

April 30, 1965

Fact Sheet on the Pending Cases of Deportation
of Five Africans to Apartheid in
The Republic of South Africa

The Question. Will The United States deport five men to lives of apartheid in the Republic of South Africa?

The Law. Section 243 (h) of the Immigration and Nationality Act, provides that "No person shall be deported to a country where, in the opinion of the Attorney General, he will be subjected to physical persecution." The Attorney General, under this provision, is required to seek the advice of the Secretary of State before he reaches a final decision. Up to now the Attorney General has refused to recognize that Africans are daily persecuted merely because they are black and not necessarily because they engaged in individual acts of political opposition to the South African government.

The Facts. 22 Africans entered the United States in February, 1964, under special visas as entertainers to appear in the play Sponono, which had been long successful in Africa. Unfortunately, Broadway was unreceptive and the play folded after 17 performances. Their manager was able to secure work for them as "Zulu Dancers" in the African Pavillion of the Worlds Fair. After their visas had expired, half of the group voluntarily returned to Africa. Five others were able to obtain sponsorship and secure student visas to remain temporarily in the United States. Another has married an American citizen and his status will be adjusted to that of permanent residence in the United States. The remaining five who refused to board the plane that was to return them to South Africa are now seeking asylum here.

The Men. Paul Makgoba is 29 years old, was born and went to school in Johannesburg where he got a junior certificate [elementary school]. He was a city employee before he became an actor and has been arrested several times merely for failure to produce a pass.

Herbert M. Manana, for more than 15 years was employed as a policeman in the Ministry of Native Affairs of the Republic of South Africa. In 1962 he sent his two oldest daughters to Swaziland to avoid their continuing their schooling under the degrading Bantu educational system. Just before the Republic of South Africa closed the border he sent his wife and two youngest children to Swaziland. Herbert is a gifted composer who has sung with Miriam Makeba. He wants to reunite his family.

Ernest T. Mohlomi is 33 years old and is also from Johannesburg. His father died when he was 16, and he did odd jobs to support the family until 1954 when he became an entertainer. Ernest's petition states, "I wish to further my studies [high school] in the United States because all avenues are closed to me in South Africa."

Obed Mabalane Dira is 33 years old, is married and has a 2 year old baby daughter named Desiree. In South Africa he was a boxer and then an actor. He also has been arrested under the Pass Law.

Victor Bekithema Shange is 23 years old. Like the others he has appeared with Harry Belafonte. And, along with them, he favors singing a song called "Bayangizonda" ("I am being hated for no particular reason").

The Current Status. The fourth session of hearings before a Special Inquiry Officer of the Immigration Service was concluded on April 27, 1965. The defense presented the testimony of the men themselves as to the conditions under which they were forced to live and work in the Republic of South Africa. In addition, Dr. Leslie I. Rubin, a founder and vice president of the Liberal Party of South Africa under Alan Paton -- now Professor of Comparative Government at Howard University at Washington D. C. -- testified in detail on the more than one hundred Apartheid Laws that circumscribe and confine the African in his native land. Rowland Watts, President of the Workers Defense League, John C. Somers of Blumenthal, Somers, and Goldstick, and Alan Richard Kasdan are the attorneys in the cases.

Mrs. Elizabeth Franklin, former Secretary of the Liberal Party and of the Johannesburg Defense and Aid Fund -- recently arrived in the United States -- movingly testified to the actual operation of these laws, such as compulsory resettlement with separation of man and wife, and mother and children.

At the close of the last hearing Mr. Nathan L. Levine, government Trial Attorney, requested a postponement of the final decision until he could obtain and submit an opinion and recommendation from the State Department.

What You Can Do. You can help in preventing the deportation of these men to probable imprisonment and certainly to a life of degradation in South Africa. The State Department is now considering the government attorney's request for advice and recommendation. Write Secretary of State Dean Rusk urging that he tell Attorney General Nicholas deB. Katzenbach to withhold deportation of these men. Send a copy of this letter, with a covering note, to Attorney General Katzenbach. Ask your Congressman and Senators to take a concern with this case. (Please also send, if possible, a copy of your letter to either of the organizations listed below.)

This fact sheet is prepared by the American Committee on Africa and the Workers Defense League, that are cooperating in the defense of these cases.

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