

RUSTY BERNSTEIN-WITS UNIVERSITY. 1ST SEPT. 2005.

Thank you very much for inviting me to participate in the annual Rusty Bernstein Memorial meeting. In doing so, you have given me the opportunity to reminisce about one of the team of eminent leaders and thinkers who, with their particular qualities and strengths, made pivotal contributions to our long march to freedom and democracy.

When one looks back to the forties --the period that witnessed the radicalization of liberation politics in South Africa—Rusty's name automatically takes its place among the "A Team" of South African liberation leaders. This team of special people was made up of leaders like Chief Albert Luthuli; Dr. Yusuf Dadoo; Moses Kotane; Walter Sisulu; J.B. Marks; Nelson Mandela; Professor Z.K. Matthews; Oliver Tambo; Michael Harmel; Jack Simons; Molvi and Yusuf Cachalia; Bram Fischer; Ruth and Joe Slovo; Dr. Monty Naicker; Ismail Meer.

Any story of Rusty's life would be incomplete without the role of his wife, Hilda. On this occasion we shall speak about Rusty, but always bearing in mind that virtually throughout their political lives their contributions were inseparable.

I first met Rusty in the mid forties – I was in the Young Communist League and he in the Communist Party. The picture of Rusty in the forties that sticks indelibly in my mind is of him in army uniform. He had fought in Italy with the 6th South Army division, and had recently returned home. Other comrades were also returning home from the war –Brian Bunting, Fred Carneson, Wolfie Kodesh, Cecil Williams, Jack Hodgeson Joe Slovo.-. We looked up to them with pride and admiration. They had fought against Nazism and Fascism in the battlefields of North Africa and Europe, and helped to bring about their defeat.

Little could we foresee that within a few short years after the war the South African supporters of the Nazis – some of whom had been interned in concentration camps for opposing the war- would be elected into power by the white electorate.

One of their election slogans was „Die Kaffers en Boesmans op hul plek, en die koelies uit die land”. This was in 1948.

I thought long and hard when I was asked to speak about Rusty the person. I realized that it was a difficult, if not an impossible task. By his own admission Rusty was not a gregarious person, and taciturn. He was essentially a family person, a devoted husband and father. His social life was limited to an occasional party, and Saturday afternoon tennis. And that only if he had no pressing political work. For Rusty was by and large a political animal. Virtually all his adult life he was engaged in politics. He recalled that at the age of 8 he and his school friends played a game in which the two teams were divided into the South African Party vs. the Labour Party. He joined the Labour Party. Still without any political understanding, in his matric year he took part in a debate on the importance of Science for the future of civilization. He chanced upon a book in the library on the Soviet 5-Year Plan, and basing himself on this he helped his team win the debate. While a student at Wits he was involved in activities on the side of Republican Spain against the fascist onslaught.

It seemed, therefore that from his childhood he was destined to a life of politics.

My over all and lasting impression of him over the years was of a modest man, a simple man with simple tastes. He was brilliant, a thinker with a profound analytical mind and foresight; he was an outstanding theoretician, with an ability to explain complex concepts in simple terms. He was above all a practical man, with his feet firmly on the ground.

He was not one for positions in the organization. This is how he described his approach:-

“I knew that, in many ways I was an unsuitable choice for the post of District Secretary. My personality was not right for it.....The post called above all else for someone to inspire, galvanize and organize people. I lack the easy rapport with people,

the outgoing personality and the oratory....I saw myself as eminently replaceable as District Secretary....”

It will not be easy to find politicians who would frankly and openly admit their shortcomings. In Rusty's it was modesty rather than inadequacy.

I hope I will be forgiven if I talk mainly about the Rusty I personally knew and remember – and that is Rusty the POLITICIAN.

Exactly a year after the end of the war, and while the United Party under the so called enlightened General Smuts was still in power, in August, 1946 South Africa witnessed the largest, and unprecedented strike by tens of thousands of African mineworkers. The Communist Party threw its weight behind the African Mine Workers Union. For the duration of the strike Rusty's responsibility was to write the daily “Strike Bulletin”, and help to ensure that it reached the striking mine workers.

The strike was violently crushed by the police, killing about a dozen strikers and wounding many more. Rusty and the entire Johannesburg District Committee of the Communist Party was arrested together with a number of other supporters, and found guilty of aiding the “illegal” strike. The accused, numbering just over 50, luckily got away with fines.

For the oppressed people of South Africa and the liberation movement, the 1948 election meant by and large a change from one racist regime to another.

