

A moral and legal outrage

Peter Moll

Janet Cherry was in detention for nearly a year in a Port Elizabeth prison. In June her application for release was dismissed with costs.

According to the Cape Times report on the judgment (June 18), the major accusations against her by the police were that she 'taught Marxist doctrines' and was in 'constant contact' with the ANC. The judge ruled that to these 'factual allegations' (a contradiction in terms!) Cherry had merely offered denials, and so dismissed the application.

In any case, teaching Marxism is not illegal. Marxist thought forms an integral part of economics, sociology, politics and history courses in all universities in the Western world — as it must, because it is part of our intellectual heritage. One might equally lock up anyone who dares teach Adam Smith or Malthus! So why the hullabaloo?

The other accusation is equally ridiculous: That she was in 'constant contact' with the ANC. It is not illegal to contact the ANC — even prominent NP members have done so. Gavin Relly and Tony Bloom not only contacted and visited the ANC in Lusaka — they even discussed the management of the

country under an imagined future ANC government. So why not round up these personalities?

Ah — the answer will no doubt be given — because all this Marxism, this constant contact, suggests illegal activity.

Here, precisely, is the rub. These fatuous phrases and insinuations are being used to mislead the public into thinking that Janet Cherry is guilty of something — which she is not until proven so. If she has been involved in 'illegal activity' then she should be tried in open court.

The accusations against her are anything but factual. If the police had amassed evidence which they thought would stick they would have charged her long ago. The very fact that she was detained for so long suggests that the police have no case against her. They do not even have 'factual allegations' as the judge avers.

All they have is a mishmash of hearsay and idiotic claims which amount to guilt by association.

The detention of Janet Cherry was a moral and legal outrage. (*Originally in a letter to the Cape Times*)

the black sash statement

The Black Sash again condemns the system of detention without due process. We believe that thousands of people are currently being held.

Several of our members have spent periods in detention during the State of Emergency, including Janet Cherry, who was in detention for over 11 months. During this period she lost an application for her release in the Supreme Court.

On her release, she was served with restriction orders, severely limiting her political work.

We know that Janet has acted effectively against apartheid. We believe her political activity has been perfectly legal and accept her denial of allegations made against her. We also reject any attempt to smear her with false assumptions based on inaccurate information. We demand the lifting of her restriction orders.

We also protest against the continuing detention of Sue Lund of Grahams-town, Nomaindia Mfeketho of Cape Town and Sister Bernard Ncube, President of the Federation of Transvaal Women, three women we know and respect for their unflinching opposition to apartheid.

We will not be silent until they and all other detainees are released and South Africa is governed by the Rule of Just Law.