

A.S.

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# SPARK

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## 'JAILING OF SISULU ILLEGAL'

### Magistrate had no right to refuse Bail, says Defence

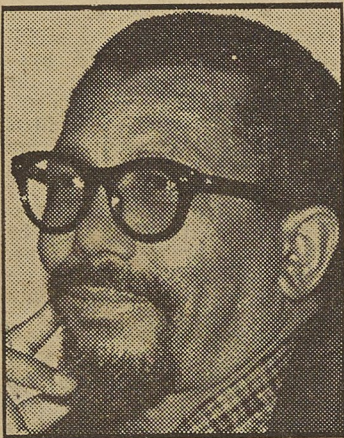
JOHANNESBURG. **WALTER** Sisulu, formerly Secretary-General of the banned African National Congress, was sentenced on Monday to six years imprisonment for ANC activities and for inciting workers to strike in protest against the Nationalist Republic in 1961.

The court, dominated by African women in green and black blouses, heard the sentence in silence, then responded feelingly to a shout from Sisulu of "Afrika."

Then top-ranking police officers moved into action and Sisulu was hustled down into the cells, the crowd ordered from the courtroom and within 20 minutes of sentence being passed Sisulu was already being carried off to Pretoria jail under heavy police escort.

As many as 20 police were on guard as Sisulu had last words

**Sentenced To Six Years**



Walter Sisulu

with his wife, Mrs. Albertina Sisulu, in the cells.

#### TENSION IN COURT

Shortly before, in court, tension rose high as defence counsel, Advocate Joe Slovo, protested strongly against the magistrate's decision to refuse bail pending appeal on the grounds that he refused to follow a Supreme Court decision.

There was also a strong protest that the magistrate's remarks on

sentence and the refusal of bail had been prepared even before the defence had addressed the court. The magistrate, said the defence, was making the law himself.

The Supreme Court decision was that a magistrate had no discretion on bail whatsoever. "There can be no debate."

The magistrate then said he did not agree with the Supreme Court

*(Continued on page 16)*

## NEW MOVE TO CRIPPLE SPARK

### Orders Served On Staff Members

**I**N a further attempt to cripple Spark, the Minister of Justice last week served orders on key members of the staff prohibiting them from being on any premises where a publication is prepared, compiled, printed or published, or from preparing, compiling, printing, publishing, contributing to or in any way assisting the production of any publication.

The order, which takes effect from April 1, 1963, was served on Spark editor, **Mr. B. P. Bunting**; the Johannesburg editor of the paper, **Miss Ruth First**; **Mrs. Rica Hodgson**, finance organiser; and **Mr. Wolf Kodesh**, a director of Real Printing and Publishing Co. In Durban **Mr. Ronnie Kasrils** received an order.

The police were also looking for **Mr. Fred Carneson**, managing director of Real Printing and Publishing Com-

pany, and telephoned a member of the Spark staff in Cape Town asking for the names of Spark employees in all centres.

The effect of the orders is to make it impossible for the recipients to function as journalists or writers, or to assist in any way in the production of a publication, which is defined in the Suppression of Communism Act as "any newspaper, magazine, pamphlet, book, handbill or poster."

The orders will deprive many of their recipients of their livelihood, and will prevent them from obtaining other jobs in the spheres for which they have been trained.

Similar orders were served on a number of people who have had no connection with publishing, among them **Mr. Jack Tarshish** in Cape Town, and **Mrs. R. Harmel** and **Mr. Joe Slovo** in Johannesburg.

## COMMENT

## VORSTER LASHES OUT

AND so the bannings continue—new bans prohibiting the recipients from being on premises where newspapers are prepared for publication, or from preparing any material for publication in the press. More bans on members of the Liberal Party. Four Liberals detained without trial.

In the Transkei communists and liberals (unspecified) are accused by the police and others of incitement to violence, sedition, murder and the manufacture of petrol bombs—this all presumably to lay the basis for further attacks on anti-Government forces wherever they may be found.

Peaceful demonstrations are more and more frequently broken up by the police, placards confiscated. Vorster and the Government are determined to leave no stone unturned in their ever-intensifying campaign to stamp out all forms of extra-Parliamentary opposition.

The gravity of the threat posed by the Government's actions should not be underestimated. They have power and tremendous weapons at their disposal. They may succeed in shutting down newspapers, putting an end to public meetings, gagging the most outspoken of their opponents.

What they cannot do, however, is end the opposition of the people to their policies. Government by consent cannot be bought by State violence. No matter how many people Vorster silences or throws into jail, the mass protest against apartheid will still continue.

The man whose home is broken by the pass laws, who is torn from his wife and children, forced to roam the countryside without the hope of ever leading a secure and peaceful existence—nothing that Vorster can do can make that man his friend.

The thousands of people who have been endorsed out of the Western Cape and who are now rotting in the Eastern Cape, according to a report placed before the East London City Council last week, "unemployed and reaching a stage of unemployment because they no longer have the strength to labour"—can such men ever become the allies of Verwoerd and Matanzima?

No, Vorster's present tactics will not end the spirit of opposition and criticism amongst the people. On the contrary, they can only intensify it, raise it to the level of rebellion and revolt. In the Transkei, Bantustan showpiece, which has been ruled under emergency decrees since 1960, the hut-burnings and murders have not ceased. In fact the situation has never been as bad as it is now, when even Whites in a settled centre like Butterworth are too terrified to give evidence before the Paarl Riots Commission. And Matanzima survives only because he is probably the most heavily guarded man in the Republic today.

By its present policies the Government is painstakingly creating amongst the people the spirit and the force which will eventually destroy apartheid. That the number of bans is multiplying alarmingly today is not merely a measure of Vorster's misguided industry; it is also a measure of the Government's increasing failure to create a stable social system.

More and more the Government is taking on the appearance of an occupation army—something ruthless and outwardly powerful, but isolated from the populace, hated, despised, and doomed to ultimate defeat.

## BRIGHT SPARKS

by

HOWARD LAWRENCE

How do the Special Branch cops react to documents, books and pamphlets etc. that they confiscate on their raids?

Here's how I see it.

**Book:** "Indian recipes."**Reaction:** Must be something planned by Gandhi.**Book:** "Chinese recipes."**Reaction:** You can say what you like, this is instructions from the communists in China.**Letter:** "Starting this year is going to be the season for the races in the Cape?" (dealing with horse-racing).**Reaction:** This is it. I'll get promoted for this. Must be something about their plans for a campaign against the Western Cape Removal Scheme.**"Puck-a-poo" sheets** with Chinese numerals (an illegal gambling game).**Reaction:** This must be a code for that Chinese recipes.**A typed review of a novel,** "Season of Assassins."**Reaction:** Jesus! this must be the blueprint for POQO.**Result of Search:** One demotion.

\* \* \*

I don't believe the Nats have read the Holy Bible. If they did, it would not be in circulation because it would be listed in some Government Gazette as 'Obscene, pornographic and Communistic' literature. Especially the life-story of King Solomon.

But on second thoughts perhaps they aim to use their new Censorship Bill for this job.

So all you people who have Bibles **not** published by the DRC please hide them. But not in the garage. The Dominee might find them.

\* \* \*

On Saturday night, at a multi-racial braaivleis organised by—no, you're wrong—by the UNITED PARTY (something's cooking, huh?) Sir De Villiers Graaff said in a speech: 'I am glad to see so many young people here. This is an indication of the United Party in the sixties. It is said that young people tend to be liberal while they're growing up. But it is also said that if they remain liberals after they're twenty they have no head . . .'

Shouted someone from the sidelines: 'And if they become Nats or U.P.'s they'll all probably lose their heads.'

No doubt the interjector was thinking about Poqo. And I don't blame him. Do you?



Going home—but home is a tent. This is the tent town for those who could 'prove' to the Bantu Commissioner that they are in registered employment in Vryheid.

