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Guide to the

Joel Carlson South African Legal files

1958 - 1990

Sc MG 646

Processed by Ann Abrams, Brittany Carter, Marcela Di Blasi, Megan Goins, and Blevin Shelnett, 2011-2012.

Summary

Creator: Carlson, Joel, 1926-2001

Title: Joel Carlson South African Legal files

Date: 1958 - 1990

Size: 7 linear feet (7 record cartons)

Source: Gift, Joel Carlson, 2006

Abstract: Born in Johannesburg, South Africa, on February 3, 1926, Joel Carlson was a lawyer who devoted his legal career to opposing apartheid. Through the 1960s and 1970s he developed a reputation for defending black South Africans in a variety of cases including removal from homelands, arbitrary arrests and detention, torture cases, and pass law violations. Carlson eventually opened his own civil rights practice, exposing apartheid atrocities, which made him a target among government officials and the South African police. After years of harassment and numerous threats against his life, Carlson left Johannesburg in 1971, relocating to New York. In 1994, Carlson revisited South Africa, serving as a United Nations observer in the country's first free elections. He died of leukemia in Manhasset, New York, in 2001. Joel Carlson South African Legal Files, 1958 - 1990, chronicle Carlson's legal career in South Africa through the late 1960s and early 1970s. Modeling Carlson's own mapping of his life and career in *No Neutral Ground*, the collection highlights the kinds of cases that Carlson understood to define his anti-apartheid work: prison abuse investigations and the defense of political detainees, as well as his representation of Winnie Mandela and members of her family. Primarily organized chronologically by case type and individual case, the collection consists largely of correspondence, legal documents relating to trials and defendants, and news clippings.

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Creator History

Born in Johannesburg, South Africa, in 1926, Joel Carlson decided in law school to devote his career to opposing apartheid. Before graduating from Witwatersrand University, he joined the civil service and worked for the Bantu Commissioner's Court, which ruled on pass law offenses. The 1952 Pass Law Act required every African age 16 years or older to carry documentation proving that they had a "right" to be in designated white areas. Failure to produce a pass on demand resulted in arrest and imprisonment. Disgusted by the arbitrariness and cruelty of court and detention proceedings, Carlson quit his job after nine months and returned to university. In 1955, he opened his own civil rights practice, dedicated to defending victims of injustice and abuse and exposing apartheid's atrocities.

Over the years Carlson developed a reputation for defending black South Africans in a variety of cases including removal from homelands, arbitrary arrests and detention, torture cases, and pass law violations. In 1957, he helped a street-sweeper, Innocent Langa, search for his brother, Nelson, who had been taken on his way home from work by a group of plainclothes policemen. Carlson traced Nelson to the Farm Labor Bureau, and discovered that the Bureau was running an undercover scheme in which individuals charged with petty pass law offenses were forced to labor on potato farms. Victims of the scheme were usually arrested for trivial permit violations and compelled to "volunteer" to work on the farms, where they suffered beatings, poor housing conditions, and malnutrition. The South African public had condemned the farm labor system in the 1940s, and Carlson exposed its secret return. He not only helped obtain the release of hundreds of laborers, but he also presented to the government letters and memoranda indicting the farm labor system and its brutalities.

Throughout the 1960s and 1970s, Carlson continued to advocate for victims of apartheid. Among other cases that he took on was one for the Bakubung tribe in 1967. Leaders of the tribe approached Carlson for help defending their right to remain on the tribe's ancestral lands. The government's order that the Bakubung relocate threatened the farming community's ability to be self-sustaining and fractured its governance. Chieftainess Catherine Monnakgotla sought to cooperate with the order, while Chief Lucas Monnakgotla led a group of eighty-eight Bakubung who refused to move. Carlson represented those resisting relocation in negotiations with the Bantu Affairs Commissioner from February until August 1968. In September 1968, many of Lucas Monnakgotla's followers were arrested.

Once the accused were brought into court, their common law offenses were withdrawn and they were held instead under the Terrorism Act, an escalation of South Africa's General Law Amendment Act passed in 1963. This act, which became known as the "90-Day Act," granted the police power to detain without trial anyone suspected of involvement in activity against the State, including participation in banned, underground, or Communist-affiliated organizations. The "90-Day Act" soon gave way to the "180-Day Act" and, later, the Terrorism Act of 1967. The Terrorism Act allowed the police to imprison in solitary confinement anyone suspected of "terrorism" for an indefinite period of time. Ostensibly, this act sought to safeguard "peace and quiet, law and order." In reality, it defined terrorism so loosely that the police could arrest and detain anyone for the slightest infractions.

