

Students' Representative Council



University of the Witwatersrand

Jan Smuts Avenue, Johannesburg, South Africa

Telephone 724-1311 ext. 313 Telegrams 'University'

10th September, 1969

Dr. Alan Paton,
23 Lynton Road,
KLOOF. NATAL.

Dear Dr. Paton,

On 15th. April this year, nineteen Wits students were arrested near the railway station for allegedly handing out pamphlets on railway property without permission. A member of the SRC Executive, Miss Collen, and I, the then SRC President, were included among the students.

Some 70,000 pamphlets were handed out to Johannesburg citizens, explaining the idea of academic freedom and inviting them to a public meeting. The campaign was one part of a week of education and protest organized by the SRC, with the support of Senate and Council, to mark the tenth anniversary of the closing of the University of the Witwatersrand to non-white students by the Government.

The case arising out of the arrest lasted six days in court, with postponements over several months. Last Friday 5th September, all eleven of the students who stood trial were acquitted (some had at the outset chosen to pay admission of guilt fines (for convenience) and two others were acquitted at the end of the State case).

The cost of our counsel in the case, although given to us at the lowest permissible fees, has been Two thousand and Two hundred Rands.

We undertook the trial since we believed that the right of free expression of ideas through educative demonstration should not be yielded without a fight. We felt that a stand was needed against the misuse of state powers to intimidate the lawful and orderly expression of dissent.

We hope that you would uphold our actions and our defence of them. Would you consider giving a donation towards our costs? Your support would be deeply appreciated. (Cheques can be made out to "Trial Fund" or to me, whichever is preferable to you.)

I enclose for your information some press coverage and comment on the outcome of the trial.

Yours sincerely,

Mark Orkin

F. M. ORKIN
1968/69 SRC PRESIDENT.

11 STUDENTS ACQUITTED OF STATION OFFENCES

STAFF REPORTER

ELEVEN students of the University of the Witwatersrand were acquitted in the Johannesburg Magistrate's Court yesterday on a charge alleging they had contravened a railway regulation by unlawfully distributing literature on railway property on April 15.

Sunday Times

JOHANNESBURG, SEPTEMBER 7, 1969

Police and students

AFTER A TRIAL lasting a week, and running the defence into about R2,000 of legal costs, eleven students have been acquitted of a charge of distributing leaflets on railway property.

There are some extremely unsatisfactory features about this case to which it is necessary to draw attention.

The magistrate, quite correctly, in our view, was not impressed by the evidence of the police constables. He described some of it as "unsatisfactory, unreliable and unacceptable"—an extraordinary indictment.

The action taken by these policemen was pretty straightforward. It is common cause that the students were near railway property; and that they were distributing leaflets. The police saw what was happening, they took what they considered to be appropriate action, and it should not have been difficult for them to give clear, accurate testimony about what occurred.

The fact that they were unable to do so does not surprise us, for it is impossible to divorce this case from the general background of relationships between police and students. The Government, we know, is hostile to the students; what we fear is that policemen, who are servants

of the Government, tend to identify themselves with their master's cause.

When the police and Wits students confronted each other during demonstrations at the university, the complaint was then made that the police did not observe the detachment and objectivity expected of them. It was clear to many onlookers where their sympathies lay.

Any doubts one might have about this attitude seem to us to be removed by the disclosures at the trial of the students for distributing leaflets. The action of the police in that instance, as we interpret the evidence and the magistrate's judgment, does not seem the kind one would expect of impartial men whose main concern should be the maintenance of law and order.

The impression given in this case is that the police acted like partisans; that they were in no mood to stand any nonsense from "leftist" students; and that they probably felt that their actions would commend themselves to the Minister.

The magistrate's judgment should serve as a sharp reminder to policemen at all levels that they are not the lackeys of the Government. They owe just as great a responsibility to the citizen as they do to the State.

The magistrate, Mr. J. Edworthy, said in view of the unsatisfactory State evidence, there was no justification for the conviction of the students.

Acquitted yesterday were: Valerie Elizabeth Colebank, 18, Jennifer Phyllis Landman, 19, S. A. Hulbert, 19, John Edward Kaplan, 18, Barry Abraham Stiefel, 19, Jennifer Glennie, 18, Catherine Solomon, 18, Chandrakant Patel, 21, Lindsey Clare Collen, 20, Frederick Mark Orkin, 21, and a 17-year-old youth.

The trial was a sequel to the arrest by railway police of 19 Wits students during a protest campaign to mark the tenth anniversary of the closing of the university to non-White students by the Government.

FINES

The students were arrested while handing out leaflets explaining the protest and the idea of academic freedom, and inviting the public to attend a public meeting.

Six students later paid admissions of guilt fines and two were acquitted at the close of the State case in the trial.

In his judgment yesterday, Mr. Edworthy said Solomon, Patel, Collen and Orkin had given evidence in their defence while the others had not.

Dealing with the State evidence against those of the students who had not testified, Mr. Edworthy said: "The evidence is most unsatisfactory and unreliable, and therefore unacceptable."

There was general confusion and uncertainty among the three police witnesses as to the identity of the people they had arrested, Mr. Edworthy said.

DISCREPANCY

"The evidence falls far short of establishing beyond doubt that the seven accused were found on railway property as alleged," Mr. Edworthy said.

He then dealt with evidence against the four students who had told the court they had been arrested outside railway property.

Mr. Edworthy said the State evidence was unsatisfactory in a number of respects and there had been a discrepancy in the evidence.

"It appears that the evidence of the four accused that they were arrested outside railway property may possibly be true," he said.

P.O.Box 278,
Hillcrest,
Natal.

October 9th. 1969

Mr. F. M. Orkin,
University of the Witwatersrand,
Johannesburg.

Dear Mark,

Thank you for your letter of September 10th. I enclose a cheque for R50.00 towards your trial fund.

I am glad that the case was successful. It always comes as a surprise when a case of this kind is successful, and makes one think perhaps that one was growing too pessimistic about the standards of justice in this country. I do not know whether you think I am right or wrong, but I seem to sense a greater disposition on the part of South Africans to challenge the authoritarianism of the state. I find the result of the Coloured elections very encouraging, and it will no doubt be a warning to the Government not to make the South African Indian Council an elected body.

Yours sincerely,

Alan Paton.

Heis Residence
University
20th October 1969

Dear Mr. Paten:

Thank you very much for your most generous donation of £50 to our Trial Fund; and for your kind words of support. We have been able to cover our costs completely; and the warm response we met has been most encouraging. The strain of the lengthy proceedings seems more worthwhile in retrospect.

I have just read your article "Gaps and Conflict" in the Wils. News local magazine, "Intrichinal". It has served to soften somewhat the harsh light in which I have been viewing the overall, material achievements of my recently concluded years on STC; and with the example of the far larger, harder battle that you and others like you have fought for the same cause, I find any excuses I might have manufactured for "dropping out" increasingly unsatisfactory. I do hope I might have some day the chance of meeting you.

With best regards,

Yours sincerely,

Mark Askin

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