

Fri. 9th Jan., 1970.

My dear Alan,

I've just received your letter dated 1st Jan., postmarked 3rd., but as its a 2½c stamp and holidays, doubtless this is o.k.

I acknowledge receipt of your cheque for R25.00 and thank you very much for it. Norman, E's brother, has already paid the account (at least that was our arrangement when I last saw him) so that the attorney would be promptly dealt with, as he deserved. I undertook to Norman to go among friends to try to reimburse Norman. I also said I would write to Adrian to ask him if he would like to pay all or some of this. I know it will help him to feel he can do this small thing. There has not been time for Adrian to reply to me. If he sends money I will inform you and you must then instruct me what to do with your cheque. I can return it to you or keep it in trust for future efforts for E., or add it to the "nestegg" of R300 (I think that is the right figure) which Randolph gave E's Mother for him. Norman would use up this nestegg if he had to, but wants to keep it against the time of E's coming out. Many of us may not be available in 10 years' time to help E, supposing he has to serve every last day of his sentence.

I will write and keep you properly informed about any money that comes in for E. and you can instruct me about your R25.00. I hope I am acting wisely and in E's best interests, but if you think I am wrong, please tell me.

Seeing you type your letters, can I take it you have a carbon copy of yours under reply? If so, I must comment on your second para. I missed seeing your informant because I was away from C.T. when his ship was here, but in any case we might not have got on to the points he made to you. Dave did see him, however, and I'll be seeing Dave this evening - he leaves on Sunday for USA, to our sorrow.

I take it that your informant can only rely on hearsay and possibly he has also read Brokensha and Knowles "The 4th of July Raids". But I was in court and I heard Adrian and Lyn give evidence in the case against E. And I was and am a close friend of Adrian, and though it seems presumptuous to say so, I think I have a better inkling of how he felt and thought and responded, than quite a few. Also, since the publication of that book, and since so many, including Bill, hold/held it against A. that he "seemed unable to do anything in mitigation" for E., whereas he did for the others, I have taken up this aspect with Adrian, both in letters and when I visited him in England, and I hold firmly to the immediate impression I received in court that the advocate who appeared for E. was a) the wrong man for the job and b) used wrong tactics with Adrian.

Alan, this is going to be a long letter, so you had better sit down.

In support of a) I met and observed Jimmie Gibson when he was an early member of the L.P. and a friend of Peter Hjul, and disregarding his ability, intelligence etc., I did not like what I saw. He struck me as supercilious and self-important. I also heard from a mutual friend that he looked down upon his father, a man of humble origins. I am not enjoying saying these things, which I say in confidence to you. I am trying to explain why it did not surprise me that when certain members of the L.P. broke away from the Party when it went for 1 man 1 vote, Jimmie G. was of their number.

If you think now of the gulf which would separate a man like that, trying to maintain respectability in a fast deteriorating situation politically which is drawing younger and more radical people into the vortex of violence (gettin' quite poetic ain't it?)

- the gulf between him and Adrian was wide indeed. There was a mutual despise. Despising. Despication.

I experienced this sort of thing myself with Gibson. I stood with a large placard proclaiming that Advocate Sachs had been in 90 day detention for 1 hundred-and-something days, outside No. 1 Dorp Street from 1.45 p.m. till about 2.15 p.m. one day, timing it to catch all the advocates returning to office (they are all at that address) after their well-earned lunches. Many passed me by, a few greeted me, one even stayed to give moral support until I gave up. But Mr. Gibson came past quite fast, saw me, recognised me and said in passing "Huh - that is not going to do any good." I said: "Who the hell are you to say what will, or will not, do any good?" He did not answer me. Obviously he was very superior and thought I was wasting my time. And I must say if he had stood up in Court to question me in place of Adrian (which heaven forbid) I would have answered him exactly as Adrian did. Which I'll now try to recall :-

If you will look at the top of Page 116 of the book I mentioned ("4th of July Raids) you will see that "Leftwich's attitude underwent a slight, almost imperceptible, change." I say part of that was due to Leftwich's opinion of Gibson as a conservative, rather smug, "progressive", who would never take any action in support of his political views which would endanger his safety/position in society, and who was about to rub his nose in the dirt.

(A's)

Mid. page 117: "But Leftwich, like van der Riet before him, would not concede that E.D. played but a minor part in the workings of the planning committee ..." and so on (incidentally I regard this as the most despicable part of this whole book, which is useful as a record, and typical of those journalists who make money out of other people's agony)

May I just leave A's evidence for a moment and go back to Lyn's ?

