

INSTITUTE OF CURRENT WORLD AFFAIRS

JBG-36
Kenyatta Trial

Kitale, Kenya
6 December 1952

Mr. Walter S. Rogers
Institute of Current World Affairs
522 Fifth Avenue
New York 36, New York

Dear Mr. Rogers:

The Mau Mau disturbances in the area north of Nairobi have not been halted, as I described in my last three newsletters. The center of interest now, however, is Kapenguria, a tiny location in the closed West Suk District, some 250 miles road distance northwest of Nairobi and 25 miles north of the white settler center of Kitale. Here Jomo Kenyatta, the President of the Kenya African Union (KAU)¹; a legitimate political party, is standing trial for (among other charges) managing the secret Mau Mau terrorist society, and five other African officials of the KAU are being tried for assisting in the management.

The trial of the six African political leaders had been opened on November 24th, but since I had advance information that the defense would request an adjournment and that an adjournment would be granted, it seemed best to use this interim for a quick survey of the north-of-Nairobi disturbed area. I arrived at Kitale on late December 2nd. After some difficulty in obtaining a pass (because there had been a breakdown in arrangements made by the Kenya Information Office) I saw the Senior Police Officer, Kitale, who, after looking at my press credentials, provided me with a permit to attend the proceedings. I was present at the reopening of the trial at 10 a.m. on December 3rd, and after three days of listening can give you a summary of the proceedings with a few perhaps useful reflections.

The court house, improvised from a school building just outside Kapenguria, is some 15 miles inside the closed district. The entire legal staffs, some twenty press representatives, and onlookers must drive from outside the district each morning and return each evening. The drive north of Kitale, first through the broad farms of this corner of the European highlands, then through the native reserve area inside the closed district is beautifully scenic. The pleasant view of Mount Elgon, constantly visible to the west, makes one forget the bumpy dirt road. At this time in the year the country is green and the deep verdure on the slopes attests to the richness and productivity of the land. Corn fields are flourishing along with millet and cattle grasses. The days this time in the year are bright with only scattered clouds after early morning. Some two miles inside the boundary of the closed district all cars are halted at a road barrier and passes are checked by a police officer.²

1. In the courtroom KAU has been pronounced "cow."
2. The passes which are issued by the District Commissioner, Kapenguria, or by the Senior Police Officer, Kitale, are the routine passes normally required for travel into any closed area of Kenya Colony. I needed the same sort of pass when I drove into Northern Frontier District in 1951.

Outside the court house, while the prisoners were being driven in in a guarded truck and the spectators, press, and officials were moving into the room, two armored cars and a number of King's African Rifles and Kenya Regiment soldiers stood a casual sort of guard. Other than the road block a few miles down and two police officers sitting in the court room itself, I saw no further security arrangement. This small guard seemed more than adequate here, but if the trial had been held in a less remote, Kikuyu-inhabited locale, the security problem would have been much greater. No part of the scene had a grim or prison-like appearance. The prisoners, appearing well-fed and smiling, filed into the side door to a clicking of press cameras and a friendly waving of hands from the defense counsel and a few of the spectators.

The school building is high ceiled, large windowed with a red tile roof built for coolness. The largest classroom had been rearranged as a courtroom. The front of the room held a large table on an elevated platform for the magistrate, and a rectangular beam enclosure with a wooden bench for the accused was placed along the wall to the justice's right. Tables for the prosecution and the several members of the defense counsel were nearby facing the judge. Immediately in front of the judge a small table was placed for stenographers and to his left was a table for the interpreter. This was a Magistrate trial, under the special powers of the emergency regulations, and there would be no jury.¹

Perhaps it would be worthwhile to describe the officials seen by the court audience. The magistrate himself, the elderly retired Justice Thacker reappointed for this particular case, in black robe, white neck fittings, and heavy horn-rimmed glasses, had a very austere face and an appearance of unshakeable forensic dignity. He reminded me of a cartoon by Peter Arno. Immediately to the left of the judge sits Dr. I.S.B. Leakey, the court interpreter, famed for his discovery of proconsul, the near-human ape remains, and as Curator of the Coryndon Museum, Nairobi. He is reputed to know more about the Kikuyu tribe and Kikuyu tribal politics than any other European. With his shaggy white hair, a wrinkled tweed jacket and casual khaki trousers, he well looked the part of the disinterested professor. Mr. Somerhough, the Crown Prosecutor, was a huge man, not unlike Charles Laughton from the rear. Bulking the seams of his black jacket, his slow, coordinated gestures suggested a temperament that could resist the tumult of any courtroom. His round faced smile appeared natural enough - though as the trial moved on he was able to turn it on at very incongruous moments.

