and had immediately exclaimed "Elsie, you must be very proud of your son Michael, standing up to all these people!" Elsie was dumb-struck; I think she had been subjected to so much adverse criticism of me by other members of the Hathorn family that she didn't know where she stood - except that she loved her son.

Margaret then brought me up to date on other things that had been happening. Margaret had been using her late mother Nan's Morris Minor, and had lent my Triumph Herald to comrades on quite a number of occasions (yes, I had already noticed that several thousand miles had been added to the car's mileage over the past few months). Rowley Arenstein had fled with a number of others to Swaziland; but after the first month, he had secretly returned to Durban. His wife Jackie Arenstein had come to stay for a while with Margaret at our home at 2 Ridsdale Avenue, and Rowley had made several attempts to come to see Jackie at night - not a very good idea in view of the police surveillance on our house: it would have had severe consequences for Margaret as well as Rowley if he had been found there.

July and August

It was to be another two months before the Emergency was lifted. About half the detainees had been released at the same time as Errol and me, and all of the Indian comrades; all of us were subjected to the same curfew conditions. I reported every Monday morning to the Police Station before going on to the medical school. And by 20:00 each day, I had to be at home at 2 Ridsdale Avenue and not leave the house for the next twelve hours.

As a boost to my confidence, Margaret said it was about time I had a new suit; the only one I had at the time was a old brown one I had been given in 1942! Ted Gillman referred me to his tailors, Sieff and Hecker; I went to them, was measured up for a suit for the first time in my life. On the 15th

of July I went to pick up the grey suit and a pair of whip-cord trousers I had ordered at the same time; I felt like a new person in my smart clothes. Margaret was a good psychologist.

We saw a number of people during the next few weeks. Dolly came down from Maritzburg to have lunch with us on Tuesday 5th of July, and Louis and Ruth Goldman, also staying in Maritzburg at the time, came to have supper with us two days later. The following week we went with Sally to see Hilda, Leo and Jenny Kuper for an hour or so at about 18:00.

At work, Ted Gillman was frantically busy sorting everything out prior to his leaving for the UK. I had several more discussions with him on my future, but with the Emergency still in force and my being confined to Durban, there wasn't much advance on the two alternatives we had already discussed, namely my applying for an MRC research grant to stay on at the medical school, or taking up Joe Gillman's offer of a Senior Lectureship in the Physiology Department at the Wits Medical School. I would obviously have to bide my time for a while, and hope that the Emergency would be lifted soon to enable me to travel out of Durban to look for an alternative job.

On 29 July, there was a Farewell Cocktail party for Ted & Selma Gillman, and on 11 August I said goodbye to them and their two daughters at the Point Docks as they set sail for England.

A good play, "The Hostage", was due to be performed at the Alhambra Theatre on Wednesday 20 July: I decided to test out my *Certificate of Release* by applying to the Chief Magistrate of Durban for permission to go to this play and be home after my curfew hour. Permission was duly given, and we enjoyed the play a lot.

The next permission I requested was a visit to Maritzburg to see my aunts Dolly and Janet, and then to Maybole for the day. This was also granted, and on Sunday 7 August we all went to Maritzburg to see first of all Dolly (Beryl had died the previous year), and then to see Janet who was now living alone at their new house in Pine Street, Dal also having died the previous year.

Then we picked up Elsie from 8 Heathwylde Road and went to Maybole to Fergus and Jane Eve and the children for the day. They were back at Maybole from Hluhluwe, Holly having decided that the “partnership” should now concentrate on maize production at Maybole. So Ferg and Jane Eve were back in their own house; our old home was now closed up, and empty of furniture. It was a lovely day. I had aimed to be back at home in Durban by my curfew time of 8 p.m., but I had some trouble with the distributor of the car, and Margaret, Sally and I were home at 10 p.m. Luckily, the police surveillance on our house was not very efficient.

The final time I applied for permission was on 22 August, and again it was successful: the document stated:

You are hereby authorised to visit Hilton College and farm Maybole in Pietermaritzburg District on 26/8/60 to 28/8/60 for the purpose of attending a theatrical production and family visit

On the Friday afternoon, we left Durban and arrived at Hilton College in time for the school dinner to which Mr Slater had invited us. We sat at the head table in the dining hall - it was quite clear that it was Mr Slater's intention for use the occasion to demonstrate his sympathy for us. Then we saw the play which was *The Pirates of Penzance*.²⁵ We took John to Maybole for the day on the Sunday, returning him to Hilton in the late afternoon. It had been an excellent weekend.

On the Monday morning I reported to the Police Station as usual. It was the last time, for two days later on 31 August the State of Emergency was lifted and all remaining detainees released. We all breathed a sigh of relief; now the time had come to decide on our future.

Postscript

It was illegal to describe conditions in South African prisons. Harold Strachan, after serving a four year prison sentence from 1961 to 1965 for conspiracy to cause explosions, wrote an account of his time in prison on his

²⁵John reminded me in December 2005 that he had played the part of D'Artagnon in this play

release; this was published by L Gander, the editor of the *Rand Daily Mail*. Harold was re-arrested and sent back to Pretoria Central. He was held under house arrest for ten years after that. His initial four year sentence is described in his second book.²⁶ (It is lucky the law has changed as I am write this!)

It was also illegal to photograph prisons in South Africa. In May 1961, when Margaret and I were driving in Durban on the day before we sold our car, a few days before we escaped to Ghana, I decided I must have a photograph of the Durban Central Prison. Margaret took the wheel, and I quickly set the focus and aperture on the camera, raised it and took a snapshot as we drove past. The unprocessed film went with us to Ghana and I had it developed and printed there.



My photo of Durban Central Prison

(When we visited South Africa again for the first in 1993, the Durban Central Prison had been demolished and replaced by a new prison. So this is the only photograph I have of my residence for those three months in 1960)

updated 03 November 2014.

`/home/mike/mem/chaps/ch15-det.odt`

²⁶ Harold Strachan: *Make a Skyf, Man!* (Jacana Media (Pty) Ltd, Johannesburg, 2004)