

Frank, Bernadt Joffe

PC 170/11/7/5

NOT & JOFFE

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PROKUREURS
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ADMINISTRATORS OF ESTATES
ADMINISTRATEURE VAN BOEDELS

HINAN BERNADT
HARRY MAX JOFFE
JOHN ANTHONY PRESTON
HENRY JACK BROWN

Netherlands Bank Building,

85, St. George's Street,

Cape Town.



11th December, 1965.

The Hon. B.J. Vorster,
Minister of Justice,
Ministry of Justice,
Union Buildings,
PRETORIA.

Dear Sir,

My firm acts for Alan K. Brooks who is serving a two year sentence in Pretoria Local Prison as a result of a conviction in November, 1964 on an alternative charge of being a member of an unlawful organisation.

My firm also acts for him in connection with a civil claim for damages for an alleged assault on him whilst he was under detention in August, 1964, and as you are aware this action is pending in the Supreme Court, Cape Town.

During the morning of the 25th ultimo Dr. R.K. Brooks, my client's father, telephoned me from Pretoria stating that he had interviewed you that morning in order to make a plea for the remission of the unexpired period of his son's sentence, and that you had indicated that you would be prepared to consider his plea favourably but that as it was intended to deport his son, he could not be released until the civil action had been disposed of. Dr. Brooks therefore enquired when it was likely that the hearing of this civil action would be set down, and I informed him that I did not think that this could take place before February next year. As he had also mentioned that you had kindly given him permission to visit his son that day, I suggested that he should discuss the matter fully with my client and take instructions from him.

I may say that at no time during this telephonic conversation did Dr. Brooks give me the impression that there was any suggestion whatsoever that his son's release would be a quid pro quo for the disposal of the civil action.

Yesterday I received a letter from Dr. Brooks from Salisbury, dated 7th instant, enclosing a copy of your letter to him dated 1st instant and his reply to you of the 7th instant.

I have taken it upon myself to intervene in this matter in the hope that you will be good enough to grant the release of my client upon such conditions as you may deem necessary to ensure that he will be able to stay in the Republic, preferably in the Cape Peninsula until his civil

*1) Inform Bernadt that I cannot accede to his request.
2) also advise Dr. Brooks to that effect and his behaviour is acceptable.*

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action is disposed of, immediately whereafter he will be obliged and undertake to leave this Country. Such conditions could include an obligation to report regularly to a local police station and a prohibition against his taking part in any political activity whatsoever. The reason for my suggesting that he should be in the Cape Peninsula is simply to ensure his availability here to take all necessary steps and without any delay, to complete the preparation of the civil action and to have it heard as soon as possible.

Obviously it will be in his own interest to observe these conditions to ensure that the civil action is dealt with as speedily as possible, an objective which he himself urgently wishes to achieve.

I would like to emphasise that it is accepted without question that your consideration of the release of my client has nothing whatever to do with the civil action other than the problem relating to his deportation. This was amply borne out yesterday when I had the opportunity of interviewing Miss Stephanie Kemp who was released a short while ago and who made it abundantly clear that the question of her civil action was never raised and had nothing whatever to do with her release.

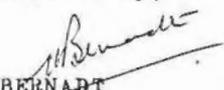
As A.A. Trew and Miss Kemp were convicted at the same time on the same charges as my client, and received the same serving sentences, except that Miss Kemp received an extra year which was suspended, and as A.A. Trew was released towards the end of September, 1965 and Miss Kemp during the past few weeks, and as my client had decided of his own volition to leave the unlawful organisation in June, 1963 because he was no longer in sympathy with it and because he had decided to follow an academic career, and in view of the great unhappiness which his father and sick mother have suffered and are still suffering as a result, I do appeal to you to exercise your clemency in favour of my client on the lines indicated above.

I will of course treat this communication and any reply you may wish to make, as ^{is} confidential ~~and~~ professional matter.

Should you wish to discuss any aspect hereof in an interview, I will attend on you at your convenience. I have to be in Johannesburg on the 14th instant to attend the Board Meetings of certain companies associated with the Anglo-American Group and I could make myself available any time during Wednesday 15th instant if you require me to do so. I can be contacted there care of Mr. C.R. Anderson, Johannesburg telephone number 838-8111.

I trust that I will hear from you at the earliest opportunity.

Yours faithfully,


H. BERNADT