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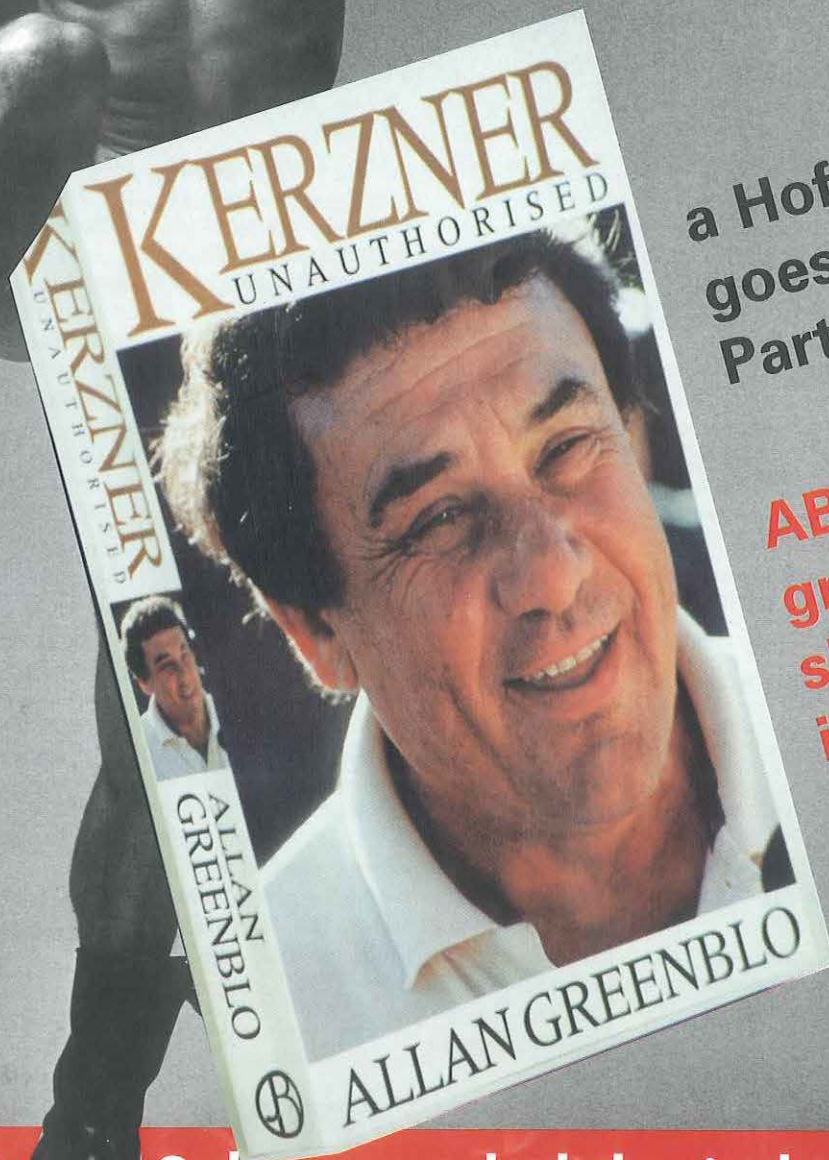
WEEK

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Sol—the full monty



a Hofmeyr
goes insane –
Part Two

ABSA's
grey shoe
shuffle
in court

ISSN 1025-1049



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What Sol persuaded the judge to ban!

WITH LOVE TO NELSON AND THABO, FROM CHRIS AND BASIL

Dear Sir

Why is it that R2 bn of the R2,3 bn that provinces hold in overdrafts is held with FNB? And why have FNB so readily agreed to unsecured overdrafts of this magnitude? (Central Government has a policy of "no bail-outs" with regard to the provinces.)

A Reader
Cape Town

For love of the New SA. Or maybe they reckoned that, come the day of reckoning for all the bankers' misdeeds of the past, the government might hesitate to bite the hand that has fed it. Good enough reason for an all-or-nothing gamble! — Ed.

ANOTHER HERSOV RIP-OV?

Dear Sir

Consol Ltd minority shareholders have been told that their holdings will be purchased by Consol's major shareholder, Anglovaal Industries, at 2800c a share and that, if their scrip has not been handed over by the end of January, their shares will be worthless.

Consol cite poor trading conditions as a reason to delist from the JSE. Their profit after tax, however, has been multiples higher than this past trading period than at any other time.

The present share price is 2750c, but some years ago it was listed at 5000c. Taking into account that the whole market is now severely depressed, it is extremely unfair to force an owner — or shareholder — to sell his private interest at an unfavourable price which must inevitably result in huge capital gains for Anglovaal.

Anglovaal has, apparently, obtained a court order which sanctions this theft. On what grounds was the order granted? I received no notice of an intended court application; I have not been told how they justified the price they are offering, nor have I been given an opportunity to submit a counter argument. What sort of justice is this?

Jannie
Tokai

The usual SA-style justice. — Ed.

FAIRLY MASONIC

Dear Sir

Your article about a Freemason who was excluded — in his view unfairly — by the Montagu Lodge ("He ain't heavy, he's my brother", nose20), deserves comment.

What distressed me was the disjointed mix of the usual hearsay and innuendo about Freemasonry with which you embellished the core story. I am sure that similar stories abound in

all sorts of organisations, be they church, sport, charitable, or even business. That does not require the immediate and absolute deduction that these organisations are inherently evil and that — by implication — a stigma attaches to their members.

You even resort to embellishing your story by quoting "lurid tales" and calling the organisation a "vast global conspiracy of middle-aged men". I thought noseWEEK's policy was to stick to the facts.

In my 30 years as a Freemason, I have never come across anything in the organisation which conflicts with my Christian and civic principles.

Hans Bargholz
Kensington

We see you, too, avoid the crunch question regarding the Masons' attitude to AWB racism.. As for Masonry and Christian principles, the Pope, for one, disagrees with you. And Masons' oath of secrecy must always give rise to suspicion. Our facts about Masonic rules and ritual came from its official guidebook.. Our comments are us. — Ed

BIBLE PETE'S TAXING DEPARTURE — WHERE'S THE FOLLOW-UP?

Dear Sir

Why no follow-up to your article speculating on the real reason for Piet Liebenberg's surprise resignation as head of the Revenue Service (nose17)? Must I accept that the allegations were untrue or, worse, that you do not intend to pursue this matter?

D Swanepoel
Pretoria

Untrue!? Ask the Minister of Finance for follow-up. — Ed.

A NOTE OF APPRECIATION

Dear Mrs Sullivan

[noseWEEK's UK representative]

My noseWEEK is arriving regularly and of course contains thrilling attacks on many old friends. How kind of you ...

**Tiny Rowland
Chester Square
London**



1. Portrait of an ANC supporter in Melrose.
2. Volkfront vision of Paradise (note absence of black farmworkers).

Dear Sir
"Nightwatchman" should reconsider his own reactionary approach to art and politics (Letters, nose20), instead of accusing Marilyn Martin of furthering state control of art. Art cannot but reflect what is happening in the political arena. A gallery that displays art which comments on society is to be applauded, not condemned. If he objects because he does not like the thoughts the art stimulates, he, rather than Ms Martin, appears to be the promoter of censorship.
D Forbes
Woodstock

DOWLING'S HISTORY OF THE WWF

Dear Sir

Your feature on the "WWF" is of particular interest. I must congratulate you for a remarkable — and startling — exposé; your courage is an encouraging phenomenon in these times of diminishing integrity.

B P Dingley
Cowies Hill

Dear Sir

Calling Solly Zuckerman a "military researcher" (page 17, nose20) does him a disservice, for his lens was wider.

In his article [on the history of the WWF] Kevin Dowling states: "As a pioneer of the Operational Research Section, he exposed live animals to bombs and bullets in order to study their injuries and devise better ways of killing people." Sir Solly exposed no animal, alive or dead, to either bombs or bullets. However, during the late 1940s, he was involved in experiments to find out if dogs could locate buried mines. Or, strictly, mine casings, as they contained no explosives. If this is typical of Mr Dowling's research, then we must doubt what else he has to say.

Keith R Dyer
Durban

You clearly have not read Vol.1 of Zuckerman's autobiography, "From Apes to Warlords". There's not much consolation to be had from his "wider view" either — see Dowling's latest astounding instalment on page 13 for some of the ghastly details. — Ed. ■



The right to freedom of speech is not limited to those clever people who can express a perfectly informed and logical view (by who ever's standards). That would disqualify most of us from the debate - with the exception, perhaps, of Judge Flemming of the Johannesburg High Court, the late lamented Dr Verwoerd and P W Botha.

In fact, if those eminent and powerful men are perfectly informed and perfectly logical in their analysis and interpretation of the facts, then there is hardly need for debate at all. Which, on the question of Judge Flemming's judgement in the case of *Kerzner and others vs Allan Greenblo and another*, is, we suspect, how he might prefer things to be.

One of the essential characteristics of democracy is the insight that in any society there are many different, imperfect, competing views of what the "truth" might be - there are even different views about what facts are relevant to forming such a view. All have a right to be heard. South Africa's apartheid-era judges were not called upon - and still do not choose - to judge by the standards of democracy. If they had in the past, they might have been out of a job. If they did today, they might - horrors - have to critically review their own past actions.

Under Apartheid - Judge Flemming hates that malicious phrase - judges were enforcement technicians in the service of a racial oligarchy where skin colour rather than merit was rewarded. Included in the package were laws that made the expression and propagation of certain contrary views, or criticism of various organs of State, a criminal offence. In the process of enforcing and then defending the morally indefensible for 50 years, they often re-interpreted the common law in a way which today is not only contrary to democratic values; it ignores logic.

Sol Kerzner and the Sun group of companies he founded have spent millions (which should otherwise have been paid in tax) on promoting their celebrity image and the "success" of their businesses. They were able to do so because of the huge profits they derived from their gambling empire: a business which is not only regarded by many as intrinsically questionable (see adjacent column) but, in the South African context, was based almost entirely on political dishonesty, immorality and financial deviousness. Most of what they did was probably lawful at the time.

The black "independent" (which they were not) "homelands" (which they frequently were not), were able to maintain the appearance of independence because those in real power had, aided significantly by Sol, devised a devious system to subsidise and promote them. They did so by, *inter alia*, allowing forms of business in these "black" areas (gambling, tax evasion, monopoly formation, bribery and corruption of the press and public officials, sale and display of pornography, etc.) that Presidents Botha and De Klerk vociferously claimed could not morally be tolerated in "white" South Africa. It was even, on occasion, referred to as "vice capital". That is our - no doubt imperfect - interpretation of those facts that are known to us.

But citizens of the new, free South Africa may not publicly express - or promote - the view that Kerzner's enterprise and the way he conducted his business was - and remains - unacceptable. You may not say anything which might damage their prospects for getting further casino licenses here or abroad - even if you happen passionately to believe that they should not get them. The reason? Their involvement in Bop was the sort of business that any lawyer or businessman in Judge Flemming's acquaintance would do. To disagree is unlawful. And, when it comes to talking about the R2 million "consideration" Sol (or Sun) paid to George Matanzima in the 1980s, you *must* accept Sol's latest assertion that he was not the perpetrator of a crime - he was the victim of extortion by big bad George! [But read pages 9 to 12 anyway!] Judge Flemming goes even further: he not only demands judgement which is perfect by his standards; he demands saintliness of spirit too. We must, he has determined, accept the excuses of apartheid profiteers, not mention their past support of the National Party in ANC company, and, generally, we must let by-gones be by-gones and bury the past.

That Judge Flemming - and Sol - should be so lucky!

Kerzner Unauthorised is not perfect - sorry Allan, but consider the company you might otherwise find yourself in! We have not been prohibited from publishing the material; we have merely been warned that we do so at our peril. What's new? We're not the Chippendales, ladies, but for Sol - when the circumstances are desperate enough - we go the full Monty. We hope you find the material on pages 9 to 12 as shocking as we did - and then demand your right to read the book.