Mr. D.N. Fritt,² the leading defense counsel, with his prominent curved nose, florid complexion, shining pate and jutting paunch looked like some movie comedian whose name I cannot remember. At 69, his rumored age, he appeared to be suffering from few infirmities, but he requested frequent short recesses and later confided to me that it was his diabetes that was making him beat a path from the school-house door to the improvised latrine. He is stooped at the shoulders, but has the

1. The West Suk District has been declared a special district and a first class magistrate thereby empowered to pass sentences normally passed by Supreme Court justices, subject to confirmation and appeal. Confirmation and appeal authorities above the magistrate level consist of a) the Supreme Court, b) the Eastern African Court of Appeals, c) the Judicial Committee of the Privy Council (in rare instances).

At the moment I do not know the outside limit of punishment which Kenyatta could receive under the first two charges of managing and membership in the Mau Mau, but it would be something over ten years imprisonment.

2. According to the Kenya Weekly News of December 5, 1952, D.N. Fritt, Q.C. recently represented Simon Zukas, European Vice President of the Northern Rhodesia African Congress, who was ordered deported from Northern Rhodesia. In December, 1950 he travelled to India to appeal the death sentences of 17 communists found

most aggressive mien of any European participant. To his left at the defense table sat a well-dressed young Indian, Mr. A.R. Kapila, and Mr. D.J. Thompson, the round-faced intelligent-looking Jamaican with whom I went shooting near Moshi.

The accused from left to right were an illustration of the diversity of racial types of East Africa. If you can imagine a three way compromise between Bacchus, a lightly bearded satyr, and a black-skinned depiction of Christ you have a pretty good idea of Jomo Kenyatta's face and head. He wore a pair of corduroy trousers and a buff colored zipper jacket with a heavy belt backed in colored bead work. No longer in his physical prime, his smile has several gaps, but his eyes are extraordinarily bright and the stare he kept directed at the witness stand was penetrating. At Kenyatta's left sat Fred Kubai, a labor leader (truck and taxi drivers) now Secretary of the Nairobi branch of KAU. He has a slightly heavier beard, darker skin and - though a younger man - duller eyes. His face reacted less to the testimony and once I saw him appear to go asleep. Next left sits a taller, younger man, extraordinarily handsome, dressed in a neat grey suit. But for his dark skin and kinky hair he could pass for an American movie star. His name is Richard Achieng Oneko and he is a Jalu. His record includes membership in the Nairobi Municipal Council and the presidency of the KAU central committee. As one of the two KAU representatives he traveled to Paris and London to present the organization's land case last year to UN and the Colonial Office. Fourth from the left is Bildad M. Kaggia whose background includes service in the army and secretaryship of the Nairobi branch of KAU. He is a very small spare man wearing a full beard, least impressive of all the accused. Fifth in the line is Paul Ngei, almost as handsome as Oneko, squat-figured with high cheek bones, an extremely strong mongoloid face, and soulful almond eyes. He is a member of the Wakamba tribe which inhabits the area to the southeast of the Kikuyu's, and like Oneko of the Jalu to the west, his association with KAU represents, I think, an attempt particularly on the part of Kenyatta to claim a broader African rather than exclusively Kikuyu composition of the KAU. Kungu Karumba is the last in line. Perhaps because he is older he has the tribal marks of slightly stretched ears with a hole the size of an American cent in each lobe. He is a member of the KAU executive committee and chairman of a branch near Kiambu. The individual members of the three races represented inside the rail seemed to compete for distinctiveness. It was a fine range in the courtroom - from a pale-skinned austere looking British Justice to the stolid, stone-age visage of Kubai - and more colorful than the assemblage at the war crimes trials in Tokyo. A Brooklynite might call the gathering a collection of "characters."