The General Law Amendment Act and its derivatives enabled the brutal interrogation methods of the Security Police, who sought to detain and intimidate anti-apartheid activists without oversight of the

courts or the public. Under the Terrorism Act, Lucas Monnagotla and his followers were imprisoned without access to their relatives or attorneys for nearly a year. One prisoner, Jacob Monnagotla, died in custody before the accused were finally indicted in August 1969. After this case Carlson became very active in representing prisoners of abuse and torture. Throughout his career, he led investigations into the abuse and deaths of numerous individuals held under South Africa's detainment laws as well as represented family members of individuals killed in police custody.

Carlson often took on many of the most publicized and controversial anti-apartheid cases of the day. In 1968, he also represented Julia Lenkoe in an investigation into the death of her husband, James Lenkoe, who had been a Terrorism Act detainee. While the South African Security Police claimed that Lenkoe committed suicide, several medical experts determined that Lenkoe had been electrically shocked and tortured. Carlson not only initiated the inquest into Lenkoe's death but also brought a damages action on behalf of Mrs. Lenkoe against the Prime Minister and the head of the Security Police, B. J. Vorster. In another case, he appealed to the South Africa Minister of Justice and other officials to demand an investigation into detention conditions and misconduct.

In what Carlson believed was a direct reprisal for his work on the Lenkoe case, the government ordered the surrender of his South African passport in 1969. Carlson received letters of support from the Lawyers Committee for Civil Rights Under Law, formed by John F. Kennedy; British lawyers; and the International Commission of Jurists, of which Carlson was a member.

One of Carlson's most important cases involved thirty-seven members of the South West African Peoples Organization (SWAPO). The Namibians, or South West Africans, had been unlawfully arrested and imprisoned for several years before they were charged retroactively with violating the Terrorism Act. The case received significant international attention resulting in the United Nations ruling that the Namibians did not fall under the jurisdiction of the South African government, which the government ignored. After the Namibians were charged, Carlson worked to gain their trust and secured his place as their lawyer. As he interviewed the accused, Carlson realized nearly all had suffered extensive abuse and mistreatment at the hands of Security Police. Most of his clients fully expected to be hanged.

The trial began on August 3, 1967. Uncertain he would be able to bring his clients to justice without international support, Carlson traveled to New York; Washington, DC; and London to meet with attorneys and politicians, including Bobby Kennedy, to raise awareness of the Namibians' plight. With the influence of international media, Carlson won a qualified victory in court. Although the majority of the defendants were convicted, no one received a death sentence. Several of the accused, including Andimba Toivo ya Toivo and Helao Shityuwete, went on to acclaim and prominence for their political activism.

At law school, Carlson had met and begun a friendship with fellow student, Nelson Mandela. While Mandela served a life sentence on Robben Island in the late 1960s and early 1970s, Carlson handled a number of personal and legal affairs for his family. In 1967, he represented Winnie Mandela on two cases -- one accusing her of violating a 1965 banning order and the other, of resisting arrest. Although Carlson won an acquittal on the latter offense, Mandela was convicted of breaking her banning order and served four days in prison. The same year, Carlson successfully defended Winnie Mandela's brother, Tanduxolo Madikizela, against vagrancy charges (pass law violation). At Nelson Mandela's request, Carlson represented Winnie Mandela and other African detainees in the internationally famous Ndou and Ramotse trials of 1969 and 1970, and he ensured that the Mandelas' daughters, Zanani and Zinziswa, received care and education during that time. Carlson was also at least initially involved in defending Winnie Mandela against charges of violating a second banning order in 1970.

The State v. Samson Ndou and Twenty-One Others case began in May 12, 1969, when twenty-two

black South Africans, including Winnie Mandela, were detained under the Terrorism Act. After five months' solitary imprisonment, during which time the detainees had no access to their families or friends, they were arraigned and charged instead under the Suppression of Communism Act for their participation in the African National Congress (ANC) and other outlawed organizations. Carlson led the defense, and on February 16, 1970, the court acquitted all twenty-two defendants. Before they were released, however, the State redetained the defendants, once again invoking the Terrorism Act. A few days later, the friends and relatives of the detainees filed a case, *Iris Madikizela and Fourteen Others v. The Ministers of Justice and Police*, contending that the defendants were being mistreated in prison. Despite these charges, the detainees remained incarcerated for another four months without trial. In June 1970, nineteen of the original defendants were arraigned, while three were released to serve as state witnesses. Another alleged member of the ANC, Benjamin Ramotse, was also charged and became the first-listed defendant in the renamed case, *The State v. Benjamin Ramotse and Nineteen Others*.

The Ramotse et al. trial lasted one month, August 24 to September 14, 1970. Again, the court acquitted the original nineteen Ndou et al. defendants, ruling that their charge under the Terrorism Act was substantially identical to their charge under the Communism Act. This verdict was one of the biggest legal victories of Carlson's career. Ramotse, however, was found guilty and sentenced to fifteen years on Robben Island. The prosecution appealed the court's ruling regarding the original Ndou et al. defendants in *The State v. Samson Ndou and Eighteen Others* and lost.