- The Editor ■

Cover design: Raymond Meylan

History has shown, over and over again, that respectable people are well advised to remain extremely sceptical of the me-rits of the gambling "industry". The story is as old as the Book of Genesis. In this century it has been the Mafia who have best demonstrated the point. But it is not the Mafia, it is the very nature of the business that makes it suspect. A casino or lottery licence is a "licence to print money" - with all that that entails.

"Tacitus remarked that the Teutons (without the excuse of liquor) gambled themselves into slavery.

"To promote military efficiency, ancient Rome forbade gambling on the grounds that it was effeminating." - *Encyclopaedia Britannica*

"Professional gambling in any form, was severely frowned upon by the rabbis. The professional gambler was considered a parasite who contributed nothing to better the world. Some went so far as to declare the professional gambler a thief whom the Mishnah disqualified from giving testimony; he was looked upon as a spineless wastrel who, instead of engaging in the study of Torah, frittered his time and efforts away.

"Family life was also disrupted, and there is much evidence to show how difficult relationships were between gamblers and their wives ... wife-beating and drinking were common [and] gamblers' wives often sought divorce." - *Encyclopaedia Judaica*

"St. Cyprian held that gambling violates the First Commandment and charged Lucifer with inspiring dice. The Christian Church generally has held gambling to be sinful.

"The Koran forbids all games except chess. "There has long been controversy on whether or not gambling should be legalised. The argument in favour is that antigambling legislation is ineffectual because law-enforcement officers are reluctant or unable to prevent minor gambling, while the profits of major gambling are so great that gamblers purchase immunity from prosecution with bribes. "Opponents of legal gambling argue not only on moral grounds but also on statistics which, they say, indicate that licensed gambling stamps out no abuses and merely aggravates the problem by fostering the habit." - *Encyclopaedia Britannica*

"In 1922 Al Capone was promoted to manager of the Four Deuces. A saloon occupied the first floor where local whisky was sold ... or rum from the Bahamas; above, on the second floor, was a horse-betting parlour; a gambling den (poker, roulette, faro, blackjack) occupied the third floor; and, finally, at the top of the stairs, there was, in the words of one journalist 'a colorless, non-nonsense sex mill designed for results'.

"[In a 1924 raid on his office] Police seized ledgers that revealed how methodical Capone had become in his administration. They named police and prohibition agents on his payroll, itemised income from brothels, named its breweries, its biggest customers, and the speakeasies buying liquor; listed the truck and boat routes used to transport the liquor ...

"Capone offered a \$5000 'reward' for the return of the ledgers and, just before they were to be turned over to the US Attorney, a judge by the name of Howard Heyes intervened. The judge impounded the ledgers, and, without bothering to inform the City, returned them to Capone. The matter, which had briefly threatened to expose the entire Capone operation to the scrutiny of the press ... suddenly dropped from view." - Laurence Bergreen: *Capone, The Man and the Era*.

"The respondents are interdicted from distributing, selling, marketing or making available to any person the book *Kerzner Unauthorised*." - Judge Flemming in *Kerzner and others (Applicants) vs Jonathan Ball Publishers and Allan Greenblo (Respondents)*, 1997. ■

New playing field requires fancy footwork

ABSA does the grey shoe shuffle

Benito Hitler's firm hired to help deal with "too clever Jew"

Over the past ten years, Cape Town businessman David Hersch has developed a sophisticated computer programme to assist brokers in

handling the mass of information about policies on offer from competing insurers. The data base contains details of all the policies offered by a dozen or more companies, together with the different premiums that apply to different kinds of clients in different parts of the country.

A specially designed programme rapidly determines which insurer can offer the best deal to a particular applicant. Hersch's company, Compuquote, owns the software and operates the system.

In 1992, Hersch and John Lightfoot — despite the English name, an Afrikaner, and CEO in charge of short-term insurance at ABSA Insurance Brokers (ABSA IB) — started negotiations for the possible installation of Compuquote terminals in all ABSA branches. By the end of May 1993, they had been installed in ten branches on a trial basis.

ABSA's technical staff found the system satisfactory and its marketing staff were eager to get it installed as soon as possible to help them meet their sales targets. As ABSA IB's manager in charge of the project, Carl Schelhase, reported to his board on 8 August 1993: "The best possible solution is the Compuquote system ... we will not be able to handle this volume of business in any other way than by means of the Compuquote system."

In the afternoon of 24 August 1993, Hersch met with Lightfoot at ABSA

Head Office, and they shook hands on the deal. In terms of their still only verbal agreement, Compuquote was immediately to install the system at 30 branches; ultimately it was to be installed throughout the ABSA organisation, wherever they operated as insurance brokers. The contract was for a three-year period.

Curiously, that morning, just prior to his meeting with Lightfoot, Hersch had been asked to meet some of the senior executives of Hollard Insurance to explain the "implications" of the proposed installation of Compuquote's system by ABSA and Bankfin. He had happily done so.

Next day, elated at having clinched the deal with ABSA IB, Hersch took off on a non-stop tour of the country to get the initially required 30 terminals up and running. Within two hectic weeks, the job was done.

From time to time in the following months, Hersch was called upon to make changes to his programme to ABSA's particular requirements. Two problems became particularly controversial, and might explain certain ABSA IB executives' sudden loss of enthusiasm for Compuquote's scheme — and their subsequent eagerness to deny the existence of a contract with Hersch.

One of the changes Hersch was asked to make was to ensure that only ABSA staff had access to information about the special discounts certain insurers were secretly giving ABSA IB — so that these would not become common knowledge amongst Compuquote's other clients.

Hersch succeeded in making the necessary changes, but encountered persistent problems in getting the correct information from Hollard, and from Auto & General, in the format required to feed it into his system. Hersch insists this was not due to programme incompatibility, raising the possibility that the insurers did not, in

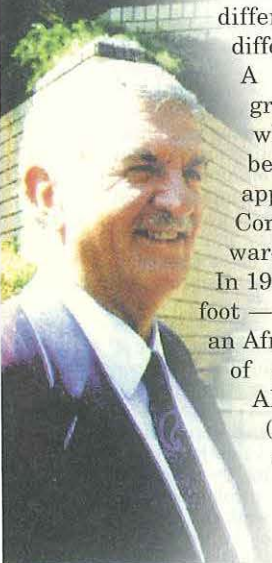
fact, want to risk transferring these figures to Compuquote. *[Maybe the discount deals were not merely "controversial"? — Ed.]*

Then there was the difficulty presented by the discovery that most of the policies sold by ABSA brokers were not the cheapest and most advantageous available, as Compuquote's system — horrors! — would now make plain for all to see. Until then, ABSA had been telling its clients to buy (more expensive) insurance from Hollard and from Auto & General (a Hollard affiliate), with whom ABSA executives had struck a lucrative agency deal.

When this realisation dawned — remember Hersch had explained the "implications" of his scheme to the men at Hollard only an hour before he concluded his deal with ABSA IB — key members of ABSA's top management suddenly lost their enthusiasm for the system. Such was their loss of enthusiasm that they would later be prepared to deny — under oath — ever having concluded the agreement with Hersch. *[It's called the Grey Shoe Shuffle, a traditional volk dance perfected by Dr Chris Stals, Governor of the Reserve Bank, no less. See the report of the Nel Commission and story below — Ed.]*

The first clue that Hersch got of the impending battle was when Lightfoot rejected the umpteenth written draft of their agreement without explanation. The only explanation he could offer for refusing to sign it was a jovial: "Nee, julle Jode is te slim vir ons!". ("No, you Jews are too smart for us!") *[With hindsight, of course, it is clear Lightfoot — the grey shoe shuffler! — was confident that the reverse applied: he thought he was about to outsmart "the Jew". With no written agreement, he reckoned, Hersch would be unable to prove the deal that had been struck between them. For every "slim Jood", there are at least two "Boere" ready with a "slim plan".]*

In May 1994, with still no written



MD Ben Linde ... products.

agreement having been signed, ABSA IB nonetheless paid R343 000 to Compuquote for its services. ABSA IB would later make the unlikely claim that this substantial payment had been made "out of kindness" *[ex gratia]* and not because they owed Hersch the money in terms of an agreement. No agreement had ever been reached, they now insisted.

Hersch was not pacified by the payment. He believed he was entitled to compensation for the damages Compuquote had suffered as a result of ABSA IB effectively having reneged on their three-year contract. In a letter dated 26 June 1995, he pleaded with ABSA Group Chief Executive, Dr Danie Cronje, to help resolve the dispute. To no avail. *[No surprise. See nose11 for more about him. Hersch clearly did not know that Dr Cronje is otherwise affectionately known as "Slim Danie".]*

So determined were the ABSA men to wriggle out of their contract with Hersch, that they were prepared to precipitate a lengthy Supreme Court trial costing hundreds of thousands of rands based on their willingness to lie under oath.

Faced with their lies and intransigence, Hersch issued summons. In May last year, the case finally went to trial.

Both parties in a civil case are required to provide their opponent with a list of documents in their possession which refer to or might conceivably be relevant to the case. Hersch's attorneys immediately noted the conspicuous absence from ABSA IB's list of any reference to its Board minute book, an obvious place for such an agreement to have been recorded.

The trial was nearing its end when Lightfoot, under cross-examination by Hersch's counsel, was driven to concede that if a deal had been struck as Hersch claimed, it would have been recorded in his Board's minutes. He could not recall having seen such an entry in the minutes, however, and still emphatically denied the existence of an agreement between them. He also could not recall what had become of ABSA IB's minute book — one of the documents all companies are, by law, required to keep.

Ordered by the court to produce the minutes, ABSA's attorneys, Ross & Jacobsz of Pretoria *[Senior partner: Benito Hitler Niemann. We kid you not. ABSA could not have made a better choice.]* said they could not be found. The trial was adjourned until Monday 12 May. When, on Friday 10 May, ABSA's attorneys were still insisting that the minutes could not be found, Hersch's lawyers hastily had a special summons served on ABSA IB's new MD, Ben Linde, ordering him to appear at

court on the Monday, either to hand in his company's minutes, or to explain under oath what had become of them.

Surprise, surprise, on Saturday morning the minutes were miraculously found. No doubt ABSA's senior counsel, Adv Francois Joubert SC, antici-pating humiliation in court on Monday morning, had wisely advised his clients that no judge was likely to believe that the insurance division of a major bank could just — quite opportunely, as it happened — "lose" the minute book in which all its Board's resolutions were recorded. (The judge would, indeed, later note: "It is somewhat odd that the minutes of a subsidiary of a public company can be inadvertently mislaid".)

Where was the minute book discovered? — in the office of the Group Company Secretary at ABSA head office. Where company minute books are usually kept.

And, lo, what did the minutes reveal? The entry on 10 November 1993 declares: "The Board notes that the Compuquote system has been implemented and that the system has, in the meantime, been installed in all Bankfin Client Centres and at ABSA Brokers' regional office and head office ... and an agreement for 36 months has been concluded with Compuquote."

The minutes also record the names of all directors and officials who attended the board meeting, held at ABSA Group Head Office. Those present included the chairman, C L "Louw" van Wyk, Lightfoot, his successor as CEO, Ben Linde — and "Biddy" Biddulph, senior manager in charge of technology. Biddulph had attended specifically to present a written report to the Board — written by himself — on ABSA IB's agreement with Compuquote!

But, earlier in the trial, Biddulph had denied, under oath — as had Lightfoot — that any agreement with Hersch had existed.

The judge found it "astounding". Records of an agreement existed, not only in the minutes but also in internal reports and other documents — all of which had been omitted from the list of documents ABSA had submitted to court. As Judge Sutherland commented: "Lightfoot, in particular, was content not to allow these minutes to be ventilated in court. The reasons are obvious. They constitute a major embarrassment to him."