## Freehold Rights Taken Away

## 2,000 AFRICANS MOVED INTO TENT TOWNS

VRYHEID.

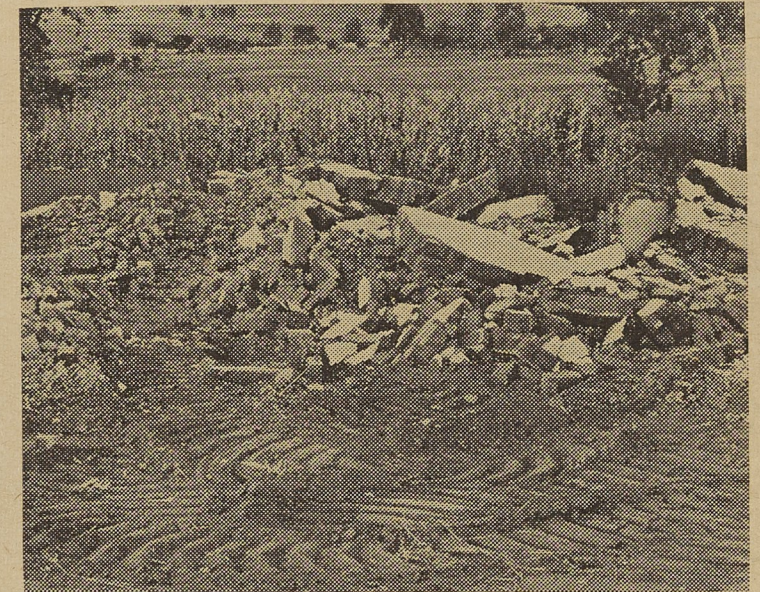
THIS Government can't bear to see Africans living in homes they own. When it hears the word 'freehold' it reaches for the Group Areas Act. Then the bulldozers are called in, decent houses are reduced to rubble, families ordered to move from homes they have occupied for half a century.

Look at the Vryheid story. 2,000 Africans have been moved from freehold land in Besterspruit Location to two tent camps. Even the Vryheid Town Council objected that the move should wait for the building of better houses, but the Government wouldn't listen.

## HEARTBREAKING

The sight of the 2,000 pushed into unbearably hot and cramped tents is enough to break your heart. Besterspruit, say the officials of the Bantu Affairs Department, was a 'black spot slum', and the

(Continued on page 4)



This was a home. But now the bulldozers have done their work and the picture shows ruins of people's homes, the tracks of the bulldozers in the sand—and UNREAPED CROPS STANDING IN THE FIELD.

## Africans Moved into Tent Towns

(Continued from page 3)

'undesirables' had to be weeded out. *Just another excuse to screen African families, push them from pillar to post and shunt them from house to tent in a government action typical of its callousness towards African families.*

Most of the Besterspruit families were moved to Mondhlo, which is the tent town 28 miles from Vryheid. About 500 have been moved to a new location near Vryheid, also a tent town. These, according to the Bantu Commissioner, could prove they had employment in Vryheid.

Many of those moved to Mondhlo were standowners who've lost their homes and property in one swoop. The standowners fought the removal, tried to go to law and voiced their objections. They lost the battle and now sit in tents.

Many of the sub-tenants who might have agreed to move from their old homes never bargained for having to live in tents. So both groups, former property owners and standowners, are now united in their bitterness against the Government.

### A PUNISHMENT

The simplest acts of living and raising a family have become a punishment. You have to walk half a mile to three toilets at Mondhlo, and because people—mostly children—can't walk that far, they use the yeld, and a stench hangs over the tent town. Water has to be queued for once a day. The tents are too small, fiercely hot and stuffy under the sun. Furniture lying outside is being ruined. Children have nowhere to shelter during the day. *There is not a single shop in the area.*

Wages of men working in Vryheid vary from R6 to R12 a month. One bus has started to run, leaving at 5.30 in the morning and returning at 5.30 at night. The fare is 25 cents for a single trip. **HOW CAN THESE PEOPLE AFFORD THIS FARE?** Half a man's wages to pay for his journey into work?

The rent for these tents is R1 a month.

### OUR GRAVE

One woman said: "This place is our grave. By day the tents are so hot; and at night cold. We would like to make fires to keep warm, but how can we in these little tents? When it rains we have to use primus stoves to cook, and those who have no stoves must go hungry."

The people complain the compensation paid them for their mud-walled homes in the pleasant Besterspruit valley was too low. Most of them were given one bag of mealie meal as compensation for their unrealed crops.



Three wooden latrines for the whole tent town, and they're open for the whole world to see.

## THE EVASIVE COMMISSIONER

VRYHEID.

Spark interviewed the Bantu Commissioner about the Besterspruit removal, and asked his name. "I have no name," said the Commissioner—and this was after he had tried to evade the interview by pretending to be an ordinary clerk in his office.

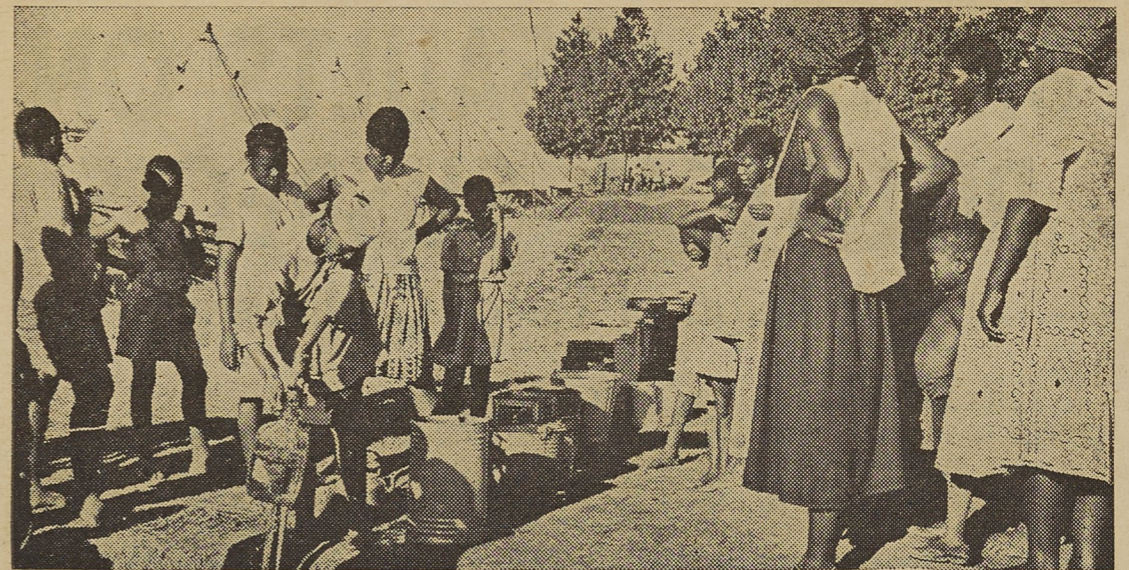
Would Whites agree to live in tents like these people? our reporter asked the Commissioner, and he replied: 'I could stay in a tent.'

Would you say these tents meet the requirements of a good health standard? we asked. 'That's politics and I don't discuss politics.'

Asked whether the people moved to Mondhlo had now lost all freehold rights, the Commissioner said: 'You're now talking politics again.'



This woman has no money for a bus fare, so she borrows a bicycle to get to town.



The tent town near Vryheid has two water taps. There is a third, but it isn't working. The water trickles out slowly, and the women stand hour after hour in the scorching sun. The afternoon queue starts at 3 o'clock; some are still waiting for water at 9 at night. And some families' dinners aren't cooked for lack of water.

# Stop Endorsing Workers Out Of Western Cape!

## Mass Transfers Lead To Widespread Distress

JOHANNESBURG.