A large two-thirds of the room, partitioned off by a shallow beam barrier, held some 75 spectator seats, 30 of which had schoolroom desks marked "reserved for press." Most of the spectators and press were European, other races having but a scattered representation. Newspaper men from England, South Africa, and the local representative of a West Indian newspaper attended, some of whom left during long translations and readings-back of testimony to drive furiously back to Kitale and file quick messages. The non-press spectators were largely local settlers, including both young active farmers and some retired army colonels. The atmosphere, since this was a magistrate's court, was informal. The spectators and press came

guilty of murder. This case was dismissed. In December, 1950 he was invited to defend 11 communists in Washington, D.C.

loose collared and in some cases without wearing a coat. I had rushed to a Kitale dress shop and made a hurried purchase to prevent my wife being in contempt for not wearing a hat, but the magistrate, though of very starchy visage - unsmiling, almost grim - did not enforce this British custom. He also allowed a good deal of giggling and side conversation among the audience.

The only formality observed was that we all arose when the magistrate had entered. As soon as he was seated and had picked up his pen (for every word of testimony was to be recorded in the magistrate's own hand writing) the defense counsel, Mr. Fritt, arose. After introducing his associates Mr. Kapila and Mr. Thompson, he stated that since the accused were ordinary people being tried on ordinary charges they should be granted bail. The magistrate refused this request, denying that these prisoners were "ordinary" persons and that the accusations were "ordinary" charges. Mr. Fritt also requested that the cross-examination of crown witnesses be allowed to be postponed and that the court adjourn at three instead of four o'clock the first day, and these requests were granted. Mr. Fritt also stated his dissatisfaction with the arrangement of the accused bench, the interpreter's chair, the witness stand and the defense counsel's chairs and tables. The furniture was shifted as he wished.

Mr. Somerhough then arose. There had been a good deal of conjecture as to how he would build his case since it was conceded by the Crown that the Mau Mau society has no list of membership, no written constitution, and no written records. Many doubted his ability to gather enough admissible evidence, and the Prosecutor's opening statement seemed to reinforce this uncertainty. After going through the list of necessary remarks, that the Mau Mau was declared a dangerous society and proscribed in August 1950, that Government Notice No. 913 of 12 August 1950 under the Penal Code was the proscribing document, that charges extend from 12 August 1950 to 21 October 1952, he went on to describe the nebulous unrecorded nature of this secret society. He referred to the Mau Mau as a militant wing - the Stern Gang, if you will - of KAU. He conceded that a person could be a member of KAU and have nothing to do with Mau Mau. He then said that Kenyatta would be associated, by the Crown's evidence, with Mau Mau in its early days and the prosecution would also show that Kenyatta had held a continuous managing role in the society after it had been proscribed. He then formally enumerated the names and identified the accused.

The first day of the trial, the 3rd of December, two witnesses testified. The first was a Criminal Investigation Department (C.I.D.) police officer, who went through a routine recitation of the arrests. The accused had made no positive statements. None of them made revealing statements except Karumba who seemed to deny that he followed Kenyatta exactly, and who said that any person who said "I stay with Jomo Kenyatta and Achieng must go to court. I work at Ndeya and at home." With the conclusion of the C.I.D. officer's testimony, the audience slumped low in their chairs and I overheard a newsman in front of me say that it would take more lively action than this to make a case against Kenyatta.

The Prosecution then called in a second witness, an African, a trader and a neighbor of Kenyatta's. He was a small stoop-shouldered Kikuyu who requested that he be allowed to give his testimony in English because he "could express himself better than in his own language." When he entered the courtroom Kenyatta smiled

broadly and whispered to Kubai. The witness stated, and the judge officialized, a request that his name not be published by the press. He cited the murder of other witnesses against Mau Mau. This witness after the routine identification questions gave a detailed account of an informal drinking party in March 1950 followed by a clearly identifiable Mau Mau initiation ceremony which he testified took place in a kitchen shack near Kenyatta's home and was presided over by Kenyatta. He spelled out the procedure carefully, telling that the initiate passed under an arch of banana and sugar cane leaves seven times, repeated the Mau Mau oath seven times, placed his lips to the removed and pierced eyes of a slaughtered goat, and finally was cut seven times on the arm near the wrist. The oath, he said, included avowals to take an active part in driving the Europeans away and killing them; to say nothing about Mau Mau killings he might witness; and to assist any African who might steal from a European. He said that Shillings 62.50¹ was to be paid as an initiation fee and that it was part of the oath not to inquire as to what use was made of the collected fee. He quoted Kenyatta as saying "This is Mau Mau."