Lightfoot and Biddulph had been such accomplished liars that, the judge stated, had the minutes not



David Hersch, dressed to celebrate

been discovered late in the trial, he would have dismissed Hersch's account as "improbable". ABSA's lawyers had had Hersch under aggressive cross-examination for four days, during which they had repeatedly called him a liar for insisting there had been a contract.

Had the minutes not emerged, therefore, the judge would have given judgement in favour of ABSA IB.

[No surprise, really. Until last year it was accepted as (unspoken) law by our courts that bankers, like security policemen, might occasionally have an unfortunate smell, but they never, never lie. — Ed.]

Had this happened, the legal costs alone would have destroyed Hersch's business.

Another item in the same minutes reveals the conduct of the men in the grey shoes to be even more reprehensible: it records that at the same meeting, the board resolved that no court action involving more than R100 000 was to be instituted by the company without the authorisation of both the chief executive and the chairman.

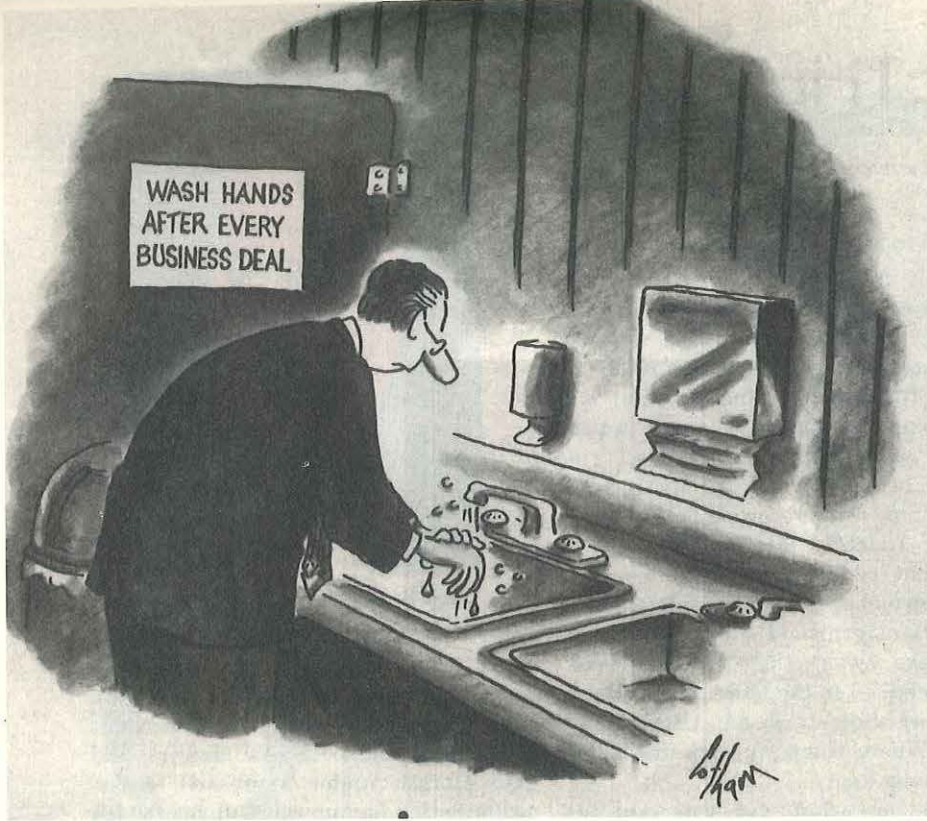
Which means that both Lightfoot (the then CEO), his successor Linde,



Short-term insurance GM John Lightfoot ... addressing the client's short-term risk needs.



While there is certainly place in the industry for traditions and values — we must never forget the importance of 'utmost good faith' — those who are hesitant about the challenges of the new century should rather hand the baton to the new generation.



Louw van Wyk, the chairman, would have had to have formally approved ABSA IB's decision to oppose Hersch's case in the High Court, on the basis that no agreement had existed between them. All three had to have been aware of the deceitful basis of ABSA's defence; all three had been present at various meetings at which the existence of the Compuquote agreement was confirmed and formally recorded.

The implications extend beyond ABSA IB. Van Wyk is also Group executive director on ABSA's main board, where he is responsible for ABSA Financial Services, ABSA Life, ABSA Fund Managers and ABSA Private Banking & Investment Services.

Acting Judge Sutherland delivered his judgement on 30 July 1997. Six months have passed, and still Van Wyk continues as an honoured and highly paid member of ABSA's main board.

ABSA's lack of scruples is no surprise to those in the know. What is remarkable is their cheek in still actively marketing themselves as highly ethical businessmen. Here's the puff which appeared in the ABSA Group's 1996 and 1997 Annual Reports: "... [The] directors recognise the need to conduct the enterprise with integrity and in accordance with generally accepted corporate practices".

Now the trick could, of course, be in the phrase "generally accepted practices". Practices generally accepted where? In Afrikaner banking circles? In the Sicilian Mafia? The suggestion is not as far-fetched as it may sound. Readers will recall that last year ABSA claimed that when they sold Mrs Durr of Cape Town a bundle of worthless Supreme

shares, she had no reason for complaint. Their broker had, they argued, displayed the level of financial "expertise" generally found amongst South African brokers [i.e. that of your average S A conman.] Don't laugh. A well-known Afrikaner judge of the Cape High Court actually went along with the argument and found in the bank's favour (see nose16). It took the Appeal Court to rescue our national reputation and get ABSA to refund Mrs Durr's money (see nose19).

To return to those recent ABSA Annual Reports: They show no restraint when it comes to claims of moral probity. Here's another puff: "ABSA's Code of Ethics [which 'embraces the ABSA Values', whatever those might be] commits the group to the highest standards of integrity, behaviour and ethics in dealing with all its stakeholders, including its directors, managers, employees ... and society at large."

iven those claims, what are the chances that ABSA IB's directors will, in their forthcoming annual report, explain to shareholders and the public how they came to waste hundreds of thousands of rands of the company's funds on denying an agreement that they knew in fact did exist?

The answer: Not Good. Indeed it would appear that ABSA's shamelessness and lack of decency knows no bounds. Having proved the existence of their contract,

Hersch is now having to conduct a second trial to prove the extent of his damages. Far from attempting to resolve the matter, ABSA is threatening to apply to court to stop this second leg of the case from proceeding until Hersch provides them with security for the still further hundreds of thousands of rands that they are sure the case is going to cost in legal fees. The grounds for their application? They suspect he might just not have enough money left to pay the legal costs. They clearly hope the exercise will bankrupt him before they can be brought to book.

● Van Wyk is, of course, not the only scandalously dishonest member of the ABSA Group's Main Board. His fellow Main Board member, Mr Jean Brown, sat in on some major frauds perpetrated by the board of the [not surprisingly now bankrupt] Crusader Life. (See nose19). Brown's conduct was not only dishonest; it was probably criminal as well. He too, lives on in style at ABSA.

One need only think of the lies, the wheeling and dealing, and the cooking of the books that were involved in the Reserve Bank's notorious secret — and illegal — R1.3 billion gift to ABSA, to begin to judge the extent of it.

But then, as the Nel Commission has pointed out, the trend for dishonesty in South Africa's financial institutions has been set at the very highest level: by the Governor of the Reserve Bank, Dr Chris Stals, no less. And nothing has happened to him, either.

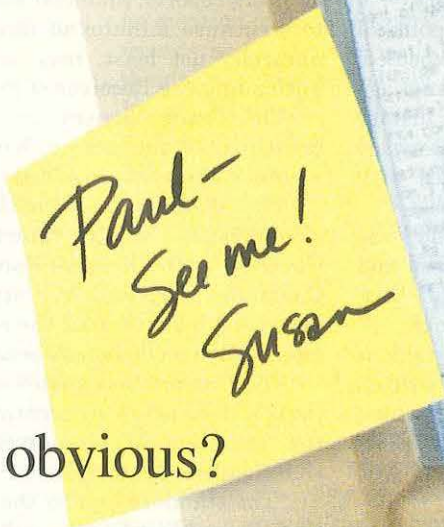
[See next story.] ■

THAT'S LIFE!



Hi, I'm gay. What brings you here?

1 How do you
cut through
electronic clutter?



2 Isn't it obvious?

Whether you're being e-mailed or voice-mailed, a Post-it® Note still gets attention first. 3M invented repositionable notes. We understand your need to communicate quickly and easily.



As we develop new Post-it® products for your home and office, we'll continue to keep your needs in mind. That's the core of our unique corporate spirit – focus on customers, freedom to take risks – that lets us make the leap *from need to...*

3M *Innovation*

President Mandela will ignore this report at his — and our — peril

Masterbond had been operating illegally as a bank or so-called "deposit-taking institution" for four years — with the full knowledge of the Reserve Bank — when it collapsed in 1991. Effectively a cash pyramid, its debts had doubled and doubled again as, faster and faster, the "game" spun out of control. In the end its total debt exceeded R600 million, more than half of it incurred in the last year. Tens of thousands of pensioners lost their savings in the debacle.

President F W de Klerk took the easiest way out of a political squeeze: he appointed a Commission of Inquiry.

Judicial commissions have traditionally been a political cop-out. The "traditional" commission of inquiry is expected, after a *long* time, to produce a report in obscure language which does no more than record — with regret — the history of an unfortunate affair. One more requirement: to discourage any residual controversy, it must confuse the issues with hundreds of pages of obfuscation.

If the Commission to Inquiry into Masterbond was intended to perform that function, then Judge H C Nel and his co-commissioners, Judge R Cleaver and Mr H D Collier, an accountant, have seriously misunderstood their brief.

The Nel Commission handed its report to President Mandela in November last year. It is well ordered, is written in clear and simple language, and is easy, even for a layman, to understand. It is extremely clear and forthright in its findings. It is essential reading for all South Africans who need to be well-informed.

The Commissioners say that, while it was soon obvious to them that the directors of Masterbond had been dishonest, the extent and duration of the directors' misconduct led the Commission to suspect a *general* collapse of regulatory controls over all financial institutions in South Africa.

Subsequent research into the collapse of a number of banks in the 1980s, left no room for doubt. Everywhere the Commission found evidence of inadequate regulation and supervision by the authorities; of dishonesty and the lack of independence of auditors; a lack of effective prosecution of fraud and other offences perpetrated by directors of companies; and of serious flaws and omissions in the Companies Act.

One of several shocking examples: the Commissioners compared what the Registrar of Companies is required and authorised to do (by the Companies Act), with the conditions that actually prevail in that office. Their finding: "The powers and duties assigned (by the Act) to the Registrar create the dangerous delusion that shareholders, investors and creditors of companies are protected by this office. ... The factual situation is that the Companies Office has become little more than an antiquated filing room."

Every company prospectus must, by law, be registered with the Registrar. Before registering it, the Registrar must satisfy himself that it contains a fair presentation of the company's state of affairs and that it complies with all the requirements of the law.

But, the Commission found, not only does the Registrar not have an inspectorate with the necessary expertise, he has

no inspectors at all. All prospectuses received from companies wishing to offer shares to the public are simply rubber stamped by a clerk and registered.

The real crunch comes in the Commission's discussion of conditions in the auditing profession. As with the Companies' Office, the Commission found: "The saga of dishonest or inefficient auditors which emerged ... belied the

generally perceived honesty, integrity, efficiency and independence of auditors. [Those] involved seemed to believe that, in addition to auditing the books of a company, their function was to ... protect the management of the company as far as possible ... [and] ... that the end justifies the means."

The auditors concerned — all members of prestigious internationally affiliated auditing firms, and leaders in their profession — put their signatures, without qualification, to company reports that were blatantly false; they failed to report the discovery of material irregularities, as is required by the Public Accountants and Auditors Act; they backdated auditors reports, financial statements and letters; they failed to scrutinise minutes of directors' meetings. And, last, but naturally not least, they actively assisted their clients in misleading the Receiver of Revenue.

