

MAGISTRATE,

W Y N B E R G, CAPE.

24th October, 1959.

The Magistrate,
WYNBERG.

REGINA VERSUS SEGAL - CASE
NO. B. 2601/1959.

In abovementioned connection I refer to a letter received from Messrs. Frank, Bernadt and Joffe dated the 22nd instant.

I most strenuously resent the unworthy insinuations against my integrity contained therein and would have dealt with the matter with the contempt it deserves but as there is an appeal pending in this case and as I feel that the aspects referred to might be misrepresented to the Court of Appeal, I submit the following explanations. If, before making these reprehensible allegations against me, a member of the firm had extended the courtesy of discussing the matter with me personally, the whole issue would have been clarified. The strain of Mr. Bernadt's deposition is typical of and illustrates the spirit in and surrounding this case.

The paragraphs referred to are those in Mr. Bernadt's affidavit dated the 22nd day of October, 1959:-

Paragraph 2: It is incorrect that I declined to furnish additional reasons for Judgment merely because the additional notice of appeal did not comply with rule 63(4) of the Magistrate's Court Act. My reasons were very clearly stated in the last paragraph of my "additional reasons for Judgment" dated 22.9.1959.

Paragraph 4: I do not recollect seeing anybody on the afternoon of 6/8/1959 in connection with Segal's case. I do remember that one afternoon somebody phoned me and asked whether a copy of the record could be made and it was then arranged that the person should come early the following morning - probably the 7th of August. On the previous afternoon I may have

been..../

been busy but certainly not writing reasons in Segal's case apart from tabulating my facts found proved as my written judgment was used for that purpose.

Paragraph 7 & 8:

Remarks passed from the bench about matters not connected with the merits of the case do not necessarily form part of the Court's judgment and mine certainly did not. Even in the press cutting attached to Mr. Bernadt's affidavit it is stated that I said I wanted to pass a few remarks before delivering my judgment.

Paragraph 9:

I delivered a long judgment which required a lot of writing and a fair amount of research. Ideas and conclusions were recorded in proper sequence as far as possible, but before finalising the judgment in the form it was delivered I found it necessary to rearrange the whole script. Some pages I deleted as being of no consequence and to others I attached slips but the document partly perused by Mr. Bernadt is the one altered by me before judgment and is the one from which I read my judgment in Court. In this I had naturally not included my remarks about the conduct of the case as I did not consider, and did not intend it to be part of my judgment. If therefore, instead of running around in circles looking for loopholes Mr. Bernadt had had the decency to discuss the matter with me personally, this further unpleasantness would not have been necessary.

Paragraph 13 last sentence:

I emphatically deny that this is what I said. I did not check the copy made by Mr. Ribbink and as many people find my writing difficult to read, it is quite possible that words may have been wrongly transcribed.

Attached to the letter under discussion is an Affidavit subscribed to by one Terry McComb-Herbst, a senior journalist in the employ of the Cape Times. In his Affidavit he states that during the lunch hour he and other reporters scrutinised my papers on the bench in my absence. I do not know who gave them authority to do so but I am amazed and alarmed to learn that private individuals and press reporters can snoop around in one's absence and take the liberty of making copies of one's notes. My remarks prior to delivering judgment were my private property and those reporters had no right to peruse my notes without my permission.

I suggest that a copy hereof be sent to the Attorney-General so that, in case these aspects are broached at the hearing of the appeal, he would be conversant with the true facts.

J. J. SLABBERT
ADDITIONAL MAGISTRATE.
(J.J.Slabbert)

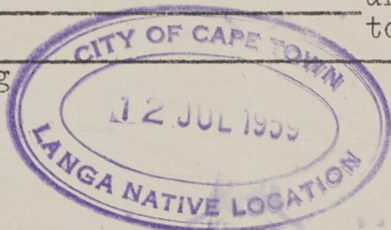
CITY OF CAPE TOWN / STAD KAAPSTAD.
NYANGA WEST NATIVE TOWNSHIP / NATURELLEDORP NYANGA-WES.