The use of the eyes of the goat is particularly associated with Mau Mau ceremonies. When the Prosecutor began to introduce the question "Did you notice whether or not the goat's eyes were in its head?" the defense counsel sprang to his feet and heatedly objected, insisting that the question was leading the witness and demanding that the question be rephrased to refer less specifically to the goat's head. Mr. Somerhough insisted on his right to ask the question and for some time proceedings were immobilized while the witness was removed from the room and the judge rephrased the question several times. Mr. Fritt refused to accept any of the rephrasings and the question ultimately was asked in the form Mr. Fritt desired. The witness went on to describe, however, that the eyes had been removed and pierced and that the mucous or fluid was squeezed onto the tongue of the initiate.

The answers of this witness were prompt and crisp, and though, after the rearrangement of the court furniture recommended by Mr. Fritt, the witness stand directly faced the eye glare from the accused, the wispy little Kikuyu never wavered or stammered.

The next day Mr. Fritt cross-questioned the witness. The audience seemed generally surprised at the way the African stood up. He replied with general consistency regarding the details of the Mau Mau ceremony and was only caught up on a discrepancy regarding his statement that he first met Jomo Kenyatta in 1932 when Kenyatta returned to Kenya to testify before the Land Commission. Mr. Fritt insisted Kenyatta had given his evidence to the Commission only in England. Also Mr. Fritt established, to my mind, that the witness had never been very friendly with Kenyatta and had obviously been claiming, probably for the sake of prestige, a closeness with the KAU leader which in fact did not exist. But the damning portion of the testimony, I think, remained unbreached.

Towards the end of the cross-questioning, Mr. Fritt shouted at the witness, calling his attention to the date discrepancies, inquiring if he knew the penalty

1. One East African shilling is equivalent to about 14 American cents.

for perjury, and commenting aside that he hoped he'd know more about the penalty for perjury in a few months. The witness during the shouting turned an almost amused eye first toward Leakey (with whom all Africans in the room seemed to feel a particular rapport) and then to the audience - an action which could have been logically expected from any East African native. (I have not had a chance to look up Mr. Fritt's background, but his employment of such courtroom histrionics, however effective in England, revealed him as unacquainted with the tribal stoicism and the good nerves of natives here.)

Twice this first witness surprised the entire court. He had referred once to the removal of a portion of the goat's neck during the slaughtering and the judge, aiming at precision, demanded to know whether the cut had removed meat or bone. The witness started again to describe the removal. The judge motioned for silence and said, "Tell me, meat or bone." The witness then addressed Leakey in Kikuyu, and the judge threw down his pen and said, "No, no, no. Was it the meat or was it the bone?" whereupon the witness, who by this time had assumed the posture of a fighting cock, said in a normal tone, "You do not have to separate the meat from the bone." This action indicated not only the courage of the witness but a resistance to the judge's unconscious pressure upon him to give a really wrong answer. (Had I been in the witness's place, speaking in a foreign language, I should have let the judge have his way and answered either meat or bone.) The second instance occurred when Fritt sought to prove dishonesty, or faultiness of the witness's memory. Mr. Fritt had asked him to repeat the rather precise dates given in his testimony checking each one in turn. On receiving the correct answers, Mr. Fritt asked in a much louder voice if he had looked at a calendar for the dates. The witness said, "No, I have no calendar." Fritt then, louder still, intoned, "Then tell me, what was the precise date when the Duke of Gloucester visited Nairobi?" I could hear my watch tick during the next seconds while the witness tilted his head to the ceiling and thought. Then he turned to Mr. Fritt and said, "the 30th of March, 1950. That was the date when Nairobi became chartered as a city." While Mr. Fritt quickly skipped to another point there was a gasp that amounted to a cheer from the audience.