The Commissioners are, of course, talking in the same breath about the state of banking in South Africa: all those auditors' cover-ups involved the accounts of dishonest banks!

The dishonesty in banking is epitomised, says the Commission, by the "startling" evidence given by the Governor of the Reserve Bank, Dr Stals, in the "secret" Rail Commuter Corporation arbitration, in the course of which he expressed his view that the end justifies the use of dishonest means such as dishonest accounting. (See nose3 for details.)

The Commission quotes several examples of the Reserve Bank's dishonesty in creating simulated transactions with the intention of circumventing the law and deceiving shareholders. It concludes:

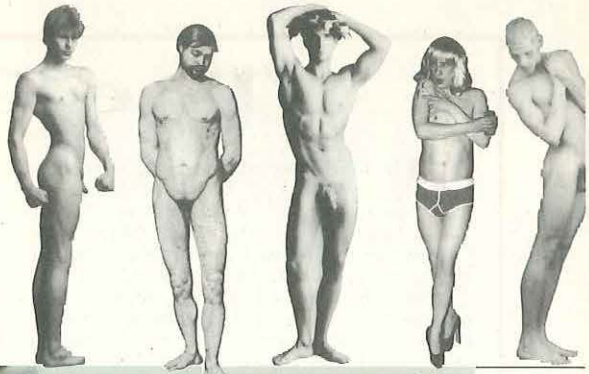
"The standards set by the Reserve Bank by its philosophy that the end justifies the means and the apparent acceptance thereof by the auditors concerned, could only have had a negative influence on the auditing profession in South Africa.

"The extent to which the auditing profession has been influenced by these standards set by the Reserve Bank is obviously debatable. That any such influence should be eradicated, is not."

Pretoria's old Nat advisers no doubt still hope the new government can be persuaded to dismiss the Nel Commission's report with the traditional response: a perfunctory acknowledgement of receipt, with thanks. But if they — and the government — think they are going to get away with that, they are making a big mistake. The Government will not only miss a rare political opportunity to demonstrate the shortcomings of its predecessors (in an area where they conned the ANC into accepting they had superior expertise — note the Nat Finance Ministers in the first ANC government). The ANC will also risk revealing themselves as co-conspirators with the Nats in defrauding the public.

Three months have passed since a Judicial Commission publicly reported its finding that the Governor of South Africa's central bank, Dr Chris Stals, is a bad influence that needs to be eradicated. Several others in the top management of our Reserve Bank emerge in the report as ineffective and routinely dishonest. Two years has passed since nose-WEEK said the same. And still Dr Stals reigns on. The fact that he has not bothered to comment is shocking, but no surprise. He's an arrogant man. But what are we to make of the Government's continued silence? ■

In December, on application by casino magnate Sol Kerzner, Judge Flemming prohibited publication of the book *Kerzner Unauthorised*. The author, former Finance Week editor Allan Greenblo and his publisher, Jonathan Ball, have appealed against the order. Here is some of the material that appears in the book. Read it and judge for yourself whether this is information you should be entitled to have, and a view you are entitled, by democratic right, to hear.



THE FULL MONTY



On the 6 April 1987 President Mangope of Bophuthatswana wrote to Sun International Chief Sol Kerzner asking him to make "yet another contribution to Bophutatswana". This time Mangope wanted Sun to "augment" the salary of his Minister of Finance, Leslie Young - he suggested R20 000 p.a., for three years, would do the trick. In his letter, Mangope revealed in passing that Gencor had been "augmenting" Young's income in this way since 1985, and had agreed to continue doing so until 1990. Sun's contribution was required to afford Young a salary increase.

Gencor, with major mining interests in Bophuthatswana, relied heavily on its negotiations with Young to get huge tax, labour and financing concessions in the so-called "independent" homeland, so it is not surprising that they agreed to make this - private - concession.

The point was not wasted on Sun International. Chairman Sol was abroad when the letter arrived, but his deputy, Ian Heron, had no difficulty in immediately obliging. "We would certainly be prepared to contribute towards the augmentation of Mr Young's salary," he wrote in reply. "Upon receipt of the advice of the amount required each year and the desired manner of payment we will make the necessary arrangements."

The favours Young had done for Sun were many. For instance, only six months earlier, on 4 September 1986, Young had given Kerzner's deputy, Ken Rosevear a hand-written note which recorded his agreement with the SunBop directors that, in its prospectus which was about to be registered, Sun Bop should "avoid reference" to the "material" contract that existed between SunBop and a company called Sun International Management (SIM). By law all material contracts must be disclosed in the prospectus of a public company which is inviting the public to invest in its shares.

SIM shelters from tax in Bermuda, and

is wholly owned by another of Kerzner's off-shore companies, Royale Resorts.

The SunBop prospectus, which was issued on 22 October 1985 - six weeks after Rosevear had obtained his note guaranteeing Young silence - duly made no mention of the fact that Kerzner and friends had contrived to, in effect, get themselves awarded nearly double the "dividend" which was likely to be paid to any other SunBop shareholder, by the simple expedient of a hidden so-called management agreement. Not only was the management fee, which in some years, by Young's account, exceeded R100 million (in 1987 money!), not disclosed; at least half of it -(by Young's own later account) in effect amounted to an extra, preferent, tax-free dividend paid - off shore! - to Kerzner and his close circle only.

In 1984 Young had also used his discretion in allowing Sun International a special tax deduction which was available to the "export service" industry. In allowing Sun International this special deduction from tax, he had to apply some most unusual definitions to the term "export service".

According to Young's definition, contained in a letter written to Kerzner in February 1984, an "export service" did not, as one might reasonably have expected, refer to income which a Bophuthatswana company earned by rendering services to an overseas customer. According to Young, the tax allowance was not even "necessarily related" to overseas earnings which would be received in Bophuthatswana - they could be received [and kept] in another country. They could be "events that are widely publicised on an international scale".

Finally, at the end of the letter, came clarity: "Actions which beneficially publicised Bophuthatswana so that the republic benefited indirectly in the future, could also be regarded as 'export services'," he explained. In short, any investment which might contribute to what others might, less discretely, have called "marketing apartheid abroad"

could be deducted from Sun's tax bill. Another (secret) concession with a similar drift was the secret "kickback" that Sun received - throughout the 1980s - from the Bop treasury on taxes paid by foreign entertainers and sports stars when they were hired to perform at Sun City. In 1987 the tax rate for visiting entertainers and professional sportsmen who earned more than R26 000 in Bop in any month, was increased to 50% of their fee (it had been 40%). In terms of an agreement which was "not generally known" - Young said he regarded it as "classified" - 90% of any taxes collected from the entertainers was then given back - to SunBop, to add to its income. If Sinatra was paid R5 million for his appearance at the Superbowl, SunBop would secretly have got R2.25 million of it back from the Bop government.

In a 1986 memo to the Bop Executive Council, Young explained: "The publicity generated overseas [by the entertainers] has been great. The country has obtained wide media coverage portraying it as a peaceful and prosperous African State."

[continued on page 11]



The Old, Old Story

The first American criminal to employ the services of Swiss banks at all systematically was certainly Meyer Lansky. At the 1932 Democratic Convention in Chicago, Lansky had gone out of his way to meet Governor Huey Long, The Kingfish, the Lord of Louisiana. Within a few months they were to do business together. Lansky paid the Kingfish \$20 000 per month to allow slot machines in Louisiana, ostensibly for 'charitable purposes', although out of the first \$800 000 profit made in New Orleans the widows and orphans received precisely \$600. "Governor Long was afraid that the payments would become public knowledge, so Lansky came up with the idea of depositing the money in a Swiss bank. ... Till today the secrets of Long's Swiss hiding places remain inviolate. The US Internal Revenue sent their most famous agent, Elmer Irey - 'the man who got Al Capone' - to pursue Long ... but the hunt was called off in the late 1930s because it was so crucial to keep his friends loyal to the Democratic Party." - Nicholas Faith: *Safety in Numbers*

"The spirit of reform came to New Orleans with the election of Mayor Delesseps Morrison in 1946. One of his campaign promises was to drive the racketeers out. He did just that. ... When the New Orleans Parish was closed to them, [Frank] Costello and Dandy Phil Kastel cast their eyes on adjoining Jefferson Parish, where Sheriff Frank 'King' Clancy was making a buck allowing a few casinos to function. "Costello and Kastel decided to open a class nightclub-gambling casino that would feature top Broadway entertainment, really good food, and a plush gambling room. It was to be called the Beverley Club and was to be situated just over the New Orleans Parish line so that it could be reached with the minimum of inconvenience. ... Kastel was the club's president, and Costello was on the books for \$17 000 a year as a talent recruiter. (That, of course, was just for the income tax people.) It developed into one of the most lavish casinos in the nation, presenting headline talent like Sophie Tucker and Tony Martin. Dandy Phil ran it with lavish and loving care. If you weren't dressed properly, you weren't welcome." - Leonard Katz: *Uncle Frank, The Mafia Boss Who Owned New York*.

"In October 1946 [Lucky] Luciano traveled to Cuba to preside over a huge convention of syndicate bosses in Havana. On the agenda were the division of the casino gambling spoils and the establishment of new routes to facilitate the importation of hard drugs into the United States.

"Because of the alliance that Meyer Lansky had struck with [Cuban dictator] Batista, Havana was considered a safe place to hold a Mafia summit. (The US Bureau of Narcotics put pressure on the Cuban government to deport Luciano, but since Batista was still being 'greased' by Lansky and Luciano, the government did nothing about it.) Among those who showed up were Vito Genovese, Joe Adonis, Albert Anastasia, Frank Costello, Joe Bonanno, Joe Profaci, Santos Trafficante and the Fischetti brothers with Frank Sinatra in tow. Meyer Lansky also showed up, as a non-voting associate." - John H Davis: *Mafia Dynasty*.

"Frank Sinatra once acclaimed [Sol Kerzner] 'the best saloon-keeper in the world.'" - Allan Greenblo: *Kerzner Unauthorised*.

"Batista struck a deal with Lansky whereby the mob and the Cuban government would be partners in the developing gambling and tourism on the island. Batista would match the Mob dollar for dollar. Lansky determined who got the major gambling concessions ... the old Hotel Nacional ... the Capri ... the \$24 million Havana Hilton ... the Sans Souci ... the

Hotel Commodoro. He built himself the lavish Riviera. The revenue from these was vast beyond the bosses wildest imaginings." - John H Davis: *Mafia Dynasty*.

"When a state-owned organisation is your partner, it is your hostage. The state is affected as a shareholder by your licence conditions, so the more favourable the conditions the better for the state. What the fiscus might lose in tax concessions is supposed to be recouped in shared prosperity ... the Ciskei People's Development Bank held shares in Trans-Cisk ... the Transkei Development Corporation owned [a share] of Transun. The BNDC ... jointly controlled Sun International (Bophuthatswana) Holdings. "Conversely, there is a prejudice to rival licence contenders. That is why, under the revised gaming dispensation in South Africa, state participation is outlawed ..." - Kerzner *Unauthorised*.

"Then, suddenly, Castro deprived organised crime of one of its largest sources of income. It sent the bosses back in the States into a frenzy. It sent Lansky off to the Bahamas to try to establish casinos there.

"In his autobiography Luciano wrote that Lansky helped Batista transfer \$300 million into secret numbered Swiss bank accounts. Later Lansky would get Batista to invest those funds in casino gambling in the Bahamas, Beirut, and London." - John H Davis: *Mafia Dynasty*

"When the Mafia controlled the enormous gambling business in Cuba, regular cash shipments were organised from Havana to Switzerland. After the arrival of Castro, the action moved to Las Vegas. ... A courier was used to carry the money to Switzerland. The links were provided by Lansky's supposed 'financial advisor', John Pullman. Pullman was a director of the Mafia's principal bank in the Bahamas, the Bank of World Commerce; his brother-in-law was the brains behind the island's major gambling development, Resorts International (which brought Richard Nixon into the Mafia's orbit. He had to be dissuaded from opening its new casino during his first year in the White House)."