Permission is hereby granted to Mr. J. Forman
Toestemming word hiermee vergun aan

of C. Town
woonagtig te

to enter Nyanga West Native Township for the purpose of visiting
om toegang tot die Naturelledorp van Nyanga-Wes met die doel om

visit to see village
_____ until _____
_____ tot _____
Date of issue
Datum van Uitreiking



S.A. Rogers.

MANAGER OF NATIVE ADMINISTRATION.
BESTUURDER VAN NATURELLE ADMINISTRASIE.

Issued by
Uitgereik deur [Signature]

NOTE : The Manager of Native Administration is entitled to cancel or withdraw this permit at any time during its validity without the necessity of giving any reason for this action.

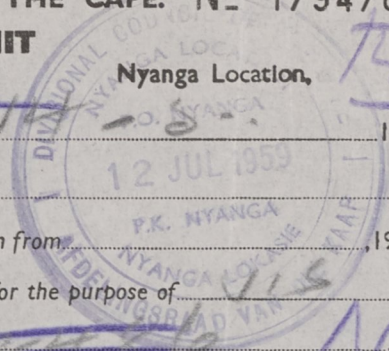
OPLET : Die Bestuurder van Naturelle Administrasie is geregtig om hierdie permit te kanselleer of terug te trek gedurende die tydperk van geldigheid, sonder om enige rede te gee.

Permit

DIVISIONAL COUNCIL OF THE CAPE. No 179476

VISITORS' PERMIT

Nyanga Location,



Mr N J Fox - 92 office
Theresa

To A. Kals 19 59

You are hereby authorised to be in the Nyanga Location from 19 59

a.m./p.m. to 10.00, 19 59, for the purpose of VIS

at N.T.E.

This permit expires at 5.00 a.m./p.m. on the last-mentioned date.

The issue of this permit makes you subject to the Location Regulations.

6 P.M. JJ

[Signature]
per Manager: Native Administration

Sachs 21/12

UNION OF SOUTH AFRICA.

No. 3/50/128.

DEPARTMENT OF JUSTICE,
VERITAS BUILDING,
PRETORIA.

Messrs. Frank, Bernadt and Joffe,
P.O. Box 252,
CAPE TOWN.

25. 8. 1959.

Gentlemen,

NOTICE IN TERMS OF SECTION 9(1) OF ACT
NO. 44 OF 1950: MR. RONALD MICHAEL SEGAL.

With reference to your letter of the
29th July, 1959, I am directed by the Honourable the
Minister of Justice to advise you as follows:-

1. Reasons:

- (a) During the period September, 1956 to June, 1959, your client took an active part in agitation and propaganda:
 - (i) against the laws and authority of the State;
 - (ii) which impressed upon the non-Europeans that they are oppressed and have to fight for their freedom; and
 - (iii) which incited certain Europeans and non-Europeans to boycott certain produce and business undertakings.
- (b) Your client encouraged the overthrowing of the State by means of revolution.
- (c) This agitation, propaganda and conduct are similar to the methods advocated by known Communist leaders, such as Marx and Lenin, and may, therefore, further the achievement of certain objects of communism.

2. Information:

All the information which induced the Honourable the Minister to issue the abovementioned notice can in his opinion not be disclosed without detriment to public policy, but apart from the information upon which he acted and cannot disclose, the following information, as to the reliability whereof he is satisfied, also weighed with him:-

- (a) The following are excerpts from articles published in the quarterly magazine "Africa South" of which

/your 2.

your client is inter alia the publisher, editor and managing editor:

- (i) In the October - December, 1957, issue C. Cell under the heading "A Day to Remember" wrote the following:-