At the opening on December 4th, Mr. Fritt announced that Mr. Thompson was leaving the defense temporarily to attend to another case; ^{Mr. H.O. Davies, a Nigerian and} that a KAU official would join the defense (Fritt told me this man was not a qualified lawyer, but would assist in collecting witnesses and defense evidence); and that three men of the Umma Party in the Sudan had volunteered to join the defense. He ended with a protest that - here in a supposedly free country - Kola Balogun, a Nigerian, had been put back on a plane and sent out of the Colony.¹

The second African witness, another neighbor of Kenyatta's, testified that in March 1950 a large crowd of people assembled at Kenyatta's house, drinking and singing new songs through the night. He said about forty of them returned at dawn to his public eating place and he noticed at least five of them with the seven cuts of the Mau Mau initiation on their right arms. This man, though also in European clothes, was a more true native type than the first witness. Mr. Fritt's shouting in the subsequent cross-questioning had even less effect. The

1. I understand he had not had an entry permit which the Kenya government requires be sought and obtained in advance by all visitors. It seems doubtful he could have been so naive as to expect to be admitted without the permit, hence the trip itself was possibly a gesture.

witness several times addressed to the interpreter the commonsense question, "How does Mr. Fritt call me a liar when he was not there?" When Mr. Fritt asked him to name those present, he named twenty-three persons. The testimony seemed to survive the cross-questioning almost intact, and, though it was not 100 percent eye-witness, if corroborated, it would seem strong.

The testimony of these first two African witnesses seemed concerned with establishing an early association of Kenyatta with Mau Mau through descriptions of his sponsorship of Mau Mau ceremonies. With the calling of the third African witness a different line of evidence was presented, apparently intended to establish Kenyatta's repeated refusal publicly to denounce the Mau Mau movement and his refusal to deny that he was at all associated with it. From this and further indications, such as Kenyatta's attempt to close down a small KAU branch which openly opposed Mau Mau, Somerhough had earlier stated that management of Mau Mau by Kenyatta could be inferred.

This third witness was a farmer and Secretary of the KAU Limuru branch since 1945. He was an older man with heavy tribal scars, having long stretched lobes and perforations in the top cartilage of each ear. He spoke in Kikuyu, but his answers again were very quick and sure. He recounted as the main part of his testimony alleged verbal exchanges between Kenyatta and the leaders of the Limuru branch at a branch meeting on March 23, 1952 and a subsequent gathering of officials at KAU headquarters on April 21, 1952. At the branch meeting, the third held by this branch in recent months to denounce Mau Mau, Kenyatta had appeared. The local leaders, speaking at this meeting, made a special point of denouncing and dis-associating KAU from Mau Mau, protesting its crimes were destroying Kikuyu tribal unity. The officers of the branch approached Kenyatta and requested that he also denounce and deny Mau Mau. Kenyatta evaded doing so and turned to berating the leaders of the Limuru branch telling them that they were like the leaders of the Fort Hall branch - like detectives for the C.I.D. Kenyatta said further that at a time when KAU was fighting the Europeans, the leaders of this branch were fighting against their own people. In an atmosphere of heavy argument Kenyatta then directed the leaders to come to KAU headquarters in Nairobi to talk things over.

At the meeting in KAU headquarters, attended by all the accused, Kenyatta asked the Limuru branch leaders who had given them permission to open their branch and they replied Tom Mbotela¹ when he was Vice President of KAU. They were further berated for a lack of knowledge of the policies of KAU. Kenyatta also asked for a copy of the letter from the District Commissioner authorizing the three meetings and on seeing it accused disapprovingly that the Limuru leaders had received the authorization because they had said they were the enemies of Mau Mau. From this he was moved to say that they were the enemies of the black people and the friends of the Europeans. He advised them to join the large Ndeya branch of KAU led by Karumba. The Limuru leaders refused, claiming that Karumba was a Mau Mau adherent and that all members of his branch were forced to take the Mau Mau oath. Kenyatta threatened to close down the branch and told them not to worry about Mau Mau - that "Mau Mau is a religion." Kubai at this meeting, the

1. Mbotela, an African member of the Nairobi City Council who left the KAU, was murdered in Nairobi ten days ago during the trial adjournment.

witness continued, accused the Limuru leaders of preventing people from joining the "association of the country." This, the witness stated, was an alternative term for Mau Mau. Later two other witnesses, also Limuru branch officers, corroborated this evidence.