As his reputation as a defender of apartheid victims grew through the 1960s and 1970s, Carlson became increasingly unpopular among government officials and the South African police. He was certain that his telephone was being tapped and that he was being followed by Security Branch detectives. In addition, he received numerous threats against his life, and at least once, gunshots were fired into his office. After years of harassment, Carlson left Johannesburg on April 6, 1971; his wife and children followed. They relocated to New York, where he served as the first deputy district attorney in Queens. He led the consumer fraud bureau and developed "Second Chance," a civil service program which offered convicted violent offenders an alternative to prison. In 1994, Carlson revisited South Africa, serving as a United Nations observer in the country's first free elections. He died of leukemia in Manhasset, New York, in 2001.

Scope and Content Note

Joel Carlson South African Legal Files, 1958 - 1990, chronicles Carlson's legal career in South Africa through the late 1960s and early 1970s. Modeling Carlson's own mapping of his life and career in *No Neutral Ground*, the collection highlights the kinds of cases that Carlson understood to define his anti-apartheid work: prison abuse investigations and the defense of political detainees, as well as his representation of Winnie Mandela and members of her family. Primarily organized chronologically by case type and individual case, the collection consists largely of correspondence, legal documents relating to trials and defendants, and news clippings.

Arrangement: Collection arranged into five series: I. Personal papers; II. Mandela Family Representation; III. Early Cases; IV. Prison Abuse Cases; V. and Suppression of Communism and Terrorism Act Cases.

Key Terms

Subjects

Anti-apartheid movements
Apartheid -- Law and legislation -- South Africa
Apartheid -- South Africa
Blacks -- Legal status, laws, etc -- South Africa
Crimes against humanity -- South Africa
Criminal justice, Administration of -- South Africa
Imprisonment -- South Africa
Lawyers -- New York (State) -- New York
Lawyers -- South Africa
Political prisoners -- South Africa

Geographic Names

South Africa -- Race relations
South Africa -- Social conditions

Names

Carlson, Joel, 1926-2001
Mandela, Nelson, 1918-2013
Mandela, Winnie

Container List

Personal papers 1958 - 1990

This series comprises correspondence and annotated proofs of *No Neutral Ground*. Correspondence includes telegrams and letters of support for Carlson, speaking engagement invitations, a note threatening Carlson's life, and letters regarding his involvement in groups like the United Nations Association. Several letters relate to the South African Minister of Interior's confiscation of Carlson's passport in 1969. Other letters document the harassment Carlson and his family suffered and their decision to leave South Africa in the early 1970s. Materials pertaining to the Home and School Council, which Carlson chaired, detail the government's persecution of its secretary, Barbara Mary Smith, and her attempted suicide. The printed matter contains articles about Carlson's career as well as the establishment of the South African Bureau of State Security (BOSS"). Many opponents linked the Bureau to Carlson's passport confiscation. This series also includes "A Day of Hope," which is an article by Carlson about Nelson Mandela, and letters and clippings concerning Carlson's wife, Jeannette.

- b. 1 f. 1 Correspondence 1962 - 1964
- b. 1 f. 2 Home and School Council 1966 - 1969
- b. 1 f. 3 Statements regarding South African law undated
- b. 1 f. 4-5 *No Neutral Ground* undated
Includes book synopsis, galleys, and proofs.
- b. 1 f. 6 "A Day of Hope" 1990
- b. 1 f. 7 Miscellaneous resources and notes 1957 - 1970
- b. 1 f. 8 Printed matter 1969 - 1971
- b. 1 f. 9 Carlson, Jeanette – correspondence and articles 1964 - 1970

Mandela family representation 1966 - 1972

This series consists primarily of legal documents, correspondence, and clippings relating to the personal and legal matters in which Carlson represented Winnie Mandela and members of her family. It includes materials regarding the permits and violations stemming from Winnie Mandela's 1965 and 1970 banning orders, which prohibited her, respectively, from leaving Johannesburg for five years and from receiving visitors at her home. Several letters by Carlson reveal the difficult time she had finding employment under the 1965 order. The series also includes documents concerning Carlson's efforts to place Zanani and Zinziswa Mandela in a school in Swaziland during their parents' detainment.