**T**HE use of African railway workers as pawns of the state must stop, says the South African Congress of Trade Unions to the Minister of Transport in a protest against the transfer en masse of African railway workers from the Western Cape.

Here is SACTU'S protest:

African railway workers in the Cape are being asked to sign a form which reads as follows:—

"With reference to the decision that the Bantu shall be removed by degrees and systematically from the Western Cape, I desire to be transferred to the following stations."

They are then required to list their preferences.

### NO EMPLOYMENT

Many of those who have thus been transferred have found that no employment is available for them at the new centre. They have been specifically informed, however, that if no work is available for them at the new centre, they cannot, under any circumstances,

return to the Western Cape, but must go back to the Reserves. We have sworn affidavits to this effect.

At a mass meeting of African railway workers held in Cape Town in November, 1962, the workers voiced their protest at this treatment and agreed not to sign the forms or list their preferences. They now inform us that the Heads of their Departments now sign the forms for them without their consent.

### NO PROTECTION

This method of transferring workers appears to be a violation of the Administration's own regulations and has stripped the workers of whatever protection they had. In order to implement State policy these workers are simply removed from the Western Cape whether or not alternative employment is available to them. They thus become redundant, lose their jobs, their period of unbroken service to qualify for gratuities and they are told to 'return' to the Reserves, without any effort being made to ascertain whether they have homes in the Reserves or any means of livelihood.

*Their lives and the lives of their families are completely disrupted to carry out a policy in which*

*they were never consulted and with which they do not agree.*

On behalf of these railway workers, SACTU demands that this highly irregular procedure, which uses African workers as pawns of the State, should stop forthwith.

We are conveying the contents of this letter to the Director-General of the I.L.O. and to our overseas trade union contacts.

**FOOTNOTE:** The East London City Council last week urged the Government to stop endorsing Africans out of the Western Cape until new townships had been built in the Eastern Cape and until the local people had been provided for.

*According to a report before the Council, a great many of those endorsed out "were not only unemployed but were reaching a stage of unemployability because they no longer had the strength to labour or because they had been out of work for so long that they had lost the skills by which they had previously earned a living."*

The report warned that the situation was so serious that there was great danger of violence breaking out in the locations around East London.

# BRUTAL ASSAULTS ON POLITICAL SUSPECTS

## P.E. Reign of Terror Continues

PORT ELIZABETH.

REPORTS of brutal police assaults on political suspects in the Eastern Cape continue to be received by Spark.

A contingent of uniformed and plain clothes police swooped one night on seven men sitting in a house at New Brighton. The men—Stapleton Nzube, John Kweyi, Mhlontlo Tele, Leslie Mda, Lawrence Byathaza, Malusi and Kiti—were sitting in Kweyi's house waiting for others to arrive to play draughts matches.

The police ordered them to "stand up" and "sit down" at the same time. They were searched and the house was also searched.

### ORDERED OUT

The police asked them what they were doing and the men replied that they were about to play draughts. The police said the men were lying and ordered them to file out and climb into the pick-up van outside. The men found that the house was surrounded by police and there were also a number of them standing by the van—a total of about 20.

At the police station the men were separated and interrogated. Mixing questions with assaults, the police displayed extreme brutality in their handling of the men. They seemed not in the least perturbed by the reluctance of the arrestees to make statements, but regarded this as an excuse to use violence.

The police wanted to know where the men had put the saw they had used in cutting down an electric pole in Dubula Street recently. The police spoke rudely to the men about how they were going to make them produce the saw. The use of four letter words was like whistling to them.

They also accused the men of responsibility for the bombing of Det. Sgt. Gazo's house last year.

Leslie Mda was alleged to have been the contact man who collected news and reports from zone to zone in New Brighton for the African National Congress.

He was asked whether he knew Matanzima and Sabata and which of the two he liked best. He replied he respected them both as his chiefs.

### SHOWN A SKELETON

He was shown a skeleton and told he would be skinned like that

if he did not co-operate with the police. They assaulted him until his eyes were swollen and he could not see. Then they gave him a mirror to show him what he looked like and said they were not finished with him yet.

A piece of rubber length was used in beating up the men. Mda's jacket was torn to tatters in the struggle.

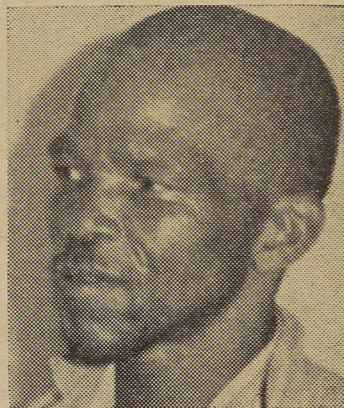
At one time the lights went out and Mda was beaten in the dark. He pressed himself against a wall and the police lashed out against one another.

One cried: "What's happening. Why am I getting beaten? The lights must be put on." They put on the lights and continued beating him.

A white police sergeant asked Mda if he would not like to be a policeman or an informer and earn a lot of money. Mda replied that he was already employed. He was then threatened with the sack and endorsement out of Port Elizabeth.

### RELEASED

The men were eventually re-



John Kweyi

leased two days later. A detective sergeant admitted that the police had obtained no information, but said at least they had evened things up by assaulting the men, who would not even be able to bring charges against the police.

## Anti-Sabotage Squad in Action in Uitenhage

AT 4 a.m. on Wednesday morning last week the police swooped on the Uitenhage location and arrested about ten people.

Among those arrested was Mr. Vuyisile Tole, a former member of the banned ANC and a target of the Special Branch in their regular raids in the township. Tole said that the police banged the front door and kicked open his bedroom door. He was thrown into the police van half-dressed and with only one shoe. Others picked up during the round-up received similar treatment.

At the police station they were told that they were to be locked up under the sabotage law. Each in turn was taken to a separate room for questioning and beating.

Each victim was in the hands of a group of policeman, one an interrogator, two using fists to punch the body and face while another delivered blows on the head with a piece of rubber tubing.

When Tole was interviewed by Spark he had a cut on the lower lip and on the side of the tongue. He said that he could not hear at all through his left ear. He reports that he was dazed more than once during the beating.

Others arrested were Mthetho Khetse, Christian Ngubeni and Hako.

The police told them that organisations like the African National Congress, Poqo and SACTU were behind acts of sabotage in the area and they were required to explain their association with these organisations. In particular they were each required to tell where they were on a particular night in November last year when certain houses in the location were burned.

This Gestapo sadism lasted for two days. On the following day the men were all released in the afternoon.

### 4-page SPECIAL

## Was Mr. Mustafa ever a Student in Moscow?

AFRICAN students in Moscow recently rebutted an American news agency report about their life at the Lumumba Friendship University. The report said that a student from Ethiopia was "disappointed" with Soviet life, complained of segregation, bad food and the necessity to learn Russian.

According to the news agency, the student's name was *Mustafa* and his subject was aeronautical engineering. The pro-rector of the Lumumba University, however, pointed out that no student called Mustafa had ever attended there, nor did the University offer any courses in aeronautical engineering.

*"Mustafa is not an Ethiopian name anyway,"* added Ethiopian student Grma.

"Soviet people respect our convictions and views," said Houssou Jacque, of Niger. "All the time I've been here no one has tried to put pressure on me."

"We're studying only what we wish to study, we're becoming what we wish to become, the specialists Africa needs so much—doctors, engineers, mathematicians, philologists."

The agency's aim was clearly, he said, "to discredit this unique university, lure African students to the West and slander the Soviet people."

*African students laughed at the notion that there is anything strange in having to learn Russian. Without even leaving their own countries many of them have had to learn a foreign language—English or French—in order to get any education there.*

## AFRICA and the WORLD

In Ghana, they used to demand "One man, one vote.' But nowadays they say...

