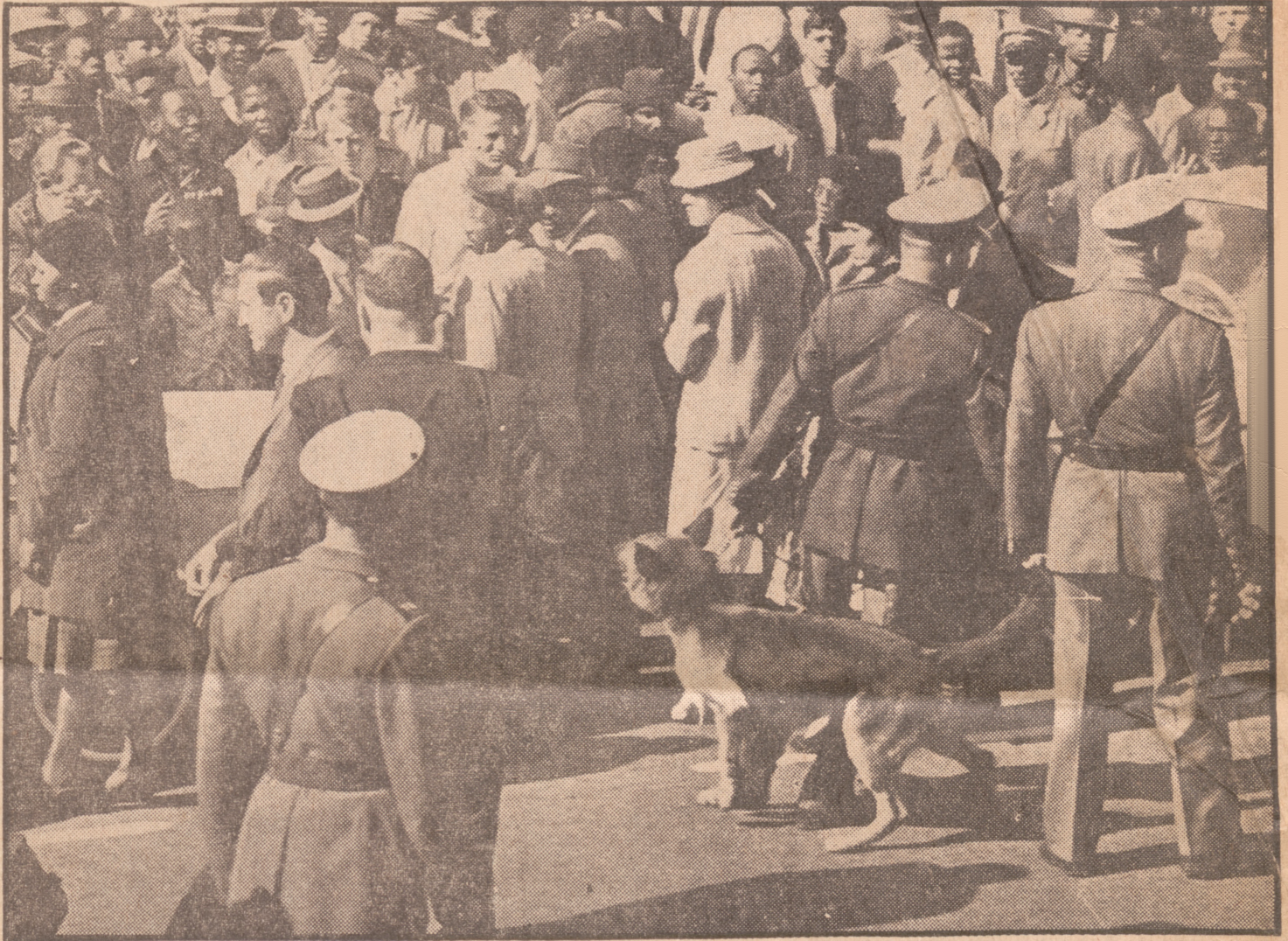


Dogs out at trial



Traffic officers, plain-clothes men, policeman and police dog, move some of the crowd of about 1,000 people who gathered outside the Palace of Justice for the Rivonia trial sentences on to the pavement yesterday. The crowd continually moved into the road, and police were forced to order them back to allow traffic to pass.

RIVONIA ACCUSED GET LIFE

Judge says it was treason

By DICK RICHARDS

THE offences of which the Rivonia trial accused were guilty were essentially treasonous, but the State had not charged them with treason and he would not impose the death penalty, the Judge-President, Mr. Justice De Wet, said yesterday when he sentenced the remaining accused to life imprisonment.

Those sentenced to life imprisonment, which generally means a minimum of 15 years, are: Nelson Mandela, Walter Sisulu, Dennis Goldberg, Govan Mbeki, Ahmet Mohamed Kathrada, Raymond Mhlaba, Elias Moseoleli and Andrew Mlangeni.

The judge said he had heard much from the accused and their counsel of the disabilities under which the non-Whites suffered in this country, but he doubted very much whether the motives for their crimes were as altruistic as they would have the court believe.

Those who planned to overthrow governments by revolution almost inevitably contemplated replacing those governments themselves.