Mr. Fritt's cross-questioning of these witnesses seemed an attempt to gain the following admissions from the witnesses: 1) that they had been instructed by Kenyatta at the branch meeting not to complain about, but to report, any known Mau Mau adherents; 2) that Kenyatta had said at the same meeting, "If you read what I wrote in Karolene you will know that there is no connection between Mau Mau and KAU; 3) that Kenyatta's reason for anger and his derogatory comparison of the Limuru with the Fort Hall branch was concerned with the party efficiency and solidarity of KAU (The defense said the Limuru branch like the Fort Hall branch was continually concerned with internal quarrels, that the Limuru requests for permission to hold meetings had been made in defiance of a KAU executive order that all such requests should be made centrally and that these requests had resulted in the refusal by government to grant permission for three much larger meetings to the central office with the result that 120,000 Kikuyu were deprived of the right to convene by the selfish concern of this "tupenny ha'penny" branch.); and 4) that they, the Limuru branch leaders, were associating KAU with Mau Mau in order to discredit KAU. At one point during the cross examination, Mr. Fritt shouted the accusation, "You (the Limuru leaders) were doing more damage than 50 C.I.D. detectives could possibly do to KAU." He also, when he approached the inferences that the Ndeya branch was Mau Mau influenced, asked the witnesses if they wished their neighbors persecuted as Mau Mau suspects. One witness replied, "Yes, if they are Mau Mau."

The only other witness called in (and not yet cross examined as of closing on December 5th) was the District Commissioner (D.C.) of Kiambu, a European of 21 years experience in the administration. His testimony confirmed that application for permission for the Limuru branch meetings had been made, and he told also of two appointments with Jomo Kenyatta at the D.C. office. The substantive part of his conversation with Kenyatta dealt with the attitude of Kenyatta towards Mau Mau. The D.C. sought a commitment from Kenyatta that the KAU speakers would positively denounce Mau Mau and deny any association with it. At the first appointment Kenyatta conceded this was a good idea, but at the second appointment, when the D.C. surveyed the proposed agenda of the meetings and found no reference there to Mau Mau, Kenyatta evasively explained that it would be "difficult," saying that the people attending the meetings knew about Mau Mau but they were not thoroughly informed regarding the items listed on the agenda. The agenda items included introductory remarks, the KAU delegation to the UK, constitutional changes, organization of the union, and the African press. (Significantly, land and self government, the issues that fill every tribal discussion among or with Kikuyu seldom appear by name on meeting agendas.)

The case has hardly begun, with only a few Prosecution witnesses having appeared, and the outcome can only be guessed. But here are some of the ideas which I think have been brought out.

First of all, this is no kangaroo court. There is no jury, but the evidence is being carefully recorded and the responsibility of the magistrate continually stimulated by the likelihood of review and appeal. The accused are not being maltreated or underfed, and, within the framework of law in the colonies, several concessions have been made to the defense. For the sake of the single defendant, Mr. Karumba, who is not fluent in English all English testimony is tediously translated into Kikuyu. Whatever the Defense wishes to say will be recorded and subsequently audienced in England as well as here. I feel this court will be as impartial and as meticulous as any feasible alternative.

The holding of this trial in a closed district has been pronounced unfair by Mr. Pritt, and, of course, will be widely condemned abroad. Without defending the measure in toto, I know from having lived here that police, security, and mob-control considerations would make it unwise to use the otherwise logical location of Nairobi. Inevitably the charge will arise that the choice of this remote location was a censorship measure. I think I can deny this, since any genuine newspaper representative - and any interested scholar, if there is a seat - will be admitted. Several of the press representatives there are on the friendliest terms with the defense. The pass-issuing officer said in Kitale, publicly and I think honestly, "Unless you are carrying a gun or unless I know you are a communist, I'll let you in." There is no censorship of outgoing or incoming mail or telegraphs.

Another question which arises is, why has the government not already proscribed the KAU? If the government shares the easily deducible view of the Crown prosecution - that very large numbers of KAU members are Mau Mau, and most of the important leaders Mau Mau connected - why did it not outlaw the entire organization instead of merely arresting a number of the leaders? The answer is that the government prefers to keep alive this political organization - which in the past has been allowed to voice Kikuyu (or "East African") grievances to the UN, the Colonial Office, and Parliament as well as the world public - as a healthy opposition - or, if you will, as a pretence of a healthy opposition.