## "ONE MAN, ONE WIFE!"

THE Ghana Government recently published a draft Bill which would make it illegal in future for any man to have more than one wife. This follows a debate in the Ghanaian Parliament last year in which supporters of monogamy and polygamy were almost equal in numbers.

But existing marriages will not be affected. A man who has already contracted several marriages could register them all within a reasonable time.

## ALGERIA

M. Abdellatif Rahal, who has been named by Algerian Prime Minister, Mohammed Ben Bella, as first Ambassador in France. Born in 1922 near Tlemcen, M. Rahal was leader of the Algerian Nationalist organisation in Morocco during the F.L.N. fight for independence.

M. Rahal's appointment comes at a crucial period in Franco-Algerian relations. With the possibility of Algeria's exclusion from the European Common Market—together with all the other French ex-colonies—growing more real, the fate of Algeria's economy hangs in the balance. Another source of tension is the desire of the French Government to hold more nuclear tests in the Algerian part of the Sahara Desert. This desire springs from de Gaulle's policy of building up an indepen-



dent nuclear force in France. But Premier Ben Bella and his people want nothing to do with nuclear tests.

## Tribalism Troubles Kenya

TRIBAL differences—deliberately exploited by the British Government to divide and weaken the African nationalist movement—lie behind the extraordinary delimitation of Kenya's electoral constituencies announced recently.

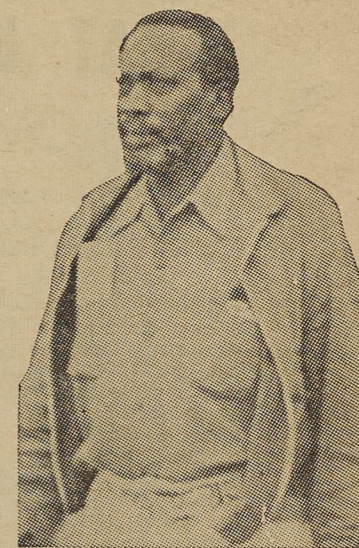
The delimitation was done by a commission headed by Sir Stafford Foster-Sutton, former Attorney-General of Kenya. It clearly favours the small parties—Mr. Ngala's Kenya African Democratic Union (KADU) and Mr. Ngei's African People's Party. Two votes cast for these parties will virtually be equal in value to three votes for Mr. Kenyatta's KANU, which is the largest of the parties.

**KIKUYU DISADVANTAGE**  
Electoralates vary in size from

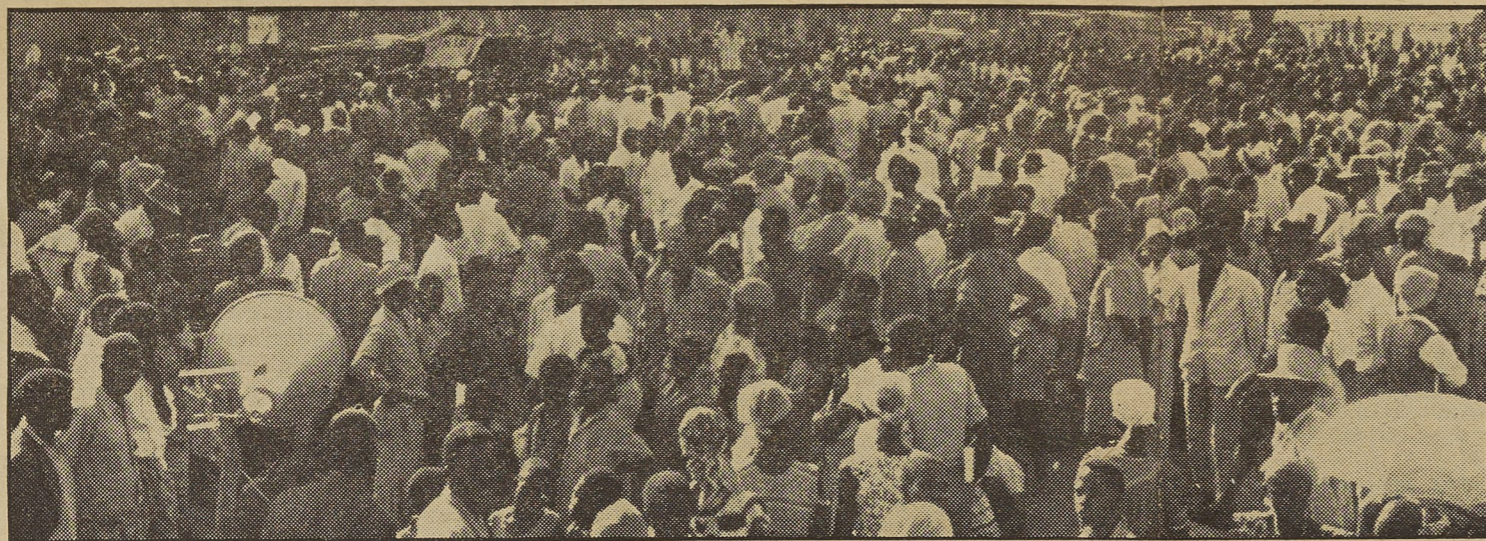
Baringo East with 749 votes to Nakuru East with 47,017. The average electorate in the 15 Central Region constituencies (which are certain to be won by Kikuyu KANU candidates) is 29,839. But the average electorate in 15 Coast Region constituencies (where KADU and the secessionists are strong) is only 18,500.

### DIVIDE AND RULE

As a result of this unfair weighting of the constituencies, KANU could win 60 per cent of the popular vote and yet take only a minority of the seats. Disturbances and violence might easily follow such an unjust election, and the British Government could use the 'trouble' as an excuse for delaying independence. **But the fault lies with them for frustrating the will of the people in an attempt to 'Divide and rule for a little longer.'**



**KENYATTA**—his party handicapped, his opponents helped.



Part of the huge crowd which turned up to support the UNIP candidates at a meeting in Barotseland during the Northern Rhodesian elections.

# Young democrats challenge feudal chieftainship in N. Rhodesia

Kaunda flies to Barotseland

**From a  
Special Correspondent**

THE Minister of Local Government and Social Services and the leader of United National Independence Party, Mr. Kenneth Kaunda flew to

Barotseland last week-end to see the Litunga of Barotseland.

Mr. Kaunda will meet the Litunga to persuade him to change his mind towards secession which the Litunga threatens to carry out. Barotseland is represented by UNIP members in the Legislative Council who are opposed to the move. As a result there is a tug-of-war between the Litunga and the young elements in the country.

So Mr. Kaunda is working as a moderating factor between the two opposing groups. As a first step the Litunga did not send his representatives to the first session of the House of Chiefs which met in the middle of January. Perhaps he will send some now to the session which opens in Lusaka this week.

The Litunga of Barotseland, a descendant of great Lewanike, does not like his country to be part and parcel of a free Northern Rhodesia under a Nationalist Government. But in April this year elections of

the National Council of Barotseland will take place for the first time. In the past all councillors were nominated members. Democratic young elements have been taxing the Litunga for this.

It is hinted that African political parties may put up party candidates to contest the elections.

## WHAT BLACK GOVERNMENT MEANS:

### Civil Service Jobs For Africans

(from Our Correspondent)  
LUSAKA.

WHAT effect has a Black Government had in Northern Rhodesia?

The impact of the African Government is tremendous. Let us take the Civil Service first. In the past a white skin was a passport to a cushy job. A black skin meant a clerical job and underpayment. Not today.

Since the formation of the African Government promotions to the senior positions in the Civil Service have been accelerated. Two ministries have carried out more promotions than any others. These are Ministries of African

Education and African Agriculture. The former is headed by Harry Nkumbula, leader of the African Congress, and the latter is under the ever toga-robed Simon Kapwepwe of the United National Independence Party.