"We must not exaggerate White domination will remain quite a while as living people calculate these things, though not for very long as history reckons. There will be still greater oppression, suffering, deprivation of personal liberties (white as well as non-white), before we reach the lowest point in our appointed course. The facade will not crack just yet. But the non-white majority now knows it is only a facade. Deep in their hearts the non-whites, and particularly the Africans, treasure the certainty, proved by the evidence of their own eyes these last six decisive months, that working-class solidarity based on the indispensability of labour to an industrial economy is a liberatory weapon against which there can be no lasting defence. June 26th has significance for South African non-whites. It is the day on which in 1950, the African and Indian Congresses really came together; on which, in 1952, they launched the Defiance (Passive Resistance) campaign against unjust laws on which in 1955, they concluded the Freedom Charter, embodying their ideals for a shared, multiracial society; and on which in 1957, they first really put their shoulders to the key lever of liberation - industrial non-co-operation."

- (ii) In the January - March, 1958, issue Duma Nokwe under the heading "The South African Police" wrote the following:-

"It is impossible to assess the true extent of the powers of the police without reference to those characteristically South African laws which have transformed inalienable human rights into crimes for the majority of the people. The system of racial discrimination in South Africa has, since its inception, denied their basic rights to the 10 million non-Europeans in South Africa. That same denial is now being extended to all those who dare to condemn, nay, even criticize, this system as immoral and unjust. It is over the 'Kaffirs and Coolies' who have to be kept in their place, and the Whites who are traitors to white baasskap and Afrikanerdom, that the South African Police exercise powers which are far more drastic, vicious and arbitrary than over the habitual murderer and robber."

- (iii) In the January - March, 1959, issue Michael Harmel under the heading "Revolutions are not abnormal" wrote the following:-

"The type of despotism we still endure in the Union in this age - and our country stands high in the ranks of industrial nations - is a kind of freak, an anachronism which cannot hope much longer to survive. Before the last war the upholder of White supremacy could have comforted himself with the thought that after all democratic revolutions were confined to Europe and America, but that illusion has been shattered to fragments. The Afro-Asian revolution is proving even more rapid and dynamic than the European-American; there can be few people today outside Southern Africa, Alabama and Notting Hill, who think that democracy and self-government are 'slegs vir blankes'

Of course there are significant differences as well between the position of the White South African State in relation to its African 'colonies' and that of a European power and its overseas territories - one must not push an analogy too far. The obvious difference is that mentioned by the U.N. Commission - that the 'colonies' are not overseas but right here. And it is this difference which makes the task of the national liberation movement - by which I mean essentially the Congress alliance - so extra-ordinarily complicated and difficult, that despite a leadership which in skill, wisdom and maturity can compare not unfavourably with any in the world, and certainly on this continent, it has little to show in the way of practical success."

"The constant stream of repressive legislation and administrative bans and restrictions on civil liberties, the Treason Trial, followed now by a series of other mass political trials, the mounting obsession of security, the very harshness of each new draconic apartheid measure - all these betray a basic jitteriness. They cannot be explained merely by referring to the well-known authoritarian tendencies of the Nationalists, or Swart's nightmares about Reds under his bed. His gigantic plots and conspiracies may be sick fancies, but there is nevertheless a very real basis for the apprehensions of the Government. That basis is the fact that the Congress movement, the national liberation movement of South Africa, has found its direction and its goal, and is steadily winning the allegiance of the vast majority of the people. And herein lies the certainty of defeat of the present form of

Government and the victory of the South African Revolution. For no minority Government can endure, however rigid its repression or seemingly powerful its forces, once the great majority of the people have taken the path of resolute resistance and organisation against it. But revolution need not involve violence. There have been plenty of examples in history where a combination of factors have been compelling enough to make a ruling class give way for urgent and overdue changes, without dragging the people through the agony of civil war. We can only hope that this may also be the case in South Africa."

- (b) On the 25th January, 1959, your client as delegate of the "Congress of Democrats" addressed the regional conference of the "African National Congress" held at Kensington, where he said inter alia:-

"Before the Africans can expect freedom they must first of all discourage African members of the Special Branch by always shouting at them whenever they are seen 'You are unclean'."

