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# THE CAPE TIMES

EDITORIAL OFFICES • 77 BURG STREET • CAPE TOWN

P.O. BOX 11 • PHONE 41-3361 (WITH EXTENSIONS)

4 Nov 65

Dear Alan,

Thanks for your telegrams.

Gerald Gordon and Brian Bamford have decided that I have a strong case on three points:

(a) That the Dagbreek headline, particularly the "In Geselskap van Kommuniste" one, taken in conjunction with the photograph and the lack of discrimination between communists and others in the text, can be taken as clear indication to readers that I am a communist. There is also a Cape Supreme court decision by Diemont (Argus vs McNaught 23 June 1963) that ordinary readers read only headlines.

(b) That, even more strongly defamatory, is the statement that I "am" (is) a contributor, by implication a regular contributor, to New African as it is now published in London and with its present policy, which can be read as one encouraging or fully sympathising with violence. The last time I contributed to New African, my second contribution, was in August 1963. Added to this is the fact that New African is today a banned paper and has had its licence withdrawn. At the time of my contributions however the newspaper had a policy of nonviolence and was a legitimate publication freely distributed.

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(3) In the caption to the photograph there ~~there~~ are two inaccuracies. First of all I did not write for Colliers Encyclopaedia, but for ~~Yearbook~~ Colliers Yearbook, and the "opskudding" did not concern my writing, which was clearly said by the Colliers people at the time. Secondly I was not officially kicked out of Parliament for my writings but because I had transgressed a Speaker's ruling on a technicality. We know, of course, that this was the excuse to kick me out, but it is impossible for either Dagbreek or the Speaker to say, considering what was said at the time. This all adds on to the history of an 18 months campaign against me by Dagbreek and Vaderland in which malice is very clear.

My first move will be to send them a stiff letter demanding that it be published. If they refuse it will strengthen my case greatly, although it hardly needs strengthening. If they print we will still go ahead for damages, and, of course, publicity.

The niggling hitch at the moment is a doubt whether the Cape Times will support me financially in this action. It's just possible that they won't because they feel I have been getting into too much trouble, and may drag them into more. We are now looking round Cape Town in search of financial support in case the C.T. is not forthcoming. We have fair hopes of getting other support, though not absolutely certain ones.

I think the case is a good one to pursue as far as possible. It shows Nat press methods in a very bad light. It is also in the context of an attempt to smear an Afrikaans poet.

Regards, Tony.

23 Lynton Road,  
KLOOF,  
Natal.

15th November, 1965.

Dear Tony,

I have at last received your letter of November 4. I would like very much to join you in the action on the following grounds.

1. Substantially the same as your para (a).
2. My second reason is also substantially the same as yours but even stronger in that a couple of months ago I wrote to Nkosi and said that I could not contribute to the NEW AFRICAN particularly as it listed the Banshee murderers amongst the martyrs.

I have however two reasons for feeling very doubtful about taking any action. The first is that I doubt, in the situation where there is a total absence of dialogue, whether DAGBREEK can do me any damage to my reputation, which as you know, is on one side quite high, and on the other side quite low. My second reason is stronger. I gave evidence in mitigation at the Rivonia trial, and I could quite imagine appearing before a judge who asked me how I could expect anything else than to be regarded as a Communist when I had taken a step of this kind. Such reasoning would have been unheard of in 1948, but it is not so in 1965. What I would feel much more deeply than the defamation would be if I were to lose the action and a couple of thousand pounds into the bargain.

I don't quite know what the etiquette is in these matters, but Gerald Gordon is an old friend of mine and he might tell you his reaction to this letter. If he strongly rejects my last argument, then I would seriously consider joining you.

Yours sincerely,

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