"In the early 1960s Pullman carried the Mob's 'skim' money from Miami to the Bank of World Commerce in the Bahamas and thence to Switzerland. The sums were enormous - up to \$12 million a year from Las Vegas alone." - Nicholas Faith: *Safety in Numbers*.

"The controlling shareholder [of SunBop Holdings] is 'creaming off' annually R1 per share [in addition to the usual, declared dividend] and paying it out of the Rand Monetary Area etc., when the ordinary shareholder receives a dividend of R1.32 p.a. and has little or no knowledge ... of the agreement because of non-disclosure in the accounts. ... The excess payment is probably R50 million p.a. ... [and] this accumulation 'probably' resides in Royale Resorts [a Kerzner-controlled off-shore company]." - Leslie Young to President Mangope, 1993.

"Lucky Luciano, stuck in Italy with a declining income and having had his first heart attack, hoped to earn some money out of a film on his life. He had already approved the screenplay and wanted Dean Martin to play the lead role. He was sure his friend Frank Sinatra would make the necessary introductions."

"Of all the attorneys in America, Sol picked Frank Sinatra's. ... To be a player in the gaming industry, there's nothing to beat a little networking. Just watch out for the downside. ... when [Sol] attempted to enter Atlantic City ... in 1982, it's not to be forgotten that the gaming authorities turned against

him for serious suspicions of Mob connections too." - Kerzner *Unauthorised*

"In January 1960 ... the [US Security Council's] Special Group agreed that the CIA should start 'covert contingency planning to accomplish the fall of the Castro government'. By September ... free-lance CIA agent Robert Maheu [had] approached underworld leaders John Rosselli, Santos Trafficante, and Sam Giancana with a deal to kill Castro for \$150 000. Rosselli's Mafia roots went back to the 1920s. Giancana was once bodyguard to hitman Jack McGurn, a prime suspect in the St. Valentine's Day massacre. Trafficante gained notoriety for staging some of the most perverted sex shows in the Americas. The three believed that the CIA approach could be of enormous benefit to their criminal activities, especially since a mistress of Giancana's was also sharing a bed with the President-elect of the United States.

"Judith Campbell met Jack Kennedy in 1960 at the Sands Hotel in Las Vegas while Kennedy was campaigning for the Democratic election. They were introduced by Frank Sinatra." - John Ranelagh: *The Agency*.

"Then [in 1980] there came Frank Sinatra, to open the [R30 million, Sun City] Superbowl, followed by a legion of entertainment and golfing superstars, palls all. Sol was celebrity-struck." - Kerzner *Unauthorised*.

"Early in 1969, when Resorts International, a highly suspect Bahamas concern, tried to seize control of Pan American Airlines, the sources of the foreign financing required were so mysterious that not even the [Securities & Exchange Commission] could trace them. [The fact that] some of the directors were very close to President Nixon made the case politically explosive. [This and other cases made it] clear that new legal weapons were required if the fight against white-collar crime were to be made more effective." - Nicholas Faith: *Safety in Numbers*.

"Teaming up with Merv Griffin was a dynamic way for Sun International [USA] to enter the Atlantic City market. [His] Resorts hotel, which opened its doors in 1978, [was] the first casino hotel in Atlantic City. ... [It] was once part of Resorts International, which Donald Trump had bought out of bankruptcy. ... Behind the deal [with Griffin] was the transaction in 1994 when Sun bought the Paradise Island [Bahamas] businesses of Resorts International." - Kerzner *Unauthorised*.

"This is the gambling State. This is the honey pot. Do not tell me that organised crime is not protected. With prostitution, casinos ... and thousands of heroin addicts on our streets, it must be visible ... Blind Freddie knows that crime is organized. How much proof is needed? It goes from administration to administration and from government to government. ... The stench in this Parliament is so great that I, as a citizen, cannot stomach it any longer." - John Hatton MP, *Parliament of New South Wales, Australia, 1980*.

"... with the State's defences - Parliament, the police, public morality - compromised ... the late 1970s and 1980s ... were heady days when cash flowed, the drinks were free, and the colourful casino bosses replaced the bushrangers as the folk heroes of their time. " ... a first report [in July 1972] ... summarised Police conclusions ... that [US poker machine manufacturer] Bally and its subsidiaries are clearly Mafia controlled' ..." - David Hickie, *The Prince and The Premier*. ■

[Continued from page 9]

In Greenblo's view, Bop (a product of apartheid ideology and ostracised in the world for that reason) was rewarding Sun International for promoting its image abroad. Citizens who were not prepared to trumpet the virtues of the so-called "independent republic" of Bop, an illusion that was sustained for 20-odd years at huge financial cost to South African tax payers, and at the unspeakable political and social cost of all South Africa's black citizens, did not qualify for these tax breaks.

That is not how the judge saw it. [More about that, and him, on next page.]

In 1988, Sun International started negotiations with Young about special tax allowances on hotels. They wanted - and got - the allowance on investments in hotel buildings and "attractions such as golf courses, gardens, infrastructure, etc." increased from 10% to 20%, in addition to other write-offs and allowances. All were promptly granted. Greenblo sums up: "From the 1960s and into the 1970s there was a one-time allowance on new equipment; a depreciation allowance on used equipment; and a further investment allowance for the first year. There was a 'basic' buildings allowance; plus an additional 'gradings' allowance', plus another investment allowance on the cost of the buildings ... The upshot was that Southern Sun [as it was at the time] paid next to no tax ..."

[Even worse is the waste of resource:s. What Bop might have got in tax from Sun, it used to pay for the most expensive and risk-laden part of the casino business - the cost of the hype machine, the loss-leader - Lost City, indeed - used to lure the gamblers in. In five years' time the concrete extravaganza is likely to be out of date, out of fashion and in serious need of maintenance. - Ed.]

And all of it negotiated with Minister Young, whose salary Sun was secretly subsidising. Greenblo [and we] though the conflict of interest was obvious. Not so, says Judge Flemming.

In Judge Flemming's view, Gencor had seconded an accountant (Young) to "give Bophuthatswana a competent Minister of Finance". Sun International had, thereafter, made a "contribution to promoting" the minister. As for the rest, said the judge, "attempts at promoting tourism at joint expense, or subsidies for Sun International's efforts, are in order." The judge notes with disapproval that, in *Kerzner Unauthorised*, these matters are cast in a sinister light, and that Greenblo "minimises or argues against" what could be perceived as an acceptable excuse, mitigating, or serve as a reason to "close the book on the past."

Greenblo, he said, had given no reasons for attaching "more significance than acceptable behaviour" to "assisted secondment", "promotion of income" of both Sun International and the Bop government and, finally, what the judge prefers to describe as "incentive-inspired tax patterns".

All fair enough in a democracy: Indeed, for a moment, it appeared that was how the judge saw their differences, too. "To hold a negative opinion on acceptability is [Greenblo's] privilege," he says. But the mildly sarcastic use of the word "privilege" is the giveaway. Judge Flemming isn't into the new democratic order; he's a man of the "ancien regime" (to quote another of his sharp phrases). The judge's view is The Law. Which makes Greenblo's view ... unlawful!

Back to that off-shore management fee: a memo written by Young a few weeks before his retirement, shows that by 1989 Young himself had come to the conclusion that Bop was being used to fund Kerzner's off-shore empire, and that Bop was not getting anything like it's money's worth from SIM.

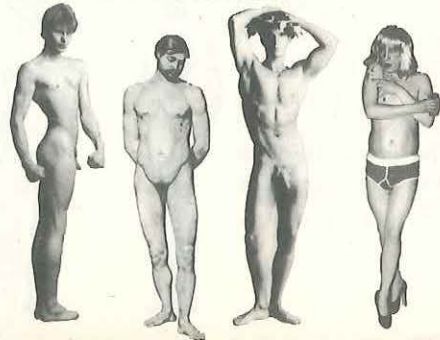
To his successor Young now bravely confided: "On the basis of information obtained internationally ... it would seem that SunBop have been paying [SIM] from two to two-and-a-half times the normal management fees."

Greenblo comments: "SIM was an off-shore company. Unless the management fees were being paid by SunBop in contravention of exchange control regulations, SIM must have been granted permission by the S A Reserve Bank for the payment of management fees abroad. It would appear that SIM were being paid outside South Africa for skills provided by South Africans (including Kerzner) in South African States, for the development and management of South African assets."

Eight years after he, himself, condoned the directors' decision not to disclose the management contract in SunBop's prospectus, Young now cautioned his successor with a cursory, but telling note: "The rights of shareholders to knowledge of the management contract is not mentioned [in the new draft management agreement]", adding, in parenthesis: "Legal requirement?"

Young then goes on to estimate the extent of that omission: the "excess" paid by SunBop to the Bermuda-registered company was "probably R50 million p.a.". This money, he says, now "probably resides" in [Sol's European-registered] Royale Resorts, "who will no doubt have enormous cash reserves".

Young concludes with a summary of the position: "One must now [raise the] question of the rights of other shareholders ... the controlling shareholder, KERSAF, is "creaming off" one rand per share p.a., paying it out of the Rand Monetary Area etc. when the ordinary shareholder ... has no knowledge of the ... agreement because of non-disclosure in the accounts." ■



SOL'S PREVIOUS 'GO' AT THE PRESS

In Nov 1985 this picture introducing the nation to a new blonde in Sol's life -19-year old Tanya van Wijk, a runner-up Miss Hillbrow. The following Sunday, in an interview headlined "The Sun King and I", she talked about her "relationship" with the Sun "supremo". She said she'd met Sol at Sun City, where she had been doing a fashion shoot. "When Mr Kerzner met me, he asked me for my telephone number, but I was very, very surprised when he later telephoned me and asked me out to dinner."

With his divorce still pending before the courts, Sol was less pleased about the publicity. When *Vaderland* reporter Gerhard van Niekerk found them still partying at Norman's Grill in Jeppe at 1 a.m. and raised his camera to take this picture, Sol exploded in a fury. He and three bodyguards chased the reporter into the street. By the time they reached him, Van Niekerk had managed to lock his camera in his car boot. One of the heavies tried to lever it open with an iron bar, while Sol himself laid into the reporter. [Proving that Sol's inclination to aggressive press censorship is not new.] The police arrived in time to witness the scene, and charges of assault were laid - but Mr Kerzner was able to arrange things, and the charges were withdrawn. Only the picture remains to immortalise Miss Van Wijk's moment in the sun..

SEX, DRUGS AND ROCK-N-ROLL THE KERZNER / KRIEL DIVORCE

Kerzner Unauthorised quotes extensively from the court papers in the divorce of Sol and Anneline. According to the Divorce Act that is a criminal offence. The papers were, however, also widely reported evidence in a criminal case - the trial of Anneline's second husband, Tucker, on dagga charges. Greenblo argued that, as evidence in a criminal case, he was entitled to quote it.

No criminal charges were laid against Greenblo. In their application to have Kerzner Unauthorised banned, Sol and Anneline (now married to Sol's successor as CEO at Sun Intentional SA, Bacon) claimed publication of their divorce papers would infringe their privacy and threaten the innocence of Anneline's two children by Tucker. The judge agreed. But who, we ask, are they kidding? Most adults would assume that a three-times married former Miss World and and a three-times married millionaire gambling boss have led a rich and varied sex life. All the divorce papers did was confirm they share this view. To want to ban a book because it debunks *Father Christmas* and the *Tooth Fairy*.