- b. 1 f. 10 Mandela, Nelson – correspondence and legal documents 1952 - 1970
Mandela, Winnie – 1965 banning order
- b. 1 f. 11 Correspondence 1966 - 1969
- b. 1 f. 12 Legal documents and receipts 1965 - 1967
- b. 1 f. 13 Notes undated
- b. 1 f. 14 Clippings 1967 - 1968
- b. 1 f. 15 Madikizela, Tanduxolo – prosecution 1967 - 1968
- b. 1 f. 16 Mandela, Zanani and Zinziswa – education 1969 - 1970
Mandela, Winnie – 1970 banning order
- b. 1 f. 17 Correspondence and legal documents 1970 - 1972
- b. 1 f. 18 Clippings 1970 - 1971

Early cases 1957 - 1970

This series contains correspondence, legal documents, memoranda, and printed matter relating to Carlson's cases that did not involve a prison abuse investigation or a General Law Amendment, Communism, or Terrorism Act charge. The majority of this series, which is arranged chronologically, pertains to the earliest years of Carlson's legal career, when he worked on a variety of discrete matters. *Regina v. Solomon Matlapeng and Others*, 1955 - 1957, for example, concerns an assault accusation and tribal dispute, and *Sara Davids v. Lothian Court (Proprietary) Limited*, 1958, concerns a garbage issue. Several cases in this series demonstrate Carlson's advocacy for victims of apartheid. Farm Labor Scheme Cases include materials pertaining to Innocent Langa, the letters and memoranda Carlson authored to oppose the scheme, and news clippings revealing the public's reaction. *Ben Hlatshwayo and Joseph Ndhlovu v. Morgenzon Municipality*, 1958 - 1959, details the matter of two successful black businessmen whose residential permits were arbitrarily revoked by a disgruntled white Location Superintendent.

- b. 1 f. 19 *Regina v. Solomon Matlapeng and Others* 1955 - 1957
Also in Afrikaans.
- b. 1 f. 20 *Keimetswe Taukobong v. Regina* 1956 - 1957
- b. 1 f. 21 *Joosub Gani v. Regina* 1957
Farm labor scheme cases
- b. 1 f. 22 *Innocent Langa v. Max Herschowitz* 1957 - 1958
- b. 1 f. 23 *Maria Mahloane v. Bazil Feldt and Andrew Morgan v. Bazil Feldt* 1959
- b. 1 f. 24 General correspondence and memoranda 1959
- b. 1 f. 25 General printed matter 1959
- b. 1 f. 26 *Sara Davids v. Lothian Court (Proprietary) Limited* 1958
Ben Hlatshwayo and Joseph Ndhlovu v. Morgenzon Municipality
- b. 1 f. 27 Correspondence 1958 - 1959
- b. 1 f. 28 Legal documents 1958 - 1959
- b. 1 f. 29 Notes 1958 - 1959
- b. 1 f. 30 Financial records 1958 - 1959
- b. 1 f. 31 Pass law and permit cases 1959 - 1970
Wentzel, Rosemary Ann – abduction and detention 1964
- b. 1 f. 32 Correspondence
- b. 1 f. 33 Legal documents
- b. 1 f. 34 Notes
- b. 1 f. 35 Clippings
Bantu resettlement cases
- b. 1 f. 36 Individual cases – correspondence and clippings 1969 - 1970
- b. 1 f. 37 General printed matter and notes 1967 - 1970
- b. 1 f. 38 Nkumane, Nelson – appeal 1968

Prison abuse cases 1963 - 1971

This series comprises correspondence, newspaper clippings, medical examination reports, prison regulation guidelines, and legal documents pertaining to the inhumane treatment of detainees by the South African Security Police. The General Advocacy and Research files include Carlson's appeal to the Minister of Justice to investigate the conditions under which 90-day detainees were imprisoned, so that the perpetrators could be punished, victims could be compensated, and litigation could be avoided. Printed matter ranges from articles by medical experts whom Carlson employed to clippings on the seeming epidemic of deaths in detention.

The majority of this series consists of information about inquests and requests for inquests brought by the families of prisoners who died under suspicious circumstances while in detention. Two of the most significant cases in the series are those of Looksmart Ngudle and Julia Lenkoe: the first, because it brought the torture of political prisoners to the attention of an international public, and the second, because of government reprisals taken against Carlson during the trial. The Ngudle Correspondence speaks to police intimidation of Ngudle's family, Carlson's efforts to bring forward witnesses, and the coordination of expert medical evidence. Legal documents include an affidavit by Carlson detailing the difficulty he had in getting information from the Security Police. Much of the Lenkoe Correspondence deals with Carlson's attempts to find witnesses as well as Lenkoe's post-mortem reports. Carlson's notes in the Lenkoe case reveal his personal documentation of witnesses' statements and provide insights into his strategy. Because of Carlson's prominent standing in the international legal world, the Lawyer's Committee in Washington sent Dr. Alan Moritz, chief pathologist to the United States Armed Forces, to give evidence at Lenkoe's inquest.