The difference between the United Party of General Smuts and the victorious Nationalist Party of pro Nazi Dr.Malan was summed up by a leading British lawyer, Adv.D.N.Pritt, as follows:-

“If the Nationalist Party proposes to legalise the killing of blacks, the United Party would move an amendment to limit the length of the blade to three inches.”

This view was confirmed soon after the Nationalist Party assumed power.

Among the first pieces of legislation they introduced was one which outlawed the Communist Party and Communism. Not satisfied that the penalties were severe enough, the United Party proposed the inclusion of the death penalty for offenders who were guilty of promoting communism.

Under the circumstances it was logical to find Rusty continuously being actively involved in every significant campaign, or event following the mine strike of 1946.

Before the 1948 General Elections the Congress organizations held a "Votes for All" Conference in Johannesburg. It is from about that time that I had the privilege of working closer with Rusty – firstly at organizational level, and later at committee level. Time will not allow us to go into details of all the events, but merely list some of the landmark events in which Rusty was a participant.

On the 1st of May, 1950, the Congresses and the Communist Party organized a Witwatersrand-wide strike to protest against the banning of the first lot of

prominent leaders. In Sophiatown, Alexandra Township, and one or two other places the police opened fire on peaceful gatherings of people who had not gone to work, killing 18 people, and wounding many more.

This led to a National Day of Protest and Mourning on 26th June, 1950. Since then the 26th of June has been etched on the Calendar of the Congress movement to commemorate a milestone in the freedom struggle.

The Defiance Campaign of 1952 and the Congress of the People of 1955 are examples of important events that were launched on 26th June.

The Defiance Campaign was organized by the African National Congress and the South African Indian Congress. Volunteers were called upon to defy 6 apartheid laws . Close to 10,000 volunteers in different parts of the country were jailed. The Government responded with drastic legislation in order to crush the strike, and the Congresses decided to call off the campaign.

Inspired by the Campaign, several hundred White sympathizers gathered in Johannesburg and formed the Congress of Democrats, to join the alliance of the African, Indian and Coloured Congresses. Rusty was elected onto the leadership.

In 1954 Rusty was among the scores of leaders who were banned from taking part in political activities. A second ban prohibited him from attending gatherings.

However, the bans did not mean that Rusty was now going to retire from politics. In his own words again:-

“Citizens of more democratic countries are predisposed to obey the law; South Africa’s political activists were predisposed not to. The law had been subverted from a code of public order into an instrument of minority power. It had forfeited all respect. Conscience dictated that we break our bans as necessary, and continue whatever political work could be done without endangering others.” P. 153.

A year into his banning order the Congresses convened the Congress of the People. All significant political organizations, as well as non-Governmental organisations were invited. Needless to say the ruling Nationalist Party, the Opposition United Party, and even the Liberal Party refused to attend.

Congress volunteers throughout the country embarked on a campaign to collect the peoples demands for a Freedom Charter. Rusty was in a Committee whose first task was to draw up a document with which the volunteers would go to the people, inviting them to formulate their demands. Rusty drafted the document called “Let us Speak of Freedom”. It became the keynote of the campaign. But much more important tasks lay ahead. The volunteers collected thousands of demands; many more came by post. It was again the Committee’s task to sift through the mound of paper and formulate them into the Freedom Charter. Again, Rusty was asked to make a draft for the Committee. After discussion it was approved and passed on to the Congress Organisations. They in turn unanimously approved it; and it was put to the 3000 delegates to the Congress of the People, and approved with great enthusiasm.

This year we celebrate 50 years of the Freedom Charter. As it is well- known its main principles were embodied in the Constitution of South Africa. As we celebrate the anniversary of the Charter, and proudly speak of our Constitution that is hailed throughout the world, it is only proper that we remember and pay tribute to the responsible Committee, and ultimately to the man who crafted this historic document.

In December of 1956, 156 Congress leaders and activists from all over South Africa were arrested, brought to Johannesburg, and charged with High Treason. The Charge was based on the Freedom Charter, which was alleged to be a Communist document, and its fulfillment was to be achieved by violent means. Rusty was among the accused, but fortunately for him he did not have to sit through the 4 and half years, at the end of which the remaining 30 accused were acquitted by the Special Court of 3 Judges.

The Prosecuting team, which included the Nazi-admirer, Oswald Pirow, literally scraped the barrel to present evidence. Just one example will give you an

idea.