When it comes to the question of drugs - surely it is not for Mrs Kriel-Bacon to point the finger at Greenblo for putting her children's innocence at risk. The material on her repeated drug use became public record when she tried deliberately to have the children's father publicly branded a drug offender - in a criminal trial engineered by her. ■



In the news to the last! That elderly stalwart of the Bench, Mr Justice Curly Curlewis has declared himself in favour of bringing back the noose. Which brought to mind a matter from the apartheid era that we are sure is one of the reasons why many of Mr Justice Flemming's Brothers on the Bench believe that "closing the book on the past" is the only decent thing to do: the attitude of the courts to the matter of political prisoners that suffered misadventure at the hands of the police.

It had been an established phenomenon for at least 30 years by the time Nelson Mandela was released from prison to lead a new, non-racial democracy. Throughout those years, South African magistrates and judges sustained a near-constant belief in the integrity of all police investigators and in the honesty of police witnesses. By the same token, the (all white, remember?) judges were hostile and derisory in their dismissal of detainees' evidence of torture or assault by police.

As supercilious as they were - and largely remain - about claims to freedom of speech, just as dismissive were the judges of the right of *habeas corpus* - literally the right to demand, when we have reason to fear for a detainees' life or safety, that his jailers "produce his body" in court, so that we may be assured beyond doubt that he is alive and well. Had the judges sustained that right - and not conveniently "found" that it was not really part of our law, they would, of course, have risked having their faith in the police proved wrong. They might, even, have saved some lives. But that assumes the judges were disposed to doing so and, as we know, by that time many judges - the majority on the Appeal Court - had only been appointed because of their known Nat sympathies.

Notable amongst them was Mr Justice Curlewis, brilliant but notoriously alcoholic advocate at the Pretoria bar before his rehabilitation and appointment to the bench - in the year of the Soweto riots - by that notorious former Minister of Police, John Vorster. There Judge Curlewis continued to eccentrically affect English gentility by regularly wearing a bowler hat and pin-stripe trousers to chambers.

Judge Curlewis's attitude to black people's political aspirations and sensitivities was summed up by his

angry response, at the "Bethal" trial of various members of the Pan Africanist Congress in 1978, when one of the accused announced that, like Mr Nelson Mandela at his trial, he did not feel he would get justice from a court constituted only of white men enforcing "white man's laws". Judge Curlewis's arrogant and memorable response: "Nelson Mandela, who is he? Why do you quote him? I've never heard of anyone named Mandela."

Law Professor David Dyzenhaus is one of the few lawyers who have not joined the conspiracy of silence that surrounds the subject. He is the author of *Hard Cases in Wicked Legal Systems*. Referring to that other effectually "English" Nat appointee, Chief Justice Ogilvey Thompson [yes, Julian's Dad], Dyzenhaus says: "It seems fair to say that he should shoulder some responsibility for the fact that South African security policemen [felt] unconstrained by law when dealing with detainees and that torture [today he might have said "murder"] was a feature of security detentions in South Africa."

The courts had acquiesced. A critical, free Press became as potentially embarrassing to the courts as it was to the government. [Which might partly explain the courts' need to attack the credibility and motives of the press at every opportunity, mostly by presumption.] The courts joined the Government in silencing the Press. But the high incidence alone of deaths in detention and other acts of injustice by servants of the State ensured that reasonable people had to take note and start drawing conclusions.

Spokesmen for foreign governments and the foreign press were still free to talk out. Judge Curlewis responded by barring the diplomatic representatives of Sweden and the USA from attending the Bethal trial as observers - on the remarkable grounds that they were "representatives of governments only interested in political matters".

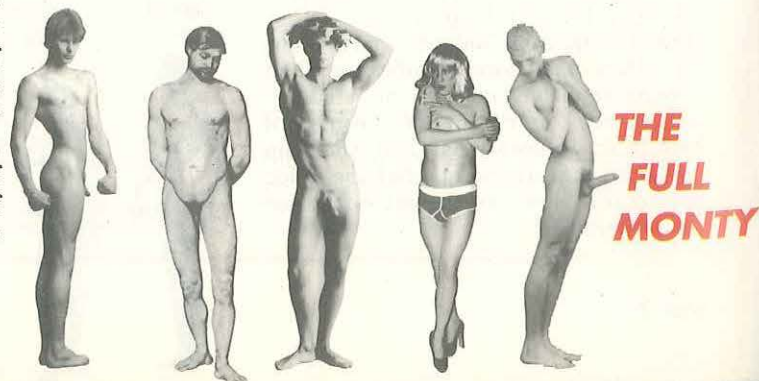
It was Curlewis's extraordinarily lenient judgement and sentence of four white youths who had gratuitously kicked and battered two black men to death, that somehow, in July 1985, made one of Britain's best known newspaper columnists, Bernard Levin of *The Times*, think of the remarkable

number of black South Africans who met misadventure while in police custody. Why was it necessary for the police to beat their prisoners' brains out with such depressing frequency, he asked, when South Africa had "enough laws and enough reliable judges and magistrates, to convict any African of anything at all?"

Besides being reminded that "an astonishingly high proportion of wicked men are also stupid", Levin thought Judge Curlewis's perverse sense of justice suggested an answer to what Levin called "this South African mystery": "A lifetime of accepting [white] South African values ... a lifetime of regarding black and white as two wholly different and eternally separate species, a lifetime of feeling part of a protective laager ... has resulted in a withered imagination."

In his judgement banning *Kerzner Unauthorised*, Judge Flemming notes with patent irritation what he calls Greenblo's "attempt to taint [Kerzner] by association". "[Greenblo] seems unable to refer to a homeland except when adding the emotionally laden adjectival 'apartheid created'," the judge complains. Which is really a bit odd, considering that Greenblo, himself, had declared in his affidavit to court: "The book is in fact a rigorous and detailed investigation into the manner in which business operated in apartheid South Africa." Maybe the reason for the judge's sensitivity lies closer to home. The courts are one of the institutions most tainted by their association, over 50 years, with apartheid. The Appeal Court from the mid-Sixties onwards was, undoubtedly, "apartheid created".

Given that context, it seems somewhat unfortunate that, in his judgement, Judge Flemming declares as his reason for refusing to consider American insights into the importance of freedom of speech in a democracy, that "Each community has its own culture and develops its own ideas of what is fair, proper and desirable," and that he sees no reason to deviate from "what has developed in the Appellate Division over years". Is that not the problem - that our courts' "culture" and ideas are not only not democratic, but have been fairly summed up by Bernard Levin? ■



The World Wildlife Fund: An Unnatural History by Kevin Dowling

Part Two

Behind the World Wide Fund for Nature's fluffy, eco-friendly image, so well expressed by its cuddly panda bear logo, lies a darker history.

The WWF is the world's largest private charity and a spectacularly successful fundraiser. Much less is generally known about how, and with what objective, it spends the hundreds of millions of rands it raises. Its affairs are run by a self-appointed group of trustees who operate with more secrecy and less accountability than the CIA. What we do now know, thanks to the research of UK-based journalist Kevin Dowling, is that the spectacular sums raised by the WWF over the past 30 years with its emotional

appeals for funds to save, first the panda, then the elephant and, finally, the black rhino, were not spent on saving them.

The contradictions between what the WWF says in public and what it does in secret reinforce suspicions about its true agenda and possible political and economic objectives.

The WWF has spent several hundreds of thousands of rands and used its powerful international network of influence in the media to suppress Dowling's expose of the power and politics, and some of the characters and sinister motives behind the WWF. This is the second instalment of a continuing series which will appear in noseWEEK.

A reader has questioned my reference — in nose20 — to Solly Zuckerman's cruel use of animals in wartime experiments. Replying to his question (see letters) gives me the opportunity also to describe the circles in which the WWF was born and the beliefs and psychology of its founders and original sponsors. These not only provide an interesting historical background to the establishment of the WWF; they go a long way to explaining the undemocratic — and often arrogantly secretive — management style of the WWF, and the policies and objectives still pursued today by the powerful, self-appointed elite who control it.

Born and educated in South Africa, (Sir) Solly (later Lord) Zuckerman was one of a group of leading scientific "internationalists" who gained overwhelming influence in setting scientific agendas in Britain during World War II and after it.

Zuckerman was Prosector — anatomist — at London Zoo in 1931, when he founded a private dining club, the "Tots and Quots". The club's members ranged from such luminaries as biologist Julian Huxley and anthropologist GP "Gip" Wells (son of his friend the novelist HG Wells) to a group of well-known scientists who were also prominent supporters of the Communist International, such as Desmond Bernal, JBS Haldane (co-author, with Huxley, of *Animal Biology*), Patrick Blackett, Joseph Needham and Hyman Levy (one of the founders of the Association of Scientific Workers, a COMINTERN front which had Huxley — not a Communist — as its president).

But to suggest that this developing scientific elite was dominated by Communists is to miss the point. In fact the group included several well-known fascists as well. When he founded Tots and Quots, Zuckerman was already an intimate member of the social circle revolving around Alex and John Spearman and John Strachey, co-founder of Oswald Mosley's New Party, which was later renamed the British Union of Fascists. It was in this company that Zuckerman met the philosopher CEM Joad, director of propaganda for the British Fascisti, whose reputation his friend Julian Huxley would later rehabilitate by transforming Joad into a national celebrity as a panellist on the immensely popular wartime radio show, *The Brains Trust*.

Huxley himself flirted with fascism as ardently as he admired Stalin's agricultural reforms; his writing partner, the "scientific socialist" HG Wells (they were co-authors of the

famous compendiums of knowledge, *The Outline of History and Science of Life*) was a virulent racist whose hopes for an Anglo-Saxon world empire were pinned on the creation of an "open conspiracy" to slaughter and enslave the "black, brown and yellow races", and rid the world of "that alleged termite, the Jew". As the *Chambers Biographical Dictionary* more politely puts it: "They extended the application of their scientific knowledge to political and social problems, formulating a theory ... based on the principle of natural selection."

What united this extraordinary group was a common commitment to the "scientific management" of nature and of human society. Their goal was a corporatist utopia: just what flag flew over it was of little concern, so long as they had a hand in building it.

Zuckerman used *Tots and Quots* — its membership expanded to include the head of the Political Warfare Executive, RHS Crossman, Harry Lucas of the Ministry of Economic Warfare and William Penney, one of the fathers of the British atomic bomb programme — to insert himself and his friends at the heart of the British war effort. It did not take long before they were well entrenched, in the "rackets and balls" of Combined Operations — HMS Wimbledon, the wags called it — under Lord Louis Mountbatten.

An account of Zuckerman's campaign "to devise sensible propaganda directed not only at the scientific community, but also at the general public" is contained in Zuckerman's autobiography, *From Apes to Warlords*.

One of the first results of this campaign was a Penguin Special, *Science in War*, published in 1940. In it various anonymous contributors argued the case for a rational, scientific approach to the business of killing on an industrial scale. A leading contributor was CH Addington, who would later be prominent — with Zuckerman — in establishing the WWF.

Zuckerman's military career began with work done for the Ministry of Home Security to determine the effect of bomb explosions on people. His first experiment, carried out on Salisbury Plain on 15 October 1939 ("the Blitz" had not yet begun), involved stringing up monkeys in specially-designed harnesses in a bomb shelter and then exploding bombs nearby.

At the Road Research Laboratory near Slough, Zuckerman began a series of experiments exposing rabbits and guinea-pigs to explosions, so that he could study the

Continued on page 18



When a Hofmeyr

The story so far

Chris Hofmeyr was a successful Pretoria businessman until, in 1988, he was suddenly struck down by a depressive illness which cost him his job, his marriage and his home. The psychiatrist he consulted, Dr J L Venter, grossly mis-diagnosed his condition and then prescribed vast overdoses of inappropriate and dangerously addictive drugs, including 10 times the accepted dose of benzodiazapines. The drugs not only instantly and unwittingly made him an addict, they also sent him into a new-found psychotic state.