Another important case in this series is *Joseph Helao Shityuwete v. The Commissioner of Police and Others*, 1967-1969, also referred to as "The Case of Gabriel Mbindi." Here, Shityuwete, one of the accused in *The State v. Tuhadelini and Thirty-Six Others*, applied to the Supreme Court to protect his fellow inmate, Gabriel Mbindi, from assaults by the Security Police. Correspondence details the Commission of Prisons' attempt to prevent Carlson from visiting his clients and Carlson's work to obtain a monetary settlement for Mbindi. The affidavits include statements by the Security Police as well as Mbindi's fellow inmates, who either witnessed or suffered similar assaults. In addition, the Shityuwete files comprise the official trial application that Carlson compiled for court as well as court orders, memoranda, invoices, and newspaper clippings. Carlson used Mbindi's settlement discussions as leverage to commute the sentence of another Tuhadelini defendant, Johannes Otto.

General advocacy and research

- b. 2 f. 1 Correspondence 1964 - 1969
- b. 2 f. 2 Solitary confinement medical report undated
 - Printed matter
- b. 2 f. 3 Medical articles 1955 - 1967
- b. 2 f. 4 Clippings 1961 - 1969
- b. 2 f. 5 U.S. Congressional Reports 1969 - 1970
- b. 2 f. 6 Prison regulations 1964 - 1965
- b. 2 f. 7 Mokhali, Simon and Andrew Tsanku – affidavits 1961
 - Ngudle, Looksmart Solwandle – inquest
- b. 2 f. 8 Correspondence 1963 - 1964
 - Legal documents
- b. 2 f. 9 Carlson Power of Attorney and affidavit 1963
- b. 2 f. 10-13 Transcripts 1963 October - November
 - Folder 13 contains an annotated duplicate of the November 1963 transcript.
 - Also in Afrikaans.
- b. 2 f. 14 Witness statements 1963
- b. 2 f. 15 Forensic report and medical examiner statement 1963

Prison abuse cases (cont.)

Ngudle, Looksmart Solwandle – inquest (cont.)

- b. 2 f. 16 Notes and memorandum 1963
 - b. 2 f. 17 Financial records 1963 - 1964
 - b. 2 f. 18 Clippings 1963
 - b. 2 f. 19 Kitson, Norma – application for psychiatric treatment 1964
 - b. 2 f. 20 *Zephaniah Mothopeng v. The State* 1964
 - b. 2 f. 21 Shopala, Leo – inquest 1966
Joseph Helao Shityuwete v. The Commissioner of Police and Others, "The Case of Gabriel Mbindi"
 - b. 2 f. 22-23 Correspondence 1967 - 1968
Legal documents
 - b. 2 f. 24 Affidavits (English) 1967
 - b. 2 f. 25-26 Affidavits (Afrikaans) 1967 - 1968
 - b. 2 f. 27 Answering affidavits 1968
 - b. 2 f. 28 Motions, memoranda, and orders 1967 - 1968
 - b. 2 f. 29-30 Comprehensive case volume 1968
 - b. 2 f. 31 Drafts and annotations 1968
 - b. 2 f. 32 Witness statements 1968
 - b. 2 f. 33 Notes undated
 - b. 2 f. 34 Financial records 1967 - 1969
 - b. 2 f. 35 Clippings 1967 - 1968
 - b. 3 f. 1 *Isaac Setshedi v. The State* 1968
 - b. 3 f. 2 *The State v. J. D. Tarshish* 1968
Kgoathe, Nicodemus – inquest
 - b. 3 f. 3 Correspondence and legal documents 1969
Also in Afrikaans.
 - b. 3 f. 4 Witness statements 1969
 - b. 3 f. 5 Clippings 1969*Julia Lenkoe v. The Minister of Police and Major T.J. Swanepoel*
 - b. 3 f. 6 Correspondence 1969 - 1971
Legal documents
 - b. 3 f. 7 Notices and motions 1969 - 1971
 - b. 3 f. 8-10 Transcript 1969
 - b. 3 f. 11 Opinion 1972
 - b. 3 f. 12 Witness statements 1969
 - b. 3 f. 13 Medical evidence 1969
 - b. 3 f. 14 Notes 1969
 - b. 3 f. 15 Financial records 1969
 - b. 3 f. 16 Clippings 1969
- Haron, Imam – inquest
- b. 3 f. 17 Legal documents and hearing transcript 1970
 - b. 3 f. 18 Printed matter 1969 - 1971

Suppression of Communism and Terrorism Act cases 1964 - 1971

The Suppression of Communism and Terrorism Act Cases series is divided into three subseries, The State V. Tuhadelini and Thirty-Six Others, Ndou et al. and Ramotse et al., and Additional Terrorism/Communism Cases.