The star witness, reportedly an expert on Communism, pronounced on scores of documents in the State case, and dismissed them as “undiluted Communism”, “straight from the shoulder Communism” etc. In cross examination the defence Advocate Isie Maisels, asked the learned Professor’s opinion on several documents, without disclosing the authors.. Almost all of them – including the doctoral thesis of Dr. Piet Koornhof; writings of Gandhi, Churchill etc, were dismissed by him as “Communism”. Finally a document was put to him, which he described in the same way. Asked if he knew who the author was; he said he didn’t. “Would it surprise you Professor Murray, if I told you that you were the author.”!!

In 1960, after the Sharpeville massacre, thousands of people were detained. Rusty experienced another bout of imprisonment.

1962 witnessed the introduction of the harshest pieces of legislation aimed at the liberation movement. Among other things it provided for detention in complete

solitary confinement for 3 months at a time, renewable. It was under similar detention that Steve Biko and scores of others were tortured to death. There was also provision for house arrest.

For some reason the then Minister of Justice named in advance, a number of politicians who would be victims of House Arrest. Rusty's name was among them. The House arrest order confined him to his house from 6 p.m. till 9 a.m. the following day, as well as week ends. He was not allowed to have visitors even in his own house. Rusty's brother and his wife, urged him to leave the country. Hilda too was so inclined, but left the decision to Rusty. Rusty's reaction came as no surprise. It once again demonstrated the caliber, the devotion and courage of the man.

"I tried to explain why I could not agree to leave. It was neither simple obstinacy nor fear of losing face. The thing was I had helped create the situation which confronted us. I had myself persuaded men and women to risk their necks for the cause. Leaving now would be like deserting them, though staying would do nothing to save them.....I had given the whole of my adult life to the cause of a new and better South Africa.....I had invested in it everything I had –peace, tranquility, prosperity and reputation.....I was incapable of just drawing a line under it and writing it off as a bad investment from which I could walk away. It represented most of what I valued in my life. I would hang on to it to the bitter end..” (p242)

House arrest virtually converted the victim's house into a prison. In the face of hardship and danger, Rusty continued to do his political work. Among other things he remained active as a member of the Central Committee of the Communist Party. An important document called "Operation Mayibuye" was drawn up by the handful of individuals who constituted the High Command of MK, the military wing of the ANC. It was quite a detailed and controversial document; the gist of which was to transform the sabotage campaign into the next phase -- to guerilla warfare.

Operation Mayibuye was presented before members of the High Command and some of us who were on the Central Committee. Rusty was opposed to the plans set out in the document, and presented a counter document. By this time all of us who had been underground had left the secret farm in Rivonia where we had been hiding. Rusty's document could not be fully discussed because he had to rush home

to comply with his house arrest order. The meeting had therefore to be continued; but the question of venue arose.

The Rivonia farm was proposed. Rusty refused on the grounds that there had already been too many security lapses. Apart from that there was the basic rule of the underground; which was to avoid using the same hiding place for too long; and once having left the place, never to return.

Like Rusty, I too was opposed to going back to Rivonia. However, because of the urgency and importance of Rusty's document, we were eventually persuaded to meet at Rivonia. On the understanding that this would be the very last.

On 11th July, 1963, the small group of us gathered at Rivonia. Because of the security lapses Rusty did not bring his document with him. But Operation Mayibuye was there.

We had just begun the meeting when the police pounced, and arrested everybody. From the word go they were convinced that we were going to get the death sentence. And this was drummed into our heads each time the Security Police

came to interrogate us while we were under 90-day detention. When we were allowed to meet with our lawyers after 90 days, they also told us to be prepared for the worst. It was in this atmosphere that the Rivonia Trial began. We were charged with Sabotage and Treason.

Among ourselves, and in our consultations with our lawyers, we unanimously agreed that this was essentially a political trial, and we should fight it as such, regardless of the consequences. We should not be apologetic about our politics.

Mandela's address to the Court reflected how we were going to conduct our defence.

Here again we witnessed Rusty's brilliance. He was not a lawyer, but in the light of weak evidence against him, he carefully worked out for the lawyers to consider how he thought they should handle his defence, without in any way deviating from our decision to fight the case politically.

Our lawyers and accused alike were delighted when on Judgement Day -- the 11th June, 1964, Judge Quarters de Wet found Rusty not guilty, and acquitted him.

It has been a privilege for me to join you in remembering this remarkable man, and to celebrate his life and contribution to the cause of democracy in South Africa. Our congratulations to the Faculty of Architecture for its initiative and our gratitude for helping to preserve and spread the knowledge about Rusty.

Rusty himself has resorted to the words of Milan Kundera on the importance of remembering our history and heritage.

“ The struggle of man against power is the struggle of memory against forgetting”

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