Mr. Alan Paton, national president of the Liberal Party and author of "Cry the Beloved Country," gave evidence in mitigation because, he said, he had been asked to, he felt it was his duty and he loved his country.

Aspirations

He said he had a good deal of contact with non-Whites and they had the hopes and aspirations of all people.

The lowliest of them sought greater economic opportunity and believed that they would not get this until they had some form of political representation.

The most intelligent of them sought greater economic opportunity and a participation in government.

The non-Whites had very real and deep grievances such as job reservation, the inability to move about freely and that to earn

their living many had to be separated from their families.

He knew Mandela, Sisulu and Mbeki. Mandela was regarded as a leader among the Africans and was the "heir-apparent" to Albert Luthuli. Sisulu and Mbeki he knew as men of great courage, resolution and ability.

Sincerity

He had no doubt of their sincerity nor of their deep devotion to their people, regardless of the methods they might have used to further the cause of the Africans.

It was the failure of peaceful methods of protest which had led the non-Whites to believe that they either had to submit or resort to violence. In his opinion no people anywhere should be faced with these desperate alternatives.

He asked the court that in this case the exercise of clemency was of great importance to "our future."

Dr. Percy Yutar, for the State, said he wished to cross-examine Mr. Paton, although it was not his normal practice to cross-examine witnesses who gave evidence in mitigation.

He wanted to "unmask this man."

Mr. Paton said he was not a Communist nor a fellow-traveler, but he shared some of the Communist aims. He did not approve of totalitarianism or shooting people without trial.

Franchise

He did not believe that the A.N.C. was dominated by the Communists although he was prepared to accept that Communists had held high positions in the organisation. He had never advocated violence, but believed in the abolition of the colour bar and universal franchise.

He denied having advocated military intervention in South West Africa by the United Nations, or a take-over in South Africa by the United Nations.

Dr. Yutar read at length from a television interview which Mr. Paton made with the Canadian Broadcasting Corporation. Mr. Paton denied that in it he had advocated these very things.

He had at one time been in favour of a trade boycott of South Africa, but had changed his views.

When Dr. Yutar asked him if he would tell "the people over there" that he had changed his views, he replied that he would if given the chance.

Dr. Yutar then told him that his chance was here and now as he believed that every word Mr. Paton said was being flashed to the capitals of the world.

Too close

Mr. H. J. Hanson, Q.C., who made the address in mitigation for all the accused, told the court that he had been asked to make the address because counsel for the defence had lived too close to the trial and the personalities involved for too long. They had sought someone who could bring a more objective approach.

The accused were men who had taken a leading part in political affairs for years. They had represented the struggle of the non-Whites for equal rights.

They had been moved to do this by the poverty and lack of opportunity of their people.

It was neither reprehensible

nor immoral for leaders to want freedom of opportunity for their people in all spheres. Their aims had not been criminal, only the means to which they had resorted.

In 1952 the A.N.C., which stood for non-racial democracy, abandoned its strict adherence to the law because of a total lack of any tangible results achieved by legal methods. From 1952 to 1961 it had used illegal, but non-violent methods.

It should be remembered that those years went hand-in-glove with the enactment of legislation which deprived the Africans of their few remaining rights.

Great strain

Those must have been years of great strain for the leaders who were being muzzled by banning orders until finally the A.N.C. itself was banned.

He said, "human experience has demonstrated that man's endeavour to obtain freedom is irrepressible."

Even when the decision was taken to embark on violence pains were taken to avoid injuring race relations or taking human life.

"Their motivation was not the overthrow of the State or its institutions, nor to despoil anyone of their property rights, but to draw attention to African disabilities and to ameliorate the lot of the African people," he said.

Mr. Hanson said that at one time the "Uitlanders" and later the Afrikaners had struggled for political rights. Today the two groups were living in amity and beginning to coalesce.

The trial, he said, was concerned with the vital political issues of the country and with a clash of deeply-held views.

The court was not concerned with the motivation and sincerity of the accused up to the point of conviction, but, in his opinion, it was on the question of sentence.

History

Too often the face of history had been changed by an incomplete understanding of the motivation of accused persons, but in South Africa such understanding had led to mutual acceptance and compromise.

His was not a plea for mercy but a plea for wisdom and understanding that man would not be deterred from grieving about his position in life. Hence the deterrent effect of the sentence was not a major factor.

When Mr. Justice De Wet left the court he not only ended a criminal session of the Supreme Court, Pretoria, but also went on leave.

Colonel jailed for spying

STOCKHOLM. — Swedish Air Force Colonel Stig Wennerstrom was sentenced to hard labour for life yesterday on charges of spying for Russia.

During a five-week trial the court had heard that Wennerstrom had admitted selling Swedish defence secrets to Soviet Intelligence. — S.A.P.A.-Reuter.



Workers lean out of windows of the post overlooking Church Square to get a view of the crowd waiting for the sentences in the trial.



Above: Two policemen remove an unidentified man from the crowd outside the Palace of Justice yesterday after a scuffle with a Press photographer.

Below: Groups of people, with a line of African police in the background, relax on Church Square shortly before the Rivonia trial ended yesterday.



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