Mr. Harry Nkumbula recently promoted a group of school managers to Education Officers and then pushed experienced teachers up to the grade of Managers of Schools. Then Mr. Simon Kapwepwe appointed African Agricultural Supervisors, a rank which Europeans only held until recently.

The Ministry of Native Affairs plans to introduce a crash programme of training personnel who

will later hold senior posts in the Provincial Administration. Some experienced former clerks in the Ministry of Native Affairs were promoted to District Assistants and others as District Officers.

In the past the Civil Service was not so attractive as it is today. Many intellectuals left the service after discovering that they made no headway. Today the picture is changing. The wind of change has made inroads in the former preserves of Europeans.

How will the crash programmes of training Africans for senior posts be carried out? Two colleges are being built. One is the College of Further Education and the other is the Staff Training College.

## Michael Scott In New Peace March—from Delhi to Peking

*Worldly-Wise by Peiping-Tom*

THE indefatigable Rev. Michael Scott was scheduled, according to an official Indian information release, to start last week on a many thousands of miles long Peace March from Delhi to Peking.

He was to be one member of a party of representatives of five countries—India, Britain, U.S.A., Austria and Japan—making the trip.

According to the release, Sarvodaya leader, Jaya Prakash Narayan, said in New Delhi recently that the peace march to Peking was a small effort to build a bridge of understanding between the peoples of India and China. Mr. Narayan, who was addressing a meeting organised by the Indian Council of World Affairs, said the peace march was not intended to solve the border dispute between the two countries.

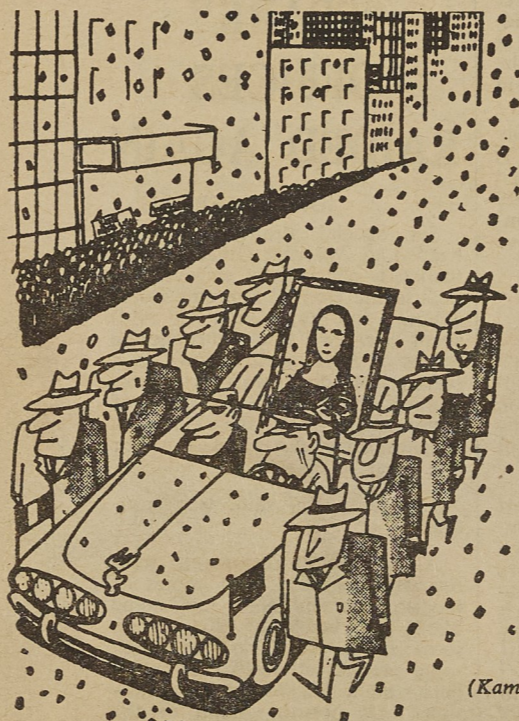
### Fatty Goes Underground

BUSINESS seems to be bad for tunnel boys in West Berlin. There has not been a report or

a film of a dramatic tunnel escape under the Berlin Wall from east to west for some time. Apparently the story behind so many of the widely publicised escapes of last year was that West German gangsters used the great press interest in escapes to net little fortunes for themselves.

“One of the best known of this greedy breed” wrote Time magazine “is a muscle-bound ex-butcher nick-named Der Dicker (Fatty).” Fatty would get students to dig tunnels for him for the sake of freedom, while he would collect a few hundred quid per head from film and television companies for the rights to film the dramatic escape.

Also doing well out of the escape business were owners of property in West Berlin adjacent to the wall. Those with particularly good sites were able to do their little bit for freedom by giving options on their underground to the highest bidder. One publisher, e.g., got 1,200 dollars for the use of his cellars.



(Kamb)

### THE MONA LISA IN AMERICA

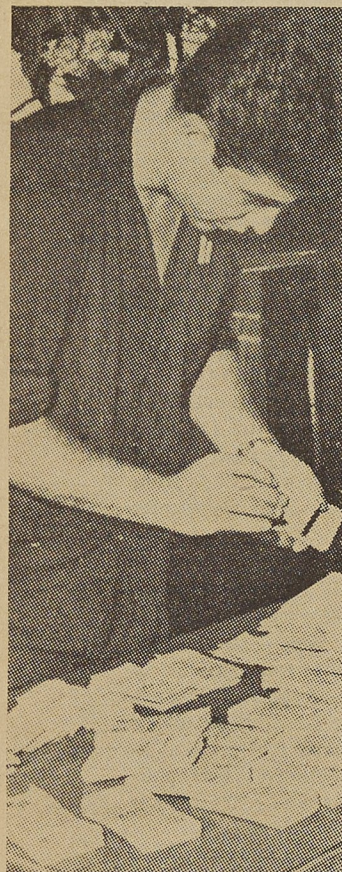


“How about a smile, sister?”

## SPARK DO-IT-YOURSELF Column

### (2) HOW TO BE YOUR OWN CASHIER

(you can help yourself to your wages—  
but you have to go to Bulgaria first!)



AT first sight there is nothing unusual in the picture of this young factory worker from Sofia, capital of the East European country of Bulgaria. He can be seen selecting a batch of notes from various piles of money lying on a table.

Yet there is something unusual about it all—for this worker is all alone in the cashier's room of his factory, and he is helping himself to his wages. All he has to do is to sign a slip to the effect that he has taken his weekly pay packet: and then he can grab as much of the money on the table as he likes.

For there is no cashier or paymaster in this factory—the workers are their own cashiers.

What is there to stop a worker from helping himself to the money left out for his mates? Nothing—except his conscience.

There are today a number of factories in Bulgaria where the workers help themselves each week to their own pay packets without anyone watching them. At first many were sceptical when the help-yourself payment was introduced, and the chief cashier bitterly opposed the scheme in the particular enterprise mentioned above (a textile factory). But the workers were confident of their mutual honesty—and the scheme has worked well right from the start.

#### New Morality

It is not only in factories that there are signs of a new morality growing amongst the people of Bulgaria. The use of the automatic selling machine was until recently regarded as the best way of replacing human salesmen these days. And yet in a Labour Corrective School (equivalent to our Reformatory) at Rakitovo they have come up with something even better—a simple cardboard box. This box is in the canteen at the School, and it is the canteen's only cashier. The boys are paid for all the work they do while at the Corrective School, and after helping themselves to the sandwiches, sweets, chocolates etc at the canteen, they deposit the correct amounts of payment in the little cardboard box.

Since this we-trust-you-to-pay system was started in 1953, it is claimed, only four young men have failed to pass the honesty test, and it was their own comrades who helped them improve their ways.

#### Honesty Buses

Similarly in Plovdiv, the country's second largest town, there appeared a year ago 12 trams on the regular services carrying the notice: 'This bus runs without a conductor, serve yourself.'

There are similar buses of honesty in Sofia, and in a number of coaches running between one city and another there are neither conductor nor automatic machines. The passenger is trusted to deposit in a box the appropriate fare for his journey.

In the small village of Polenitsa there is a shop for school supplies.

On the shelves of an open glass-fronted showcase are arranged copybooks, pencils, small drawing pads, erasers, rulers. For every article there is a label indicating its price.

The student enters alone, accompanied only by his own conscience. He is buyer, salesman and cashier at the same time. This shop has now been in existence for four years, and its turnover already amounts to hundreds of pounds.

Amongst other institutions where the patrons are relied upon to cough up the correct amount without anyone telling them to do so or checking up to see whether they have done so, are cinemas, and, in at least one town, a barber shop!

Footnote. Bulgaria is not the only socialist country of the East that has experimented successfully with help-yourself schemes which depend entirely on the honesty of the citizens of their operation. In the Soviet Union striking successes have been achieved with similar undertakings.

### "SPARK" OFFICES RAIDED AGAIN

JOHANNESBURG.

Six Special Branch detectives headed by Warrant Officer Dirker (called a consistently evasive witness in the Harmel Supreme Court action a few hours after the raid) spent over two hours turning the offices of Spark upside down in a search for documents to prove offences under the Suppression of Communism Act, the Unlawful Organisations Act, and four or five other similar laws.