Hofmeyr's father, Professor Beyers Hofmeyr, is the well-known and respected former Dean of the Veterinary Faculty of Pretoria University and the longest serving Board member of the Afrikaanse Akademie vir Wetenskap en Kuns, which is generally accepted to be the academic "front" for the Afrikaner Broederbond. Professor Hofmeyr was, apparently, angered

and embarrassed by his son's condition — a situation made more acute when Chris's condition deteriorated to such an extent that his parents were obliged to take him into their home. After several stressful months, Professor Hofmeyr had Chris admitted to the H F Verwoerd hospital, allegedly telling the staff that he had found his son attempting to commit suicide with an overdose of drugs. While no medical evidence was found to support the allegation, the hospital staff were prompted by his clearly psychotic condition to have him transferred to Weskoppies mental hospital, where he suffered the nightmare of "cold turkey" drug withdrawal because the hospital had not been told of the large doses of addictive drugs that he had been taking for years on prescription.

While he was lying helpless in Weskoppies in 1991, someone — Chris believes it was his father — instructed prominent Pretoria attorneys Rooth & Wessels, to apply to the Supreme Court for the

"voluntary" surrender of Chris's estate. The court papers made no mention of his mental condition or the fact that he was in a mental hospital, and, in due course, the court declared Chris insolvent. Subsequent evidence shows that at the time his assets were probably worth R600 000, while his debts totalled just R100 000.

Following a valuation of Chris's substantial personal effects and furniture by Mr T U Bernardi, well-known Pretoria auctioneer and sworn appraiser, everything was either auctioned or disappeared. Bernardi's valuation was later described by another sworn appraiser as "fictitious, unethical and a total misrepresentation of the true value, quality and number of Mr Hofmeyr's assets of that date".

A further attempt by his father to get him committed to a State mental institution was thwarted by an alert Pretoria district surgeon who, at the last minute, questioned Chris and then refused to sign the committal forms.

Now read on ...

Part two

Saved by the police

Whenever Chris mentioned that he wished to contact his bank about his financial affairs, his father warned him against doing so. "My father said that if I phoned them they would have me locked up," says Hofmeyr. "I didn't understand this at all, but at that time I was too anxious to do anything." The warning was nevertheless a puzzle, because Chris

had been a valued client at the Glenstantia branch of Trust Bank since 1970. The then branch manager, Mr E J Herbst, would later declare in a testimonial: "As a valued client and also because he consistently met all his obligations to the bank, Trust Bank designated Chris Hofmeyr a 'prima' client, the bank's highest client rating at the time."

In 1993, Professor and Mrs Hofmeyr moved to George. In June, when, because of his condition he could no longer stay with friends, the homeless Chris followed them, by bus, to George. They once more reluctantly took him in.

"Now on different medication prescribed by my new psychiatrist, I slowly started to feel better and started thinking about my life. By the following year, I felt so much better that I decided to face the bank, regardless. I phoned the manager, Ernie Herbst," he said.

It was from Herbst that he learned for the first time that he had been declared insolvent, supposedly at his own request, and that the bank had had nothing to do with it, as he had been led to believe. "Ernie told me that I had been in no trouble with the bank at all,"

he said. "When I told Ernie that I had been in Weskoppies at the time, he was shocked and said 'But that is fraud!'"

Hofmeyr tackled his father about his discovery — a mistake. After a family meeting with his son-in-law and daughter, during which they consulted by telephone with Chris's brother, Dr C B Hofmeyr in Pongola, the professor confronted Chris with the renewed threat that the family was going to have him committed to a mental asylum "once and for all". Terrified, Chris managed to telephone his new psychiatrist, Dr Potgieter in Pretoria, who told him to leave the house at once.

Before he could do so, however, help arrived in the form of a police car, presumably summoned by Dr Potgieter. The policemen took Chris to the George police station, where Captain Van den Heever interviewed him.

"He listened to my story and refused to believe my family that I was mad. He had me examined by a doctor who arranged for me to spend five days in a clinic until I was strong enough to get the bus back to Pretoria," he said.

When he arrived at Pretoria station he had no home, no money, no clothes

goes insane ...

and little hope. He phoned his newly-married daughter, Jeanne, and she and her husband took him into their small flat for the next few months, while he regained his strength and prepared to fight back.

His health improved dramatically after Dr Potgieter correctly diagnosed his condition as bi-polar depression, for which benzodiazapines had been the wrong treatment, and started him on Lithium. As he felt better, so he began to return to his old, energetic self and to assemble the evidence he needed to prove what had been done to him, and to recover some of what he had lost.

In October 1994 Hofmeyr confronted his father once again about his furniture, clothes and personal possessions that had disappeared. "He again told me that I had broken the law in my dealings with the Trust Bank and that *they* were responsible for my sequestration. Again he warned me not to phone them," he said.

Chris Hofmeyr's friend, attorney Danie de la Rey, obtained copies of court records that confirmed their suspicions that a fraud had taken place while he was incapacitated.

"Attorney A B T van den Hooven of Rooth & Wessels acted on instructions from a third party while I was psychotic in a mental hospital," said Hofmeyr. "Creditors claims against me were not proven. Van den Hooven simply accepted them as stated by my father.

"A sworn valuator subsequently found Bernardi's valuation of my assets absolutely fraudulent. Items worth R250 000 were valued at R16 000, without being listed."

Had Van den Hooven acted properly, Hofmeyr claims, he would have informed the Court that Hofmeyr was not mentally capable of looking after his own affairs and asked the Court to appoint a curator to safeguard his interests at the court hearings. Instead he made no mention of my condition or the fact that I was at that time resident in Weskoppies," said Hofmeyr.

THE BROEDERS TAKE A HAND

But Chris Hofmeyr's search for justice hit a major stumbling block when he endeavored to find an attorney in Pretoria to act for him. He believes the problem lies in the fact that many of the major figures in the legal profession are, like his father, Broederbonders and reluctant to act against a powerful man like Professor Hofmeyr.

Every time a firm of attorneys undertook to fight the case against Professor Hofmeyr and Rooth & Wessels it was not long before they changed their minds and either withdrew from or stalled the proceedings.

First came Mr Van Staden of Savage, Jooste & Adams, who issued summons against Rooth & Wessels and Professor Hofmeyr, and applied for legal aid on Hofmeyr's behalf. Then Van Staden withdrew claiming his client was "too difficult".

Next Hofmeyr was accepted by attorneys Couzyn, Hertzog & Horak. They said the case was a big one with big implications but not difficult to prove. But hardly had they accepted when they, too, withdrew, saying they didn't want to act against colleagues Rooth & Wessels.

Next came Berkow, Fineberg & Suliman. Mr Berkow took over the case but, for the next six months did nothing. Hofmeyr discovered that he had let some of the case prescribe — legally lapse for being out of time.

A friend of Hofmeyr's, Dr Hennie Senekal, Town Clerk of Bronkhorst-spruit, recommended attorney Gerhard Botha, who was enthusiastic and positive about the case. Botha did nothing for two months, then, suddenly withdrew, saying Hofmeyr was "a nuisance". Hofmeyr found this difficult to understand, since he had seen Botha only twice in the two months.

Meanwhile things were looking up for Chris on the personal front. His health and energy was restored, and he had met and married his second wife Marie-Louise, who enthusiastically supported his fight for justice.

Finally, a friend of Hofmeyr's, businessman (and theologian) Dr Jan Grey, took the case to his own attorneys, Wilsenach, Van Wyk & Goosen. Senior partner Wilma Lubbe collected the papers and appointed a junior attorney on her staff, Frik van der Walt, to handle the matter. Van der Walt, in turn, briefed Advocate Sarel Wagener to prepare the case. "Wagener really impressed us. He quickly grasped the case and we felt secure with his insight

and confidence," said Hofmeyr.

In 1996, when the case was already well into preparation for trial, Hofmeyr and his supporters were, therefore, surprised when, without consultation or notice, his attorney announced that he had appointed a senior advocate, Advocate Ferdi Preller SC, to lead the case. When Hofmeyr demanded an explanation, attorney Van der Walt said it would be "good for the case". Hofmeyr and his supporters were far from convinced. "Preller was not in the same league as the junior advocate, Sarel Wagener. He was rude, ignored me, saw me as a psychotic and, as the case progressed, it became abundantly clear that his knowledge of the matter was extremely poor," said Hofmeyr. I told my attorneys and Wagener how I felt. When Preller began to make more and more mistakes, I instructed my attorney that I did not want Preller handling my case, but he did nothing."

Things began to look worse when



Chris Hofmeyr and his daughters Benda and Anna

Preller started interviewing witnesses. "One of them, Dr Paul Lombard, phoned me and told me that Preller had telephoned him and his impression was that Preller was not interested in the case and would sink me," said Hofmeyr.

"Another witness, Danie de la Rey, reported that, in the hour he had been with Preller, Preller was only interested in discovering whether or not he was a member of the Broederbond. Preller had also suggested to De la Rey that he 'might want' to refrain from testifying, as he was an attorney, leaving De la Rey with the impression that Preller was on the side of the Defendants."



Hofmeyr's wife and friends, including Dr Grey who had introduced attorneys, Wilsenach Van Wyk & Goosen to the case, all advised him to fire Preller.

In front of witnesses, Hofmeyr telephoned his attorney and instructed him to dismiss Preller: "But he refused, claiming it would be wrong to fire Preller at this stage of the case. He seemed under pressure," said Hofmeyr. The unfortunate Mr Van der Walt probably was under considerable pressure. He knew something about Advocate Preller that he could not tell the Hofmeyrs, for fear of losing his job.

On Chris's birthday, Sunday, 6 April 1997, while he and his wife were lunching with friends, Preller rang him and asked to see him immediately. They met him after lunch to be informed that Legal Aid had been withdrawn, and that Preller had "cancelled the case" due to new evidence by Piet van Rooyen, the curator who had been appointed by the court, at Rooth and Wessels' instigation, to handle Hofmeyr's insolvent estate. Van Rooyen, said Preller, had now informed him that he had received telephone calls, presumably of instruction, from Chris Hofmeyr himself at the time of the court application.

"I pleaded with Preller, pointing out that he was fully aware that I had six witnesses to testify that I could never have made such calls when I was sick in Weskoppies. He smiled for the first time and said his decision was final," said Hofmeyr.

The next day in Court, Preller told the judge that the Legal Aid Board had withdrawn their support due to "new evidence" and that, as a result, he and the rest of Chris Hofmeyr's legal team would be withdrawing. The judge was not amused and asked "Who is to judge the evidence — the Legal Aid Board or me?" But with Hofmeyr's legal team unwilling to proceed, the case was dismissed.

The following day, Hofmeyr discovered a few interesting facts about the disagreeable and undisodgeable Advocate Preller.

- He is married to Wilna Lubbe, Hofmeyr's attorney's boss. Neither of them ever disclosed this to their client. *[It was, of course, in Ms Lubbe's interest to give her husband a lucrative brief - and not have him fired. One wonders, too, just how many unfortunate clients of Wilsenach, Van Wyk & Goosen might have been Prellered in order to swell the family coffers? — Ed.]*

- He acts for a member of the Legal Aid Board who is in disrepute, and

- His cancellation of Hofmeyr's funding took place on a Sunday when the Legal Aid Board is ostensibly closed. The timing — over a weekend and less than a day before the case was to begin — left counteraction by Hofmeyr impossible.

FIGHTING BACK

IN THE face of such opposition, most people would have collapsed, but Hofmeyr stayed on his feet. In June 1997 he formally complained to the Pretoria Bar Council about Preller's conduct, pointing out that by sabotaging his case, Preller had cost the taxpayer over R280 000 in legal aid costs paid out to his various attorneys — without getting a hearing in court. At first the Bar Council ignored Hofmeyr's letters. But he had also contacted various members of the Government to seek assistance for a review of his case, among them a distant cousin, ANC MP Willie Hofmeyr — himself an attorney.

