

In Memoriam



Narainsamy Thumbi 'N.T.' Naicker

APRIL 4, 1922 - JANUARY 19, 2003

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On Sunday morning, the 19th of January, 2003, a great leader of the struggle against oppression, N.T. Naicker, died peacefully at the Asbury Park Rehabilitation Center in Sacramento, California. He was 80 years old. The world is a better place for his having lived amongst us, and he is already sorely missed not only by his family, but by thousands of organizers for 'justice for all' and mourners throughout the United States and in his native South Africa.

Mr. Naicker was born to Narrian and Amakanno Naiken in Pinetown, South Africa, not far from the port city of Durban. Three of his grandparents had immigrated to South Africa from India in the 1880s, part of the second wave of Indian immigration by merchants, businesspeople and farmers. The fourth, his maternal grandmother, was a French emigre.

N.T. was the second of ten children. His father was a law clerk, who was well known and respected by many of the lawyers in the area. The Naicken family was composed of six sons and four daughters, and was of relatively comfortable means by the time N.T. came of age. He went to elementary school at Stella Hill Indian school (through the sixth grade), and matriculated from Sastre College (high school). He then attended the University of Witwatersrand in Johannesburg for two years, where he was taught in and learned the Zulu language.

As a young man, he taught primary school at the Friends of the Sick Association (FOSA) Settlement, a sanitarium near Durban, where he first contracted the tuberculosis that later took one of his lungs. After one year he took another teaching job at the Pinetown Indian School. By his early 20s, N.T. returned to school to complete his law degree at the University of Natal. He graduated in 1948. He first apprenticed under Mr. Whichura, a prominent white attorney in Durban. Upon Whichura's passing, N.T. continued for his final year of apprenticeship under G.S. Naidoo,

another South African attorney of Indian descent. After successfully passing the extraordinarily difficult South African bar exam of the late 1940s, covering a patchwork system of British common law, Dutch law and native custom, N.T. found that the law was not available to the native and Indian South African population, and when the British withdrew, he saw the white supremacist and pro-fascist nationalist forces, led by the Afrikaners, assume power and install the apartheid system.



N.T Naicker, a signator to the Freedom Charter, testifies in his own defense during political trials forty years ago, shortly after ANC Youth League forced the movement to take on a more militant character

Mr. Naicker joined the Natal Indian Congress (NIC) in 1949, and quickly rose in its ranks. A first-rate political organizer, he was elected Secretary in 1954, and held this position for nine years. As keynote speaker at the first NIC conference over which he presided, he invited African National Congress (ANC) Cape Area chairman Govan Mbeki to attend. This began a long series of clandestine events during which the ANC and the Natal Indian Congress leadership developed strong friendships, and organized many joint events. Of course, the apartheid government had forbidden such collaboration as subversive and treasonous, and international press reports suggested that the two organizations were very much at odds. The truth was, however, that Africans and Indians worked together regularly in the struggle against apartheid. N.T. Naicker, himself a fluent speaker of 5 different languages, was one of the architects of this collaboration.

By 1955, the two organizations, working with representatives of other political resistance groups, had created the famous Freedom Charter, a list of ten basic principles upon which the new South African Constitution was later developed. The Charter proposed that: (1) The People Shall Govern! (2) All National Groups Shall Have Equal Rights! (3) The People Shall Share in the Country's Wealth! (4) The Land Shall Be Shared Among Those Who Work it! (5) All Shall Be Equal Before the Law! (6) All Shall Enjoy Equal Human Rights! (7) There Shall Be Work and Security! (8) The Doors of Learning and of Culture Shall Be Opened! (9) There Shall Be Houses, Security and Comfort! and (10) There Shall Be Peace and Friendship! N.T. once explained that "The Freedom Charter was a simple manifesto of principles by which political organization was to exist."

That year, a joint conference was held at which the Charter was introduced for discussion. Mr. Naicker was designated to speak on the first principle — The People Shall Govern! The South African police swept into the meeting hall during Mr. Naicker's address, and rushed the stage. They declared that the Freedom Charter was a subversive document, based upon the speech they had just heard. They began an immediate search for any copies of the document to prevent its further dissemination. However, organizers were able to smuggle out several copies for safekeeping, even as the Special Branch officers bullied and threatened the delegates and speakers. Mr. Naicker and the other speakers and conference organizers were arrested and imprisoned. To raise bail, ANC and NIC members double and triple-mortgaged their homes.

Although ordered not to contact one another and under constant surveillance, the Freedom Charter defendants still managed to organize. They held musical events in public places, attended by hundreds and sometimes thousands of people, in order to lose their police "attendants" in the crowds. They slipped away to hold a three-day strategy meeting in the rural areas, at which for the first time Indians and Africans were able to share living quarters and meals, in resistance to the Group Areas Act, which banned such fraternization.

In 1962 Mr. Naicker and his codefendants were acquitted of treason charges in the Freedom Charter trial. He went on to defend other well-known ANC members, including Nelson Mandela, of similar "offenses." Although the NIC, founded by Mohandas K. Gandhi, was a pacifist organization dedicated to non-violent resistance, N.T. was in frequent contact with Oliver Tambo, head of the Umkhonto weSizwe (Spear of the Nation) armed resistance movement, and was briefed to defend the first group of fighters captured after training outside of South Africa. The government banned him as a result of this (meaning that he was not permitted to speak to more than one person at a time outside his family and could not be quoted). N.T. was forced to resign from the defense team.

