

Special Memorial Issue

Nelson Mandela

18 July 1918 ---- 5 Dec. 2013

Mandela-Related Materials Added

On the occasion of Nelson Mandela's passing, LLMC, in partnership with the Columbia University Law Library, holder of the mimeographed materials, proudly announces the addition of one major trove of Mandela-related material to our service. The corpus involved contains the principal papers related to South Africa's famous "Treason Trial"¹

In December 1956 over 150 key members of the South Africa Congress Alliance (SACA), an anti-apartheid alliance of various civil rights organizations, were arrested and

¹ South Africa Treason Trial Collection

Contents: ca. 26,366 pp.. mimeo

LLMC-10250:

Preliminary matter

one volume with superimposed electronic pagination (permitting accurate citation); including indictment, requests for particulars, many procedural motions, etc. – ca. 500 pp.

LLMC-10251:

Trial transcripts

one title, in 65 pressboard binders, with continuous pagination, pp. 1-24912; split online into ca. 50 "parts" of ca. 500-600 pp., each with natural breaks corresponding to court adjournments and the like.

LLMC No. 10252:

Judgment & Schedules:

Schedules 1-19, each separately paginated, ca. 500 pp. total; presented online as 1 vol. in 19 pts. to facilitate citations from the following:

LLMC No. 10253:

Judges' reasons for judgments:

one title in three volumes.

V.1, Becker, J., pp. 1-169;

V.2, Kennedy, J., pp. 1-87 + apps.-18 pp. V.3,

V.3, Rumph, J., pp. 1-168

charged with treason. The Alliance was led by Nelson Mandela and his colleagues in the African National Congress, and the arrestees included almost the entire executive committee of the ANC. However, the South African Government was targeting the entire spectrum of its civil rights opponents. In all, some 105 African, 7 coloured, and 23 white leaders were eventually brought to trial. They represented the ANC, the South African Indian Congress, the South African Congress of Democrats, and, from the government's viewpoint most importantly, the South African Communist Party.

All of the defendants were charged with high treason; specifically for "treasonable conspiracy to further international communism by destroying the South African state." In all of its phases the lengthy Treason Trial extended from Dec. 1956, to 29 March 1961. On the latter date, the defendants, their core number having been winnowed down to 30, surprisingly were found "not guilty."

To a limited extent the results of the Treason Trial signified a victory for the anti-apartheid cause in South Africa. Certainly it was no small matter that the defendants avoided possible death sentences and regained their freedom.

But the South African government was playing a much longer game. The middle 1950's were the height of McCarthyism in the United States. The country viewed itself as being in a struggle to the death with an insidious and worldwide communist menace. White South Africa was auditioning for the role of major U.S. ally in Africa. Thus the main thrust of the prosecution's case in the Treason Trial was to use the SACA connection to taint all civil rights groups in South Africa, but in particular the ANC, with the communist brand. They largely succeeded.

For the next quarter century the United States found it useful to ignore apartheid and to work with, or at least tolerate, South Africa's white leaders. As late as 1981, with apartheid still in full force, Pres. Ronald Reagan was

*He moved a nation towards justice, and in the process moved people around the world ...
to an understanding of ... the moral necessity of racial justice.*

Pres. Obama speaking at Mandela memorial service - 10/12/13

telling CBS that the U.S. supported the South African government because it was *a country that has stood by us in every war we've ever fought; a country that, strategically, is essential to the free world in its production of minerals*. Pres. Reagan's antipathy to the ANC was long-lasting. In the middle 1980s, responding to widespread revulsion among Americans to the excesses of the apartheid regime, Congress, even though it was then under Republican control, finally passed economic sanctions against the South African regime. Reagan vetoed them. His veto was overridden by an alliance of Republicans and Democrats in Congress.²

The aftermath of the Treason Trial brought on another seminal change in the character of the ANC. Up to that time the movement had been squarely based in the Gandhian principles of non-violence. In the years immediately after the trial Mandela and the other leaders of the ANC came to the conclusion that the South African regime was unalterably committed to its apartheid course and would never bend to the moral force of nonviolent resistance. The movement then adopted a strategy of sabotage against property. While this tactic was preferable to one that targeted civilians, it brought the conflict to a substantially higher level, and was enough to earn for the ANC the status of a terrorist organization in the eyes of the U.S. government.

In 1963 the apartheid South African Government returned to the attack in a trial in which the proceedings were aimed solely at the ANC. This time the charges were limited to

² The communist shibboleth attached to the ANC during the Treason Trial has endured into our own times. During the week of memorial services for Mandela, former House Speaker Newt Gingrich (hardly a fellow traveler) had the temerity to tweet a tribute to Nelson Mandela as one of the "greatest leaders of our lifetime." He was immediately assailed in tweet responses from a large number of his normally loyal troops for daring to eulogize, as one said, "a dirty communist."

the more easily prosecuted offense of conspiracy to commit sabotage. Although the actual trial was held in the Palace of Justice in Pretoria, it got its name from the suburb of Johannesburg where Mandela had lived undercover, and where 19 ANC leaders were arrested on 11 July 1963. The "Rivonia Trial" extended from 26 Nov. 1963 to 12 June 1964. At the beginning of the defense proceedings, Mandela delivered a four hour long speech in which he explained and defended the ANC's political positions and its decision to go beyond non-violence to a campaign of sabotage against property. This speech included the famous lines quoted by Pres. Obama at his memorial: *I have fought against white domination, and I have fought against black domination. I have cherished the ideal of a democratic and free society in which all persons live together in harmony and with equal opportunities. It is an ideal which I hope to live for and to achieve. But if needs be, it is an ideal for which I am prepared to die.*

As well he might have, since the prosecutors had requested the death penalty. However, although Mandela and his associates were found guilty, perhaps in response to overwhelmingly supportive world sentiment, they were only sentenced to life imprisonment. Because of "Rivonia," Mandela spent 27 years in prison; the last 18 of them on Robben Island. He was released by South Africa Pres. R.F. de Klerk on 11 February 1990. Just over four years later, on 10 May 1994, he was inaugurated as South Africa's first democratically elected president.

He was the ultimate symbol of dignity and unwavering dedication to the revolutionary struggle, to freedom and justice, a prophet of unity, peace and reconciliation. As Mandela's life teaches us, only the concerted efforts of all nations will empower humanity to respond to the enormous challenges that today threaten its very existence.

Cuban Pres. Raul Castro speaking at Mandela memorial service - 10/12/13