On Page 105: (last para.) "His cross-examin. (of Lyn) was directed chiefly towards the object of showing that E.D., a man with a Standard 6 education, one-time "spare-jerk" on the fishing trawlers was a minor figure in the ARM, a stooge in the intellectual company of men like Rubin, Leftwich and Schneider, with whom D. served on the planning committee. But L. v.d. R. would not concede that Daniels's intellectual capacity put him at a disadvantage vis-à-vis his committee colleagues."

Lyn's response and mine in court at that moment of questioning was identical. As people who believe there should be no educational or property qualification for the franchise, we had long discarded the idea that a man without formal schooling must necessarily be inferior in intellect.

To get back to Adrian, Gibson tried the same tack with him. When I wrote to A. about this, he replied :-
12th June, 1967: "You have put the hammer on the nail head in your analysis of my reply to Gibson. I have been checking through the report of the proceedings in the Brokensha/Knowles book - which is distinguished only in its total disregard for certain crucial facts and a monstrous interpretation of the ARM ..."

Again on 11th October, 1967: "As far as I'm aware the only other reference in court to E's non-participation was that made by Lyn v.d. R., when she spoke of the question of E's intellectual capacity. I still think that this was a stupid tack of Gibson's ..."

I am making such an issue of this because the right advocate would have seen that Lyn and Adrian could never and would never say that a man with Std. 6 was somehow less responsible than they. What Gibson should have done was to ask outright: "Did E. turn

against the idea of sabotage? Did he try to dissuade the rest of you? If he could not succeed in dissuading you, I take it whoever insisted on carrying on had greater influence with your Committee? And so on.

In fact (P. 111 of the book, bottom of page) Leftwich said that Daniels specifically asked to be allowed to attend the Johannesburg meeting in January, 1964 to speak against the continuation of sabotage.

Top of Page 119: "But he (Gibson) was not successful in getting Leftwich to recall that D. had tried to pull out of the organization. The most that L. would concede was that D. expressed a desire to quit the planning committee."

I think Adrian was telling the truth. E. had decided sabotage and violence were achieving the opposite objects from what they intended. But he is a very loyal person and I am sure it was his loyalty to them in the mess they were all in that kept him with them. I know there were threats against individuals in the ARM, not only from Watson, as to what would happen to anyone who fell out, or betrayed the others. But I don't think threats would have weighed with E. He did not leave because he had joined them and had participated and was now smeared and did not wish to leave them in the dirt, so to speak.

I think another advocate, someone like Albie Sachs (or definitely someone like Alan Paton) would have handled this whole aspect properly and have been able to convey to the judge the calibre of a man like E.

Please do not miss A's answer at Gibson in 6th para. on P. 121.

I do not accept that Gibson was discomfited. He went into court intent on making Adrian break down, this was part of a concerted plan with other counsel and I have been told of it by them. (I don't blame them for that either. I would have done it had I been an advocate.)

To get on to E's long sentence. I think the judge could only judge in terms of his views and opinions. I don't think he is other than a very conservative white man. It does not appear in the book, but I have gone to the Supreme Court and spent some time re-reading the judgement, which I had also heard, and this is something he said to E., in front of E.'s Mother, and which she will never forget or forgive: "Daniels, in your statement you expand at length upon the skolly menace. What on earth your actions had to do with the skolly menace ... and HOW YOU WERE GOING TO CURE IT BY BECOMING A SUPER SKOLLY YOURSELF and instead of the knife use high explosives, I have no idea."

E. deserved a better advocate than he got. Also a better judge. And better friends.

The Judge held E. responsible for each act of sabotage because he was on both the Planning and Regional Committees and therefore jointly responsible with the others. He seemed to take little notice of Adrian's statement that Daniels went to Johburg and tried to dissuade the others. The Judge clearly regarded E. as a "ringleader" in the conspiracy and I am sure he was not that.

I am enclosing a copy of an early draft letter which Adrian offered to make into a sworn statement (it was Adrian's letter, he composed it) and send to the Minister. But we have not yet asked him to do this, judging the time not ripe up to now. However, we will be re-discussing this. What do you think? From it you will see that Adrian could have been made to say quite a lot that would have helped the Judge to make up his mind about E.

I must end now. I guess you are as exhausted as I am from all this.

Finally, can I take it that you did receive the large photo of you and Dorrie plus 2 small ones, one for Jonathan, one for David and also the clean copy of the critique of KONTAKION? I posted these to you some weeks ago but you haven't acknowledged receipt. I asked Leo if you got them, but you had not spoken of them. I am only asking in case they have gone astray in the post.

We had a lovely Christmas, keeping everything very cool and simple and managed to go away from C.T. twice into the countryside, with dear friends, and play at an ideal society for a short while.

With love to you both,

Jet

P.S. So please, if you now see ^{is evidence} An as I do, could you let your "informant" know - I feel this is vital.

D.