- (c) On the 13th April, 1959, your client addressed a gathering of students on the premises of the University of Cape Town and encouraged them to support the boycott of certain produce. He said inter alia:-

"I ask you to join the boycott and show the Government that oppression is not a spear but a boomerang. For this is not an African struggle alone, it is a struggle for all in this country who reject the moral erosions of racialism."

- (d) On the 18th April, 1959, your client as delegate of the "Treason Trial Defence Fund" addressed a conference of the "Anti-Pass Laws Committee" held at Cape Town, where he said inter alia:-

"'Die Burger' reports that the Government will make the boycott weapon illegal. But I am at a loss to understand how making the boycott illegal is possible. You can put a few organisers in gaol, yes, but you cannot stop millions of people from whispering in each others ears."

- (e) On the 4th June, 1959, your client addressed a dinner-hour meeting at the Witwatersrand University where he said inter alia:-

"A revolution is not a clap of thunder but a slow process and South Africa is already in a revolution - the revolution we are expecting and hoping for is already here. The Police are hated and jeered at by most. The Legislative in South Africa is not in fact a legislature but a Party with a useless United Party as opposition. In South Africa force alone is perpetuating a lunatic

society forever as the Nationalists hope and therefore laws must arise from elsewhere. Congress is the future. We must keep on making holes until Verwoerd runs out of fingers to stop the leakage in the Dutch dyke.

We must organise war, politically and economically in South Africa against the Government. Our future lies in the Afro-Asian Bloc to whom South West Africa must be returned.

I have personal experience resulting from interviews overseas that the West will withdraw their support from South Africa's white ruling caste leaving her in the cold. We must organise our own campaign at such a rate that the Nationalists cannot keep up with us. Support the A.N.C. boycott of June 26th morally and physically. The largest canning company in South Africa (Langeberg) provisionally on the A.N.C. list of boycotted firms has approached Congress and given us three important labour concessions. The Nationalist Party is helpless in the face of the economic boycott.

If the Government crushes the Boycott locally it will be faced by an international boycott. We, the extra-parliamentary opposition, in our struggle will not employ violence but will not condone it nor shall we give guarantee that the present white terror will not produce violence in our part. We must meet their violence with violence. Action by the Nationalists against their so-called black peril will strengthen our backs."

- (f) On the 4th June, 1959, at 7.30 p.m. your client addressed a meeting of the "Transvaal Indian Youth Congress" held at the flat of Goolam Pahad where he said inter alia:-

"We will issue an ultimatum to Langeberg Korporasie. They will have to produce to us the names of all their directors and all their office-bearers. If there is one amongst them that is a prominent Afrikaner, we will bring Langeberg down to its knees and after Langeberg we will tackle the others. Many prominent people seem to think that if there is trouble in South Africa, America will come to the aid of the present regime but that is nonsense - America dare not assist the whites here."

Yours faithfully,

(sgd.) ?

ACTING SECRETARY FOR JUSTICE.



Sachs 26/14

NOTICE IN TERMS OF PARAGRAPH (e) OF
SUBSECTION ONE OF SECTION FIVE OF THE
SUPPRESSION OF COMMUNISM ACT, 1950 (ACT
NO. 44 OF 1950), AS AMENDED.

WHEREAS your name appears on the list in the custody of the officer referred to in section eight of the abovementioned Act;

NOW THEREFORE, I, CHARLES ROBBERTS SWART, in my capacity as Minister of Justice for the Union of South Africa, by virtue of the powers conferred upon me by paragraph (e) of subsection one of section five of the Suppression of Communism Act, 1950 (Act No. 44 of 1950), as amended, do hereby prohibit you from attending, during a period of five years as from the date that this notice is delivered or tendered to you, any gathering in any place within the Union of South Africa or the territory of South-West Africa.

Given under my hand at *Brandfont* on this
the *27th* day of *July*, 1959.

MINISTER OF JUSTICE.

TO:

Lionel Forman,
8, Park Lane,
Camps Bay,
CAPE TOWN.