

Prisoner to the end

PATRICK LAURENCE

BRAM FISCHER, 66, a leading member of the banned Communist Party and a former QC, spent almost all of the last eight years of his life in the maximum security section of Pretoria Central Prison.

Fischer, a member of the central committee of the Communist Party of South Africa, was sentenced to life imprisonment in May 1966. He was found guilty of conspiring to commit sabotage, of contravening the Suppression of Communism Act, of using an assumed name and of forging a driver's licence and an identity card.

His trial came after a massive manhunt set in operation when he went underground in January 1965 and lived for 10 months as a fugitive. His decision to go into hiding came between his temporary arrest in September 1964 and the scheduled date for his trial under the Suppression of Communism Act some three months later.

Fischer was born in April 1908 in the Free State. His family was one of the leading Afrikaner families there. His grandfather was Prime Minister of the Orange River Colony, as the Free State was known in the years immediately after the Anglo-Boer War. His father was a Judge President of the Free State.

The young Fischer went to Grey College in Bloemfontein and afterwards to the old Grey University College, where he read law.

As a young man he was an outstanding sportsman and a brilliant scholar. He played rugby against the All Blacks and tennis for the Free State and was awarded a Rhodes Scholarship to study for two years at New College, Oxford.

His first years of manhood were years which saw the resurgence of Afrikaner nationalism under the leadership of General Hertzog, founder of the original National Party. Afrikaner nationalism attracted him initially — in 1929 he became the first Nationalist "Prime Minister" of a student parliament.

His excellent brain, his impeccable Afrikaner credentials — his father's home was

ransacked and burnt during the Anglo-Boer War — and the rising tide of Afrikaner nationalism all seemed to point to high office for him. His peers talked of him becoming either Prime Minister or Judge President.

But then, in the early 1930s, he took a decision which was to change his whole life — he joined the Communist Party of South Africa.

The Communist Party was still legal in those days, but even then Fischer's decision put him beyond the pale in the eyes of the White community — and ended all chances of rising to high office.

"I do not believe he was at the time a Marxist," a distinguished South African newspaper editor, who was at school and university with Fischer, wrote when the communist leader went into hiding.

"His primary motive was to assist the under-privileged Africans. He felt strongly they were not getting a square deal and that more should be done for them. There was no White parliamentary party in South Africa which had a pro-African policy (and) the Labour Party traditionally the workers' party, was in a state of decline and about to die.

"The Communist Party appeared to offer the best opportunity for one whose purpose was to secure political rights for Africans. At the time, of course, the Communist Party was not outlawed."

In between his political activities, Fischer continued his career as an advocate. He was to combine both interests when he helped the African National Congress (ANC) draw up a new constitution.

In 1948 the National Party came to power under Dr Malan. It banned the Communist Party in 1950. Fischer did not abandon his communist convictions. He remained a secret member of the central committee of the now illegal Communist Party, but on the surface he acquired a new image as a respected and skilled member of the legal profession.

During the 1950s he kept out of the political limelight for the most part, except perhaps as joint leader for the defence in the five-year long Treason Trial. Initially charged in 1956, the last of the treason trialists were eventually acquitted in March 1961.

But by then the situation had changed radically. In March 1960, the Sharpeville shootings took place. Shortly afterwards both the African National Congress and the Pan-Africanist Congress were banned. Key members of the ANC, as well as the Communist Party went underground to plan to overthrow the State by sabotage.

That was where Fischer came in again. While living a respectable life politically he was working hand-in-glove with key members of the Umkhonto we Sizwe (Spear of the Nation), the underground arm of the ANC which was organising sabotage as a prelude to revolutionary warfare.

The first of the immediate steps which were to lead to Fischer's arrest came in July 1963, when leading members of the underground High Command were arrested at their hideout in Rivonia. Fischer appeared for the defence at the Rivonia Trial. Most of the accused, including Nelson Mandela and Walter Sisulu, were sentenced to life imprisonment in July 1964.

They had barely set foot on South Africa's maximum security prison complex on Robben Island when Fischer himself was arrested and detained under the 90-day law. He was later released but then re-arrested in September and charged under the Suppression of Communism Act.

He was granted R10 000 bail to attend the final hearing in London of a long, drawn-out legal battle between two British pharmaceutical firms The Privy Council, the highest court in Britain, decided in favour of Fischer's client.

He returned to South Africa in November, but failed to appear in court on January 25. He had gone into hiding. For 10 months he lived as "Mr Black." He grew

a neatly tapered beard and a small moustache. His hair was shaved back to alter the appearance of his face.

Fischer was arrested by Security Police in November 1965. He was brought to trial three days later. During the trial in Pretoria he addressed the court for three and a half hours. The address was a political statement of faith.

He concluded by quoting the words of a great Afrikaner, President Paul Kruger, of the old South African Republic. On the eve of the Anglo-Boer War, President Kruger told his burgers: "With confidence we place our case before the entire world. Whether we are victorious or whether we die, freedom will arise in Africa like the sun in the morning clouds."

When the court adjourned after he had been sentenced to life imprisonment, Fischer gave the ANC salute to the public gallery.

When he turned 65 in April last year, calls for his release were made by several prominent people, including Professor Chris Barnard and Archbishop Denis Hurley.

They were ignored by the then Minister of Justice and repudiated by the United Party shadow Minister of Justice, Mr Mike Mitchell. According to Mr Mitchell, Fischer had been convicted of a crime "more heinous" than rape or murder.

Against Mr Mitchell's assessment is that Afrikaans novelist Andre Brink that history will acclaim Fischer as one of South Africa's greatest sons.

In May last year Fischer was taken to the H. F. Verwoerd Hospital for observation. In August it was learnt that he had undergone an operation. In December he was re-admitted to hospital, when it was discovered that he had cancer.

During his last days the Minister of Justice, Mr Jimmy Kruger, eased the restrictions on visits from his family.

But Mr Kruger refused to heed world-wide appeals for clemency — on the grounds that Fischer had not changed his views, and might still recover to constitute a political danger to the State.