Mr. Pritt, from his actions, seems to be thinking of this trial in its world opinion context. His frequent objections, his carefully phrased protests over the Kenya government's refusal to admit a Nigerian counselor, his occasional reprimanding of Justice Thacker for permitting the misbehavior of the Prosecution, and his heated protest that Leakey, the translator, had slanted a couple of answers to favor the prosecution, have given me the impression that he is deliberately attempting to provoke the Bench or the Prosecution into making some irrational statement to go on the records. You will probably identify this as a familiar type of courtroom tactics but with my small previous court attendance I feel inclined to think of it as a testimonial to Mr Pritt's opinion of himself as a "Great Liberal," fighting for another lost cause. If it were not for the even temper of the Bench, I would be inclined to think that his cleverness was being constantly cancelled out by the irritation his offensive courtroom manners would cause the judge, and that Kenyatta would have a better chance if he defended himself. At least Kenyatta would know how to question African witnesses properly. But perhaps Kenyatta, too, is thinking in world wide terms. With legal help volunteered from Nigeria, the Sudan, India, the West Indies and London, he may be

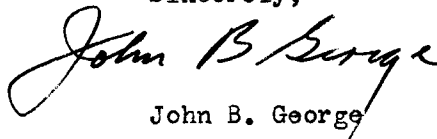
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happy to become the rallying point of/Pan-African native racial movement.

The prevailing feeling among settlers I have talked to, and among officials in Nairobi as well, is that Jomo Kenyatta unquestionably is guilty. The majority refrain from speculation as to the outcome of the trial, but there is no doubt that most settlers will be disappointed if he is acquitted. A few refuse to consider the possibility of acquittal, saying that such a miscarriage would face the European residents of Kenya with the choice of taking the law into their own hands, or else leaving East Africa. The question of land, generally, underlies this notion. The Kikuyu, until the present emergency, had been very open in their demands for some of the land owned or held under 999 year lease by Europeans. Many European land holders assert in answer that the uncontrolled birth rate of the Kikuyu would simply extend present crowding over an ever increasing acreage, and the granting of even a small quantity of land would jab the thin edge of the wedge into all European tenure. The settlers' attitudes towards the whole Kikuyu problem - the squatters on European land, the increased taxation of European incomes for social improvements for the Africans, the emergence of labor unions, the Mau Mau crimes and Kenyatta's trial - are conditioned by their genuine fear of being driven one day from their homes and farms.

The attitudes of Africans are varied. The Kikuyu, whose number of a million amounts to about 20 per cent of the Colony's native population, have regarded Kenyatta as their leader. More exposed to European contact, through their position around the large city of Nairobi, they are politically more advanced than other tribes, and have more educated leaders who have lived abroad. Nearly all of the crimes attributed to Mau Mau have been committed by Kikuyu. While I doubt that any European, with the possible exception of a few missionaries or administrators working in the reserves, could really know the general Kikuyu attitude, it is apparent that only a minority are presently willing to work actively against the Mau Mau. The vast majority would like to see the KAU leaders released. The other tribesmen, many of whom have told me they hate the Kikuyu, would react according to their individual experience with Europeans. Most of them would have little sympathy for Kenyatta, but might take an anti-European view because of a similar land hunger or, less likely, because of racial consciousness. The uneducated Masai - the simple warrior-nomads who still carry their long stabbing spears and wear only blankets - have told me wherever I asked that they only awaited the permission of the whites, to joyfully stride into the reserves and Nairobi and kill every Kikuyu in sight. Paramount Chief Tom Marealle of the Wachagga has told me that he would much prefer the few Kikuyu immigrants removed from Wachagga land; and several Wakamba chiefs have publicly denounced the Mau Mau movement and the Kikuyu for tolerating it. Uniformly, the other tribes recognize that the present trouble is confined to the Kikuyu - the police raids and the killings - and they want no part of it. With ambitions less stirred than the Kikuyu, many natives want only a minimum of law and police to protect their huts and lives, and to be left alone. Many of these natives would be as bewildered as the more rabid settlers should Kenyatta be acquitted.

Sincerely,



John B. George