The raid, they said, was "routine."

About twenty documents were removed, including two copies of the now banned New Age, some blank letterheads of that paper, some badly worn carbon sheets, some private letters to staff members, and a few overseas publications. All persons found in the offices were also searched.

# BLACKLIST SCHEME AT AFRICAN VARSITIES

## Students Must Get Clearance Before Being Admitted

THE Government through the tribal colleges and Bantu Education high schools is now operating a new scheme to try to beat the last shreds of independent action and thinking out of African students.

Fort Hare, the Ngoya Tribal College in Zululand—all tribal colleges presumably—now refuse to admit any African student, however good his scholastic record, unless they have a letter of clearance and character from the principals of their high schools.

And in at least one instance, and probably many more, the letter from a principal blocks the student's chances for all time of getting admission to any university or college in South Africa.

This letter from a certain principal said the student concerned

had been guilty of "irresponsible behaviour" and had been expelled from the high school. It added that the same student had been excluded from all universities in the Republic as far as the principal was aware.

#### REFERRED BACK

Students now trying to enter tribal colleges are referred back to the principals of their former high schools for these letters of reference and recommendation. This means that a giant blacklist has begun to operate against African youngsters in high schools, blocking their chances of further education if in the view of the principal they have given "disciplinary" trouble.

This could mean anything in State African high schools these days.

#### STUDENT STRIKES

A question asked by Mrs. Suzman in the House brought out that there had been student strikes at six leading African schools last

year. At Teko 96 pupils had been sent home, at Polela 168, at Kilnerton 189, at Wilberforce three, at Healdtown 16 and at Emgwali 11.

Some were later readmitted but the harvest of these strikes in the end was that six Teko school pupils were barred from Government Bantu schools, two permanently and four for 1962 only. Of the Kilnerton students 43 were barred to the end of 1963 and 132 to the end of 1962, 16 from Healdtown and 11 from Emgwali.

#### UNREST

African high schools have for years been in a state of unrest and this has exploded especially since Bantu Education took over.

Now whatever the causes (and the evidence is that there are numerous reasons of the making of the school authorities for the unrest) a student who voices his dissatisfaction is blacklisted and his further education is blocked for all time.

### African Teacher Sacked

PORT ELIZABETH.

A second African teacher within six months has been dismissed from the Newell High School, Port Elizabeth, after being summarily endorsed out of the area by the New Brighton Labour Bureau.

He is Mr. Sam Motupie, a Fort Hare graduate who was appointed at the beginning of the new term to teach Afrikaans at the school.

It will be remembered that last year another teacher, Mr. "Pres" Tshaka, at present on the staff of the multi-racial school in Swaziland, was dismissed from the same school.

Mr. Motupie came from Bloemfontein with a clearance certificate from the Bantu Commissioner in Bloemfontein. Spark learns that before his expulsion he was questioned about his political affiliations at Fort Hare by a member of the New Brighton School Board.

### CONTRAST

There are 90 universities and colleges in North Korea. During Japanese rule there were none.

## Saracens Used Against Schoolchildren

EVATON, near Jhb.

A SARACEN armoured car and policemen wielding canes were called in to deal with a strike of students at the Department of Bantu Education's Wilberforce Institute.

Of the 450 students at Wilberforce, first 350 were expelled in one go, in the thick of the trouble; and two days later the entire student body.

The decision to expel the students was taken by the Director of Bantu Education Mr. D. A. M. Prozesky who rushed from Pretoria to Wilberforce.

The trouble started with the dismissal of the African vice-principal, allegedly for inciting the students to pro-

test against the Department of Bantu Education, and encouraging the students in a move not to pay school fees until their grievances were met.

The police were called in the midst of a students' meeting. The police were greeted with jeers and shouts, and their car was stoned. When police reinforcements were brought on the scene the students agreed to go to bed if the police withdrew their Saracens.

The following night the Principal of the Institute and the District Commandant of Police for the Vereeniging-Vanderbijl Park area discussed the incident. The expulsion decision was announced to the students as the police force stood on guard in the hostel dining room.



A placard demonstration was staged by the Federation of South African Women at the gates of the Technical School in New Brighton where a refresher course for Bantu Education teachers was held recently. The women stood peacefully at their posts until 4 in the afternoon when a police van came round. The women were bundled in and taken to the New Brighton police station. They were released at 9 p.m. after a grueling interrogation.

## ELETHU FUNKS A WORD—THE SHOT WAS FIRED BY A COP

JOHANNESBURG.

SEVENTEEN-year-old Sponono Sithole (also known as Sponono Thema) was shot in the arm when a policeman panicked and ran amok after a disturbance at a Vlakkfontein jazz show.

ELETHU, the Nationalist-backed paper for the 'Bantu' that is under fire from the Nationalists for its sex and politics, and under fire from Africans because its Nat backers are suspect, carried the story and the picture of Sponono with her arm in plaster and a sling.

But ELETHU was curiously coy and misleading about who fired the gun. "The gunman was wearing a uniform," said the paper.

### THE FULL STORY

Said Freddie Matlala, the young man who was taking Sponono home when the shooting took place, and who gave ELETHU the report: "I gave the full story, accurately, to a reporter. I said it was a cop. I know this policeman. I took his number. Why not say in the columns of Elethu 'a policeman'?"

"And anyway what does it mean 'The gunman was wearing a uniform?' Was it a gunman's uniform?"

The trouble happened when young Africans promised a jazz show with the Dark City Sisters and the Elite Swingsters (for which they paid an entrance fee of 56

cents each) started a rumpus in the hall when neither of these groups were brought on and an incomplete band played 'rubbish.'

The crowd left the hall and started throwing stones. Then the stone-throwing stopped, at the intervention of some older people.

### THE VICTIM



Sponono Sithole—shot in the arm

Suddenly two African policemen were seen running down the street, and shots were fired. Sponono and Freddie were standing round the corner, chatting, when the policemen ran towards them, fired again, and hit the girl in the arm.

### WHY NOT A COP?

ELETHU got all that straight—except that something stopped them from calling the policeman a policeman, and the public was left thinking that the gunman could be a bus conductor, a postman, an ice cream seller—anyone in a uniform, but *why not a cop?*

**FOOTNOTE:** Elethu has changed its name to the *Elethu Mirror*. And the Minister of Bantu Education Mr. Maree has sold his shares in the paper since the change in policy from undercover propaganda for the Nats and Bantustans to anti-Government politics, sex, sport, and anything else that will sell more copies and send circulation, and thus profits, up.

## SABOTAGE IN CAPE TOWN

CAPE TOWN.

The "Spear of the Nation" (Umkhonto we Sizwe) was responsible for the cutting of a cable near the cement works at Philippi, according to a telephone message to Spark from an unknown caller on Monday morning.

# TRIBAL COLLEGES ARE NOT FREE

## Humiliating Restrictions on African Lecturers

A UNIVERSITY is a place of higher learning. A free university is a place of higher learning where teachers and students are free to think, speak and write the truth, the whole truth and nothing but the truth.

A university is less than free when any member of it is forced by law, discipline or fear to distort or conceal the truth as he sees it.

Two things are necessary for freedom of thought. One is that no person should have the power to dictate to a teacher what he should or should not teach. The other is that teachers and students should have an unfettered right to explore, examine, evaluate and criticise any and every aspect of the Universe.

### Autonomous

To be free, a university must be autonomous. It must be self-governing. No other authority, whether state or church, should have the power to order it or any of its members what to teach or how to teach. There must be autonomy of research as well. The university and all its members should be free to make inquiries and discover new truths without control or direction from outside authority.

Tribal colleges, set up under the Extension of University Education Act, are not free universities. They do not govern themselves, and their members are not free to teach or do research as they think best. The law forces them to take instructions from a government official.