The State V. Tuhadelini and Thirty-Six Others, 1967 - 1969, subseries consists of court records, correspondence, and financial documents relating to this trial. There is correspondence that details Carlson's trips to New York, Washington, DC, and London to raise international awareness about the case. Legal documents include evidence used in the trial in addition to affidavits, motions, and transcripts. Of particular interest are the transcripts recording judgment and sentencing, since Carlson's defense prevented the accused from being executed by the state. A collection of affidavits from American officials show South Africa's wrongful jurisdiction of the South West Africans (Namibians). Documents relating to the accused include the testimonies of the thirty-seven defendants, and in some cases, more fully developed personal statements detailing their recollections of arrest and abusive treatment in jail. These files also contain inquests, intake forms, powers of attorney, and handwritten notes and journals. Financial records demonstrate the personal expenses Carlson incurred for his clients while they were in jail. Printed matter, including proceedings from the United Nations, documents Carlson's efforts at promoting international awareness of the South West Africans' plight. Newspaper clippings, both local and international, editorialize on Carlson's anti-apartheid activism.

The Ndou et al. and Ramotse et al., 1969 - 1971, subseries consists primarily of court documents, legal correspondence, and statements by the accused in the above-named cases. Some of the documents are in Afrikaans. Since the government was not required to release information about Terrorism Act detainees, the earliest dated letters in the series reveal anxiety about the detainees' whereabouts and safety. Correspondence also highlights the women defendants' complaints about abuse in Pretoria Prison and Carlson's attempt to meet with Nelson Mandela on Robben Island to discuss Winnie's representation in the case. Several letters relate to Iris Madikizela et al. v. The Ministers of Justice and Police. Legal documents encompass materials filed by the prosecution and the defense with the Supreme Court of South Africa and issued by the court itself. Documents relating to the accused include handwritten statements by defendants; Carlson encouraged his clients to write extensively, recording corruption and abuses, and their statements attest to claims of mistreatment in prison and the condition of their arrests and detainment. This section includes handwritten materials by Winnie Mandela; Peter Magubane, an internationally well-known South African photographer; and Joyce Sikakane and Owen Vanqa, prominent South African journalists.

Each of the defendants was assigned a number by the prosecution. In Ndou et al., Ndou was "Accused No. 1," David Modau was "Accused No. 2," and so on. The numbers changed slightly when Ramotse was added to the case and three others were dropped. Ramotse became "Accused No. 1," Ndou became "Accused No. 2," etc. Carlson kept materials relating to the accused according to their numbers, and the arrangement of this sub-subseries follows that system. Folders are organized by the accused numbers, reflecting both the Ndou et al. and Ramotse et al. cases.

Through the spring of 1970, the detainees received significant English-language press. Many newspaper clippings in the printed matter center around student protests against the re-detention of the acquitted Ndou et al. defendants. Several documents demonstrate respected legal and humanitarian councils' condemnation of the Terrorism Act. There are also two folders containing correspondence and clippings relating to Mendel Levin, a South African attorney who attempted to represent the Ndou et al. defendants before Carlson was able to meet with them in prison. Several defendants allege in their statements that they were coerced into appointing Levin as their attorney. Carlson's files on Levin include materials that suggest Levin's dubious character.

Files relating to Iris Madikizela et al. v. The Ministers of Justice and Police consist mainly of court documents and legal correspondence concerning the application brought by friends and relatives to protect the defendants in prison. Princess Madikizela testified, along with others, about the violation of the standard rights of detainees. During their detention, the accused's families did not have visitation rights and

were not allowed to send the prisoners food, clothing, or medicine.

The Additional Terrorism/Communism Cases, 1964 - 1971, subseries contains correspondence and legal correspondence relating to miscellaneous cases in which Carlson represented defendants against Suppression of Communism or Terrorism Act charges. Included in this subseries are materials concerning the Bakubung tribe's attempt to resist its mandated relocation and the subsequent prosecution of those refusing relocation, led by Lucas Monnokgotla, under the Terrorism Act. Perhaps the most notable case in this subseries is *The Secretary for Justice v. Nelson Rolihlahla Mandela*, 1967 - 1968, which relates to Nelson Mandela's conviction for leaving South Africa without a permit and for inciting people to strike in May 1961. Correspondence reveals Carlson's role as liaison between Nelson and Winnie Mandela as well as Nelson's alleged ill-treatment by prison authorities, a blocked attempt by the Secretary of Justice to have Nelson's name removed from South Africa's Roll of Attorneys, and his involvement with the Communist Party of South Africa.