In 1959, N.T. Naicker was elected joint secretary of the NIC and the South African Indian Congress (SAIC). Shortly after this, Premawathie Naidoo, a young 18-year-old woman, the niece of a friend and colleague, agreed to become his legal secretary. A few months later, N.T. was again arrested, this time under the First State of Emergency, and was imprisoned for four and a half months. Young Prem ran the office in his absence. They were married in July 1961. The wedding provided cover for N.T. and many of the banned ANC leaders, including Walter Sisulu, ANC stalwart, who was later imprisoned at Robben Island with Nelson Mandela for 25 years, to hold a secret meeting. A year later, their first child, Romen, was born.

In 1963, while Prem was pregnant with their second child, Vanitha, N.T. was again arrested. At trial, he was banned again, and sentenced to ten years of house arrest. He was forced to resign his official position as the head of the NIC and SAIC. During the period of house arrest, the Naickers' third child, Kovilan, was born.

Shortly after the period of house arrest ended, N.T. was again arrested, and spent four years in prison. Of course, he and Prem had continued to organize against apartheid in violation of the banning orders. By now, the white supremacist Nationalists were desperate to prevent the end of the apartheid oppression, and terrified of the potential for violence they saw in the resistance

movement. Knowing that they had been responsible for the deaths of thousands and the terrorism of millions of innocent people, they feared that indigenous Africans, Indians, and others they had identified as non-white would return the favor. The constant bannings, arrests and imprisonments of Mr. Naicker and others show the lengths to which these terrorists were willing to go to sustain their vile oppression.

After his release, N.T. was again banned, and his movements were restricted. His comrades in the movement, such as Nelson Mandela, Joe Slovo, and Ruth First, were either in prison or had been assassinated. Younger men and women held the official positions of leadership, and years of struggle had seasoned them. N.T. decided that the time had come to leave South Africa. Working with others in the Movement, he slipped away under cover of darkness and walked more than 30 miles to Botswana. Even his children could not be told where he was, for fear they would tip off the police who kept the house under constant observation. Mr. Naicker was arrested in Botswana as an escapee, and returned to South Africa.

Meanwhile, the children had grown. The oldest, Romen, completed high school, and was sent off to college to the United States, in California. Several years later, the entire family was exiled to the United States. They arrived in 1985.

Soon after the family was reunited in Sacramento, they met Sundrasagren (Sagie) Govender, a young South African who was organizing with Coalition of Concerned Medical Professionals (CCMP).

In 1989, N.T. and Sagie participated in the historic African National Congress youth conference held in Lansing, Michigan. Soon after, they founded the new Committee for South African Solidarity (COSAS), dedicated to supporting the new political system that was about to emerge in South Africa, and to furthering the economic and social change so desperately needed by the majority of the population including the continuing struggle to implement the FREEDOM CHARTER.

It was CCMP's resources which twice saved N.T.'s life organizing successful treatment first of an undiagnosed schistosomiasis and later effectively treating N.T.'s severe pleural tuberculosis, a rare form of the disease which had evaded detection by routine testing for many years.

Sagie Govender introduced N.T. and Prem to another organization that grew up in Sacramento and then spread nationwide, known as Coalition of Concerned Legal Professionals (CCLP). As a lawyer of high standing in the Movement in South Africa, N.T. spent many hours briefing CCLP organizers on legal tactics he used to fight for the rights of oppressed workers in his country. When in 1992 the United States government tried to claim that the release of a handful of political prisoners justified deportation of political exiles in this country. CCLP, working closely with N.T, who was his own best advocate, successfully fought for and won political asylum for the Naicker family. As a result of the close work over that period of time, N.T. agreed to join the Board of Directors of CCLP and helped shape the building of National CCLP. He readily shared his vast experience as a lawyer in the movement for change at National Law Conferences sponsored by NCCLP from San Francisco, California to Portland, Oregon, remarking at one conference on the parallels in the struggle for justice for the workers of both countries. He summarized it, saying “ ‘Law and justice - distant cousins’ (the theme of the conference) not only describes the situation for myself as a lawyer in the late 1940s, and every honest South African in the 1970s, but the United States today.”

N.T. also functioned as a Board of Directors' member of COSAS and was a key correspondent to the COSAS newspaper, the *South African Beacon*. He was a great teacher of organizing to hundreds of supporters and followers.

N.T. is preceded in death by his wife, Premawathie “Prem” Naicker in July 2001, and his youngest son, Kovilar “Kovi” Naicker in April 2002. His surviving children, Romen and Vanitha Naicker, live in Sacramento. One sister, ‘Sal’ Naidoo of Sacramento, and a brother, Sadha Naiken of Durban South Africa, also survive him, as do nephews Mervyn Naidoo, Esq. of



mento, Jaya Naiken of Indiana, and nieces Krishna Krane of Chicago, Omila Naidoo and Vigrum “Baby” Naidoo of Sacramento, and many, many nieces and nephews remaining in South Africa.

Visitation will be held on Friday, January 24, 2003 at the Sacramento Memorial Lawn, 6100 Stockton Blvd, in Sacramento, from 3 to 8 in the afternoon, and again the following morning. Hindu services will begin at 1 p.m. on Saturday at the same location. Directions to a reception following the ceremony will be provided at that time.

Friends and Family Warmly Invite All to Attend
the Reception at:

The Depot Conference Center
8215 Ferguson Avenue
Depot Business Park
Sacramento, CA 95828
916-456-1771