The Secretary of Bantu Education gives instructions to persons appointed to State posts in tribal colleges for Africans. These persons are African professors and lecturers who have been appointed after the Act (and the University College of Fort Hare Act) came into force.

### Whites Free

*White professors and lecturers at the tribal colleges are not appointed to State posts. They are free—but only to the extent that people are free who teach and do research in a college that is not free.*

There is racial discrimination against Africans appointed to State posts. New regulations have recently been made for them. The Regulations state that the control of a college shall be vested in the rector, and that the rector shall be directly responsible to the Secre-

tary.

The rector may order an African professor or lecturer to perform duties in connection with sport, organisation of games, debating societies and other functions.

This is what is expected of school teachers. University lecturers do take part in students' activities, but not under compulsion. If they give a hand in running students' societies and clubs, they do so of their own free will and not under orders.

Residence on college premises may be made compulsory for officers appointed to a State post.

By A Special Correspondent

information at his disposal'—but from whom?) he may order the poor fellow to make a detailed statement of his financial position, give reasons for his indebtedness, and explain how he proposes to meet his liabilities.

A man may well be intimidated if he knows that his work and conduct might be made the subject of a report to the Secretary, who has the power to call for such a report on any officer without his knowledge. If any part of the report is unfavourable, he must be given a written extract of the particulars. But the Secretary may agree to withhold the information if it is likely to be bad for the health of the person concerned.

### Spying

This kind of spying extends also to academic work. The Secretary may order an investigation to be made into the tuition given at a tribal college, the duties and functions of the people employed there, and its management and organisation. To obtain study leave, an officer is required to get the Secretary's approval of the research work or studies that he wishes to undertake.

### Big Brother

Professors and lecturers who live on the college premises are under the constant eye of Big Brother, the rector. This is perhaps why they are not allowed freedom of residence.

The rector watches over them also during working hours. They may not attend to private affairs or absent themselves without his permission. They must presumably clock in and off, and inform him if they wish to see their dentist or lawyer.

Teachers at a free university do not work under such a niggling and humiliating code. They are assumed to be responsible men and women who can be trusted to do their work without constant supervision.

An African professor at a tribal college must get the Secretary's permission to do paid work. This might include the marking of examination books, or writing books and articles for payment. Such controls are unknown in a proper university.

### Investigation

African professors and lecturers, who are paid much less than their White colleagues, may fall into debt. If the Secretary or rector comes to hear of it ('by virtue of

## Independence in 1965, says Seretse

MAHALAPYE.

Independence for Bechuanaland in a few years' time, said Mr. Seretse Khama, addressing a conference here of the Bechuanaland Democratic Party recently.

1965 was mentioned as the year of independence.

In his address Mr. Khama said "We recognise Bechuanaland as the home of African tribal, and non-tribal communities of other races all of which will form one nation, are entitled to enjoy their own life, have a stake in economic progress and good government of the country, which must nevertheless be essentially the government of the majority community."

"We are determined to improve tribal administration in Bechuanaland by the formation in all tribes of executive committees elected by and responsible to tribal councils, by the substitution of constitutional rule for the exercise of arbitrary powers by chiefs and by the introduction of proper elections to the tribal councils."

## Prosecution Of 210 Meat Workers Dropped

JOHANNESBURG.

A CASE against 210 African meat workers was dropped recently as the workers were about to be brought into the dock for illegal striking.

Employed by National Cold Storage, these workers were the first to strike after the savage anti-strike penalties of the anti-Sabotage Act. They walked out after their bosses dismissed their shop stewards who had gone to the management to present the workers' grievances. The strike was 100 per cent and forced negotiations with the bosses, despite the attempts of the police to interfere.

Government policy is to arrest all strikers and charge them under the Native Settlement of Disputes Act but this boomeranged on the government, for the last thing the employers wanted was to lose thousands of rand while their workers went to court instead of to the factory.



Trade unionist Mabel Balfour brings the good news to the workers: NO CASE.

## They're on the National Council, But Swazis Not Ripe For Majority Rule, They Say

THE delegation of the Swazi National Council returned last week from the London constitutional talks. They immediately held a press conference in a house in Dube Township, where they told reporters that they were firm on their demands for Swaziland to be run on a 50-50 basis.

Resting on an expensive studio couch in the highly expensive double-storey house of Mr. David Nkosi in Dube Township, puffing their pipes like lords, the old traditionalists were emphatic that the people of Swaziland were not yet ready for independence, and that the British Government and the politicians who were demanding an African majority knew this truth too.

Mr. P. H. Dlamini, who seemed to be the leader of the delegation, said that they did not expect the

British Government to impose proposals on the Swazi people knowing full well that the people of Swaziland are not yet ready for it.

"Ninety-five per cent of our people have not been accorded the opportunity of education. To impose a constitution with an African majority on them would be futile," said Mr. P. H. Dlamini.

"We fully support the policy of partnership in Swaziland until our people get to a point where they are able to manage their affairs."

They told reporters that they stressed that Swaziland should be re-instated as a protected state with the Ingwenyama as the King of Swaziland not the king of the Swazis.

"We have been led to these conclusions by what we see in the rest of Africa," they said. "In the fullness of time we will rule by the will of the people, but the people must first be educated," said Mr. P. H. Dlamini.

## TWO UNIONS MERGE

JOHANNESBURG.

Two trade unions in this city have amalgamated in the interests of workers' unity. The unions are the Metal Workers' Union and the Toy and Plastic Workers' Union and the amalgamation was prompted by the fact that workers in both industries are covered by the same agreement.

The amalgamated union will retain the name of the 'Metal Workers' Union.'

Both unions, says the statement announcing the unity move, "are far from impressed by the proposed increases to be given to the African workers, while more money has been given to the White workers. We realise that our united struggle will defeat the selfish and unsympathetic employers who count high profits, while it is their workers who make these profits for them—the starving workers. Our new unity will eventually help to win higher wages for all workers, and a national minimum wage of R2 a day."

## Sponono—Failure of A Mission

THE widest possible praise has been accorded Alan Paton's and Krishna Shah's "SPONONO." True indeed the production and talent assembled are of merit and technical points of production are well handled. The questions we would like to answer are: what is the message conveyed by the play and what is its social significance?

Counterpoised at contact point are three strands of thought—Christian morality explained in the words "forgive seventy times seven"; the white man's burden of looking after the black and trying to adjust the world to suit them both; and the black man's burden of trying to find a place in the sun.

Reduced to simplest of terms it is a projection of the African Image, an attempt to explain social relationships between black and white such as we have in South Africa from a common point of view acceptable between both black and white.

### THE SETTING

The reformatory is an interesting setting for this social milieu. But because the drama at the reformatory is removed from the social realities that determine the lives of the people—hardships in the townships, poverty, unemployment etc.—it becomes a tussle between men's minds—a kind of spiritual idealism as opposed to social realities.

What we cannot overlook, however, is that the white man's burden (or paternalism) is only the other way round of explaining white supremacy. Looked at this way the top dog is white and the black man is the ward to be looked after. The white man cannot forsake this mission. Sponono says: "You are charged (also) for having deserted your religion. There cannot be a greater offence." Sponono finds the principal guilty. He sentences him "because he did not know that he was his brother's keeper."

### DISILLUSIONED

This seems to be a satisfactory solution of the problem. But it does not instil any joy, it leaves everybody disillusioned. This is the highest point Christian morality (in the play) can reach. There is virtue in forgiveness or conversely an eye for an eye. Sponono forgave through and through but could not forgive the man who did not forgive him.

This pathetic note is the climax. The contact point which would have been Christian morality has

failed. The spiritual idealism falls apart. Sponono and the principal do not understand each other. In the nursing of spiritual values they have overlooked the social background that has nurtured them. The tutelage advanced by the principal gets too big for him to control and he runs away—desertion in the play. Sponono does not realise that he has overgrown wardship, hence he says to the principal: "When I needed you most you were not there. Why were you not there?"