The State v. Tuhadelini and Thirty-Six Others (SWAPO) 1967 - 1969

- b. 3 f. 19-22 Correspondence 1967 March - 1968 August
 - Legal documents
 - b. 3 f. 21 Drafts ca. 1967 - 1968
 - b. 3 f. 22 Charge and indictments 1967 - 1968
 - b. 3 f. 23 Notices, pleadings, and applications 1967 - 1968
 - b. 3 f. 24 United Nations affidavit 1967
 - b. 3 f. 25 Evidence undated
 - b. 3 f. 26 Memorandum on evidence undated
 - b. 3 f. 27 Orders and judgments 1967 - 1968
 - Also in Afrikaans.
 - Appeal 1968
 - b. 3 f. 28 Applications and judgment
 - b. 3 f. 29 Transcript, vol. 1
 - b. 4 f. 1 Transcript, vol. 4
- Documents relating to the accused
 - Also in Afrikaans.
 - b. 4 f. 2 Tuhadelini, Eliaser, #1 1967 - 1968
 - b. 4 f. 3 Nankudhu, Johannes Otto, #2 1967 - 1968
 - b. 4 f. 4 Shihungeleni, Simeon, #3; Shilongo, Julius, #4 1967 - 1968
 - b. 4 f. 5 Zachariah, Lazarus, #5; Shimuefelini, David, #6 1967 - 1968
 - b. 4 f. 6 Shityuwete, Joseph, #7; Emandjo, Bino, #8; Nehale, Festus, #9 1967 - 1968
 - b. 4 f. 7 Haufiko, Nghidipo Jesaha, #10; Shifidi, Emanuel Augustinos, #11; Tjipahura, Kaleb, #12 undated
 - b. 4 f. 8 Kadhikwa, Rudolf, #13; Haluteni, Abel, #14; Nunjango, Betuel, #15 1967
 - b. 4 f. 9 Ushona, Malakia Shivute, #18; Shiponeni, Johannes Samuel, #19; Kamati, Petrus, #20; Machuiril, Immanuel Gottlieb Nathaniel, #21 1966 - 1967
 - b. 4 f. 10 Otto, Johannes G., #22 1966 - 1967
 - b. 4 f. 11 Mutumbulua, Jason Daniel, #23 1966 - 1967
 - b. 4 f. 12-14 Jatoivo, Toivo Herman, #24 1966 - 1967
 - b. 4 f. 15 Joseph, Matheus, #25; Nashivela, Jonas, #26; Homateni, Nathanael Lot, #27; Shitilifo, Philimoni, #28; Hamulemo, Simeon Namunganga, #29 1966

Suppression of Communism and Terrorism Act cases (cont.)
The State v. Tuhadelini and Thirty-Six Others (SWAPO) (cont.)
Documents relating to the accused (cont.)

- b. 4 f. 16 Nailenge, Shinima, #30; Tshaningau, Ndjaula, #31; Itika, Sakeus Phillipus, #32; Iputa, Simeon Ipinge, #34 1966
- b. 4 f. 17 Amugulu, Naftali, #35; Nilenge, Petrus Simon, #36; Nambinga, Rehabeam Olavi, #37 1966
- b. 4 f. 18 Miscellaneous documents about multiple accused 1967
- b. 4 f. 19 Financial records 1967 - 1968
- Printed matter
- b. 4 f. 20 Relating to the Terrorism Act and the status of South West Africa 1967 - 1970
- b. 4 f. 21 Relating to case 1967 - 1969
- b. 4 f. 22 Clippings 1967 - 1971
- b. 4 f. 23 United Nations records and reports 1967 - 1972
- b. 4 f. 24 Articles by Jock Campbell, financial backer for defense 1957 - 1966
- The State v. Ndou et al. and Ramotse et al.* 1969 - 1971
- b. 5 f. 1 Correspondence 1969 - 1971
- Legal documents
- b. 5 f. 2 Ndou et al 1969
- b. 5 f. 3-5 Ramotse et al 1970 June - September
Includes undated memoranda.
- b. 5 f. 6 Ndou and 18 Others 1970
- Transcripts
- b. 5 f. 7 Ndou et al 1969
- b. 5 f. 8-10 Ramotse et al 1970
Includes volumes 2-5.
- Documents relating to the accused
- b. 5 f. 11 Ndou, Samson – Ndou #1, Ramotse #2 1969 - 1970
- b. 5 f. 12 Modau, David – Ndou #2, Ramotse #3 1969 - 1970
- b. 5 f. 13-15 Mandela, Winnie – Ndou #3, Ramotse #4 1969 July - 1971
- b. 5 f. 16 Mahlaule, Jackson – Ndou #4, Ramotse #5 1969 - 1970
- b. 5 f. 17 Shabangu, Elliot – Ndou #5, Ramotse #6 1969 - 1970
- b. 5 f. 18-19 Sikakane, Joyce – Ndou #6, Ramotse #7 1969 - 1970
Includes handwritten statements, intake forms, typed statements, and correspondence.
- b. 5 f. 20 Matshaba, Paulus – Ndou #7 1969 - 1970
- b. 5 f. 21 Ndzanga, Lawrence – Ndou #8, Ramotse #8 1969 - 1970
- b. 5 f. 22-23 Ndzanga, Rita – Ndou #9, Ramotse #9 1969 - 1970
- b. 6 f. 1 Zikalala, Joseph – Ndou #10, Ramotse #10 1969 - 1970
- b. 6 f. 2 Tsotetsi, David – Ndou #11, Ramotse #11 1969 - 1970
- b. 6 f. 3 Mazituela, Victor – Ndou #12 1969 - 1970
- b. 6 f. 4 Mokwebo, George – Ndou #13, Ramotse # 12 1969 - 1970
- b. 6 f. 5 Nobanda, Joseph – Ndou #14, Ramotse # 13 1969 - 1970
- b. 6 f. 6 Pholotho, Samuel – Ndou #15, Ramotse # 14 1969 - 1970
- b. 6 f. 7 Mosikare, Simon – Ndou #16, Ramotse # 15 1969 - 1970
- b. 6 f. 8 Mvemve, Douglas – Ndou #17, Ramotse # 16 1969 - 1970

Suppression of Communism and Terrorism Act cases (cont.)

The State v. Ndou et al. and Ramotse et al. (cont.)

Documents relating to the accused (cont.)

- b. 6 f. 9 Mngoma, Venus – Ndou #18, Ramotse #17 1969 - 1970
- b. 6 f. 10 Dlamini, Martha – Ndou #19, Ramotse #18 1969 - 1970
- b. 6 f. 11 Vanqa, Owen – Ndou #20, Ramotse #19 1969 - 1970
- b. 6 f. 12 Moncoko, Livingstone – Ndou #21 1969
- b. 6 f. 13 Magubane, Peter – Ndou #22, Ramotse #20 1969 - 1970
- b. 6 f. 14 Ramotse, Benjamin – Ramotse #1 1970
- b. 6 f. 15 Documents relating to witnesses 1969 - 1970
- b. 6 f. 16 Chronology undated
- b. 6 f. 17 Ndou et al. – charts and indices undated
- b. 6 f. 18 Ndou et al. – descriptions of defendants' alleged terroristic activities undated
- b. 6 f. 19 Handwritten notes undated
- b. 6 f. 20 Financial documents 1970
- b. 6 f. 21 Constitution of the Federation of South African Women 1961
- b. 6 f. 22 Mendel, Levin 1955 - 1972
- b. 6 f. 23-24 Clippings 1969 June - 1970 December
- b. 6 f. 25 Ndou et al. – expressions of support 1970
Madikizela et al. v. The Ministers of Justice and Police 1970
- b. 7 f. 1 Correspondence
- b. 7 f. 2 Legal documents
- b. 7 f. 3 Transcripts
- b. 7 f. 4 Notes and annotations
- b. 7 f. 5 Financial records
- Additional terrorism and Communism cases 1964 - 1971
- b. 7 f. 6 General printed matter 1969 - 1971
- b. 7 f. 7 *The State v. Robert Sobukwe* 1966 - 1971
- b. 7 f. 8-9 *The State v. John Nyati Pokela* 1966 - 1967
Includes correspondence, legal documents, and statement.
- b. 7 f. 10 *The State v. Everitt T. Kalake* 1967
- b. 7 f. 11 *The Secretary for Justice v. Lewis Baker* 1967
- b. 7 f. 12 *Wilson Sali and Winard Mati v. The State* 1967
- b. 7 f. 13-15 *The Secretary for Justice v. Nelson Rolihlahla Mandela* 1967 - 1968
Includes correspondence, legal documents, and statement.
- b. 7 f. 16 *The State v. Norman Levy and Others* 1967 - 1968
- b. 7 f. 17 Mkwayi, Wilton 1967 - 1968
- b. 7 f. 18 *The State v. Alexander Sobantu Mlonzi* 1968
- b. 7 f. 19 Dodo, F. – banning order 1968 - 1969
- b. 7 f. 20 Thoane, Thekise Abram – detention 1969
The State v. Simon Monnakgotla and Others
- b. 7 f. 21 Correspondence 1966 - 1969
- b. 7 f. 22 Legal documents 1968 - 1969
- b. 7 f. 23 Documents relating to the accused 1969
- b. 7 f. 24 Notes and memoranda 1968 - 1969

Suppression of Communism and Terrorism Act cases (cont.)

Additional terrorism and Communism cases (cont.)

The State v. Simon Monnakgotla and Others (cont.)

- b. 7 f. 25 Clippings 1969
- b. 7 f. 26-28 *The State v. Messack Victory and Others* 1969
Includes legal documents (charges, sentencing, and transcript) and clippings.
- b. 7 f. 29 Serote, Wallace – Power of Attorney 1970
- b. 7 f. 30 *Jonas Shishileni Shimuefeleni and Others v. The State* 1970
- b. 7 f. 31 April, James Edward – indictment 1971