The answer that he had finished does not satisfy Sponono. It is as if Sponono would go on to say:

"You destroyed me and you shall destroy yourself."

### GRIM STRUGGLE

Stripped of Christian morality and spiritual idealism it becomes a grim struggle between man and man. Of course the one is black the other white. It all ends in a deluge. Sponono's victory is a dream, a make-believe as fantastic as what he would have liked young Ha'penny to uphold. Is it far-fetched to say Sponono is doomed to an end as sad as Ha'penny's?

What is quite clear is that the principal's mission (the white image) has failed. Christianity has not given the solution. The spiritual world of Sponono is far from reality.

But it cannot escape the reader, including the author, that the struggle of man against man is, at its highest and most idealistic, not a struggle for spiritual values or black against white, or against Christianity; nor is it even a variant of white supremacy, but for equality of opportunity for all.

Z.N.

## "FIGHTING TALK" BANNED

JOHANNESBURG.

FIGHTING TALK, the lively monthly political journal that lived up to its name with every hard-hitting article against apartheid and white supremacy, and for the policy of the Congress movement and the Freedom Charter, was banned by notice in the Government Gazette last Friday morning.

This makes it the second publication—the first was NEW AGE—to be banned by the Minister of Justice in the last three months.

Once the organ of the Springbok Legion, FIGHTING TALK was handed over to a Committee of congressmen and women just after the end of the war and, though never an official organ of any of the Congresses, it battled hard for its causes.

Among its contributors over the years were Chief Lutuli, Oliver Tambo, Nelson Mandela, Walter Sisulu, 'Rusty' Bernstein, Michael Harmel, Hilda Watts, Ruth First (its editor), Govan Mbeki and scores of others.

When the gagging clause of the Sabotage Act silenced all listed and prohibited South

Africans from having their words published. Fighting Talk had to look for new contributors, but the same incisive, closely argued articles continued to be published.

This was one side of the journal: to take apartheid to pieces, to show South Africa the truth of what was happening in the Transkei, in the ranks of the political movement of the African people.

There was another side: to give African leaders a platform closed to them by the ordinary big-business press. And to search out for new creative writers, as well as political battlers.

South African writers now published and acclaimed wrote their early pieces for Fighting Talk: Alfred Hutchinson is the most noteworthy example, but there are many others.

The pages of the journal shine with the writing of Zeke Mphahlele, Lewis Nkosi, Dennis Brutus, Arthur Maimane, Richard Rive, Alex La Guma.

No longer. Fighting Talk is banned, and it became an offence the day after the banning order for any South African to possess a single copy of the journal.



# HARMEL GETS R200 IN ACTION AGAINST DIRKER

## Police Search Improper, Says Judge

JOHANNESBURG.

LAST week Mr. Michael Harmel was granted R200 by Mr. Justice Marais in the Rand Supreme Court in his claim for damages against a Security Branch officer, Mr. Carel Dirker.

The damages were awarded in respect of the infringement of his personal rights and the humiliation he suffered while he was searched in President Street by the Security Branch.

Mr. Harmel said he called at the office of "New Age" to get some material he required for an article he had been asked to write. As he left the office he was joined by Mr. Walter Sisulu. They had stopped to talk in President Street when Detective Warrant Officer Dirker approached and demanded Sisulu's pass.

### IN A TEMPER

"Mr. Dirker seemed to be in a furious temper. Speaking in a loud voice he asked me what I had in my hand and made a grab at the envelope I was holding," Mr. Harmel said.

"I asked him if he had a search warrant. He replied: 'I am Detective Sergeant Dirker. I don't need a warrant. I am looking for Communism.' He then took the envelope.

"When I asked him why he was taking some of the documents Mr. Dirker replied: 'Politics man, politics.' He then flew into a furious temper: 'What are you cross-examining me for?' he said. 'I should be cross-examining you.'

"He then turned to a young detective and said: 'Just for that, search him!'"

### JUDGE'S FINDING

The judge found that Mr. Dirker was an "unfavourable and consistently evasive witness. The court seriously doubts the veracity of the police version of the incident."

Referring to the evidence given by Mr. Harmel and Mr. Sisulu he said that both men were highly intelligent and were calm and collected witnesses.

"Despite the criticism I have levelled at Mr. Dirker's evidence I find that he had reasonable grounds for searching the enve-

lope held by Mr. Harmel. But the second search—that of Mr. Harmel's person—is on another footing."

He found that Mr. Dirker had ordered Mr. Harmel to be searched for improper reasons. Mr. Harmel was entitled to damages because of the infringement of his personal rights and the humiliation he suffered while he was searched in the street.

Mr. Harmel had claimed R2,000 damages from Mr. Dirker. Mr. Justice Marais awarded him R200 damages and costs.

**FOOTNOTE:** Mr. Harmel was arrested in his home on Saturday afternoon on a warrant signed by Sergeant Dirker and spent the week-end in the cells. The alleged offence is understood to refer to a legal consultation held between Mr. Harmel and his attorney (a

listed man with whom Mr. Harmel is not supposed to communicate) and an advocate.

Mr. Harmel now faces two trials—one for this consultation and another for failing to report at Marshall Square one Sunday morning.

## Durban Soccer Results

### Curries Fountain:

Avalon Athletic 7, Real Fighters 0

### Showgrounds (Pietermaritzburg):

Hearts 4, Maritzburg City 2.

## Fixtures

10th MARCH, 1963

### Curries Fountain:

Berea vs Hearts 1.30 p.m.

Aces United vs Coastals 3.15 p.m.

### SHOWGROUNDS:

Lincoln City vs Transvaal United.

### HARTLEYVALE (Cape Town)

8th March, 1963

Ramblers vs Maritzburg City—under floodlights.

# SISULU GETS 6 YEARS

(Continued from page 1)

decision on bail. Releasing the accused on bail, he said, would mean giving him an opportunity to continue with his activities. The Minister, said the magistrate, could place Sisulu under house arrest and even that might not stop him unless a police guard was put over his door. This would place an additional burden on an already overburdened police force.

### REFUSED

After these remarks and the refusal to grant bail, Mr. Slovo rose to ask if the magistrate was refusing to follow Mafika's case (the Supreme Court precedent on bail applications pending appeal in magistrates' courts). The magistrate said: "I do."

"Your worship is deliberately not following the Supreme Court decision?" asked Mr. Slovo. "I must say," he added, "any application to the Supreme Court will involve your worship in costs."

The magistrate, said defence counsel, was making the law himself. He was bound by an order of the Supreme Court but was not prepared to follow it.

"I don't agree with it," said the magistrate.

A magistrate was not entitled to say he did not agree with it. This was an unjudicial decision, said Mr. Slovo, adding that on the question of sentence the magis-

trate had prepared his remarks before the address of the defence.

### FOUR COUNTS

Sisulu was charged on four counts and found guilty on two and acquitted on two. His sentence was three years on each count. The first was carrying on the activities of the ANC, proved, said the judgment of the court, by the finding of many documents in his office and home, among them one called "The ANC is the sword and shield of the people," by the coupling of Sisulu's name with Mandela in an ANC leaflet calling for solidarity demonstrations around the trial of the two leaders, and from documents submitted to the United Nations South-West African Committee when the latter was visiting Pretoria.

There was also, found the magistrate, the meeting at Mrs. Lilian Ngoyi's house which was not a meeting of the Human Rights Committee but of the ANC.

On the count of taking part in the strike there was again no direct evidence but circumstantial evidence: large batches of guides to organisers and hand-drawn maps etc.

On the question of sentence the magistrate, Mr. T. I. van Zyl, said the ANC had been indignant at the Sabotage Act. If the ANC had not had violence in mind the Act would have left them cold.