Willie Hofmeyr wrote to Mr H N Pretorius, Director of the Legal Aid Board, on 18 June 1997 asking for his comments on the case and pointing out that legal aid was withdrawn on Sunday, 6 April, less than a day before his case was to begin in court. The MP

continued: "... it would appear to me to be highly irregular that such a decision was taken on a Sunday under the above circumstances, and that it was conveyed to Mr Hofmeyr via his counsel, rather than through his attorney. I have advised him to take the matter up with the Bar Council. However, I am concerned about his allegations about the manner in which this matter was dealt with by the LAB, and I would appreciate your comments as a matter of urgency."

Over a month later, on 21 July, Willie Hofmeyr wrote to the Legal Aid Board for the third time, asking for a written report of the circumstances, which Pretorius had promised, by phone, to send to him.

The response came in a brief letter dated 17 July. After twice spelling Willie Hofmeyr's name incorrectly, and ignoring the issue of irregular Sunday dealings, Pretorius confirmed that: "shortly before the trial was due to commence, Mr Hofmeyr's counsel telephoned to inform me, as he was bound to in terms of his legal aid instruction, that he was not going to be able to prove his case. I responded that in that case he could not be permitted to continue with the matter on legal aid".

Pretorius concluded his letter to Willie Hofmeyr MP with this kindly reminder: "As you are aware, public funds are used by the Board to provide legal aid and care must be taken to ensure that those funds are spent in a responsible manner."

Having already authorised over a quarter of a million rands on the case, you'd think, wouldn't you, that Pretorius would have at least given Chris Hofmeyr his day in court? But that wouldn't have suited Ferdi Preller, who pocketed some R60 000 for time spent on a case he ditched. Neither would it have suited Chris's father, the famous Professor Hofmeyr, nor his attorneys Messrs Rooth & Wessels, for whom the consequences of a successful action could be devastating.

Willie Hofmeyr, who is a leading member of the Parliamentary Select Committee for Justice, also wrote to the Pretoria Bar Council asking what action, if any, it was prepared to take in the matter. He expressed his personal concern about the matter and added: "Mr Hofmeyr is particularly concerned about whether he will enjoy a fair hearing of his complaint before a body composed of the colleagues of Mr Preller, who is one of the senior members of the Bar." That, finally, brought some reaction.

[Continued on next page]

back-to-work wines

After a somewhat expensive and hectic holiday season, I am sure that many of you are dreading the approach of the "Payment due date on your credit card accounts, yet still want to enjoy the fruits of the vine. We have tasted, over the last holidays, some unpretentious wines which besides being easy to drink, don't require much understanding or cerebral activity, and are very reasonably priced.

Just before Christmas we were given some wine by Annette, whose father is the legendary Swepie le Roux of Domein Doornkraal at the foot of the Swart-berge — probably the only man in South Africa to use his own ostrich egg whites to fine his reds and ports. Particularly appealing, both by name and by nature was KUIERWYN — it's just that, for drinking with friends. A blend of Chenin, Semillon and a splash of Colombard, off dry, it slides down so quickly, you never have a chance to look at the bottle again to make sure what it was. We also tasted PINTA — Pinotage and Tinta — a richly textured Jerepigo which for me had a hint of that wonderful marzipan covered chocolate from the Springer factory in Windhoek. Doornkraal's charming, almost naive, labels make quite a discussion point for your friends from the over-expensive, over-oaked, oh-so traditionally labeled Chardonnay brigade.

Those of you who belong to the ABC [Anything But Chardonnay] School of wine drinking because you're tired of

drinking oak juice will be as charmed as I was by Graham de Villiers's Mont Rochelle Natural Chardonnay - unwooded. I found it had all the flavour of the grape, wonderful lime and even the butteriness and vanilla of an oaked



by Michael Olivier
Host at Parks Restaurant

Chardonnay. How superbly it tackled the Christmas Ham!

In a business like mine, we are constantly being approached by new kids on the block who offer all manner of wines in all manners of packaging. One of the most enthusiastic bearers of bottles is a charming man with the delightfully Dickensian name of Murray Giggins who recently offered us three very exciting wines. Yonder Hill Merlot was one of them. Very attractively packaged, with a superbly understated label [ditto their Deux Cabernets, though I haven't tasted that yet], I found this a richly flavoured, soft, approachable, smooth plum and a "hint

of espresso" wine.

The other two came from Amani, a farm on the Polkadraai in Stellenbosch. I knew this farm when it was called Almaura and owned by friends who planted the Sauvignon Blanc from which the Amani Sauvignon Blanc and Blanc Fumé are now made by Mark and Hillary Makepeace. And what stunners both wines are! They are fruity fresh, no hint of cats pee, but lots of green gooseberry, grass and herbs, the drive of the Blanc Fumé having been tempered somewhat by a superbly delicate touch of oak. Achim von Arnim always says that the oak should be there as a platform for the wine to perform on. Indeed, it is so with Amani* Blanc Fumé. The packaging had great appeal to some at a dinner party recently, though not to me as I find this unCape, unwine, approach a bit OTT.

● *Amani* means peace in Swahili. Makepeace — geddit? Swahili speakers live far away. Even so it'll be on my next list. ■

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Hofmeyr continued ...

AND NOW?

THE Pretoria Bar Council has appointed a senior member to investigate Preller's handling of the case and a disciplinary hearing — in public — has been scheduled before a panel of three senior lawyers, including retired — and rather elderly — Mr Justice Trengove.

Hofmeyr is back on legal aid, this time to help him seek reinstatement of his case against the various lawyers and family members he believes abused their positions of power over him.

Chris Hofmeyr is still without a job, without funds and, because of his sequestration, cannot open a bank account.

Sadly, Hofmeyr's former psychiatrist, Dr J L Venter, died last year. Not long before, he had been struck from the Medical register for having had a wild, mutually enjoyable, sexual fling with a psychiatric nurse who came to consult him, and then, miraculously, discovered she could cure him of his impotence. What really upset the Medical Council was that, when she next attended Sunday service at a Pretoria church, she responded to the

preacher's exhortation of his congregation to confess their sins, by telling the entire congregation about her sinfully sexual fling with Dr Venter.

The Medical Council had previously also received complaints about Dr Venter's over-prescribing, but that the Council apparently found deserving of no more than a mild reprimand.

Professor Hofmeyr left George and returned to Pretoria. The professor no longer communicates with his son.

Watch this space for developments.
— Maureen Barnes ■

thrillers of the month

reviewed by Maureen Barnes

Deception on His Mind

by Elizabeth George (Hodder & Stoughton)

ELIZABETH George has a large following, of which I am an enthusiastic member. The aristocratic Detective Inspector Thomas Lynley and his lowborn assistant, Sergeant Barbara Havers lead a cast of recurring characters which people her novels.

A Great Deliverance, For the Sake of Elena, Playing for the Ashes and other interesting and intricate police detective stories appeal particularly to readers who also enjoy the work of P D James. George is no copycat novelist, however. An American who divides her time between homes in London and California, she has won several international awards for her nine novels.

In her latest offering, Lynley is away on honeymoon and Havers, on sick-leave after being injured on duty, becomes involved in a murder which takes place in an English seaside town. She manages to get herself seconded to Detective Chief Inspector Emily Barlow, the tough, driven and ambitious officer in charge of the case.

Known as "Barlow the Beast" during the detective courses they had taken together, Emily had "blasted her way through the ranks of the CID by proving herself equal to the opposite sex in every way". Sexism doesn't bother her. "Once the blokes know you'll go for their cobblers if they step out of line, they don't. Step out of line, that is."

Now I have to admit that, when I read that this novel was about racial tensions in England between Pakistanis

and Brits, I was quite put off, being of the opinion that we've got quite enough of that sort of thing in our own backyard. When it comes to relaxing between the sheets with death between the pages, I want refined bloody murder without a great deal of realism.

However, the characters are so interesting and the writing so good, I found the novel gripping from page one, when the body of a Pakistani, a recent immigrant, is discovered on a deserted Essex beach. As the intended groom in the arranged marriage of Sahlah, the daughter of a local businessman, Akram Malik, his murder has implications which could exacerbate the already fragile race relations of the economically depressed (and emotionally depressing) town.

Malik had arrived in the town a decade before and started small, making mustard in a back room. He ended up with a profitable factory making a variety of spicy goods. A decent man, he loved all things British and, while he aspired to be a leading member of the community of the town, at home he was a strict traditionalist.

It is these conflicts between religious and cultural traditions which create the drama which ends in murder.

When Barlow takes on Havers as a talented, unpaid assistant, she doesn't know that the sergeant has a hidden agenda which, if discovered, could damage both their careers. The reason that Sergeant Havers is in the town in the first place is to keep an eye on her London neighbours, lecturer Taymullah Azhar and his charming small daughter, Hadiyyah. Invited by the rebellious Malik son, Muhammad, Azhar has come

from London to assist the Maliks in the aftermath of the killing.

Havers struggles to solve the crime while, at the same time, keeping her motives from both Azhar, to whom she is increasingly drawn, and from Emily Barlow whose vengeance could be fearsome.

While you might despair at the clash of cultures, especially the plight of the women involved, the subject is treated with sympathy. The solution to the puzzle is both original and convincing. Elizabeth George peels off layer after layer in a story of love, lust, ambition and deceit. And it's an exciting thriller too.

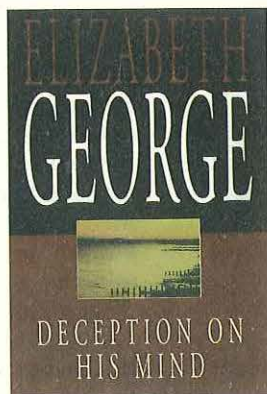
Survival of the Fittest

By Jonathan Kellerman (Little, Brown & Company)

I FOUND this, the latest Alex Delaware thriller, a disappointment, perhaps because I'm getting a bit tired of the Brave Psychologist, Gallant Gay Cop and even, the Extraordinary Israeli Policeman — although to be honest, Inspector Daniel Sharavi only appeared once before in *The Butcher's Theatre*. Or maybe it's because Kellerman's characters are becoming more two dimensional with every new book.

The story is a far-fetched one of the elimination of handicapped children, which Detective Milo "Why-are-they-so-mean-to-the-gay-cop-with-the-best-crime-solving-record-in-the-State?" Sturgis is ordered to solve. Naturally, he needs Dr Alex I'm-straight-but-look-how-nice-I-am-to-my-gay-friend Delaware, to help him do this. Sharavi is in the picture because one of the children is the daughter of an important Israeli diplomat.

I read this book just a few weeks ago and already the ending has faded from my mind. ■

**Zuckerman continued from page 13**

monkeys and dogs, to open explosions to study the characteristic bruising of the lungs caused by blast.

Because birds have relatively enormous breast muscles, which in theory should have protected their lungs from blast, he blew up birds as well.

At a site near Bedford he assembled a staff dedicated to investigating the effects of blast and missiles on animals. Here tethered goats, monkeys and rabbits were exposed to large charges of explosives so that the effects could be studied post-

mortem. A bonus: rationing had come in, and the bodies of the experimental animals formed a much-appreciated supplement to the scientists' diet.

According to the standard test at the time — which involved measuring the damage done by small splinters from exploding bombs and grenades to one inch-thick wooden boards — fragments weighing less than a twenty-fifth of an ounce did not cause wounds of any consequence. Zuckerman shot ball-bearings into the limbs of pigs, rabbits, monkeys and dogs, and quickly demonstrated that fragments weighing

less than half a gramme could shatter bones.

Spark photography was used to record how, on impact, the wounded animal's leg ballooned to three or four times its original size, due to the formation of a temporary cavity within the living tissue.

Monkeys, Zuckerman's experimental animals of choice when researching concussion and the elasticity of the skull, were attached to metal plates which were instantaneously accelerated to a velocity of 10.8 feet/sec by means of a blow from a large pendulum hammer.

(To be continued) ■

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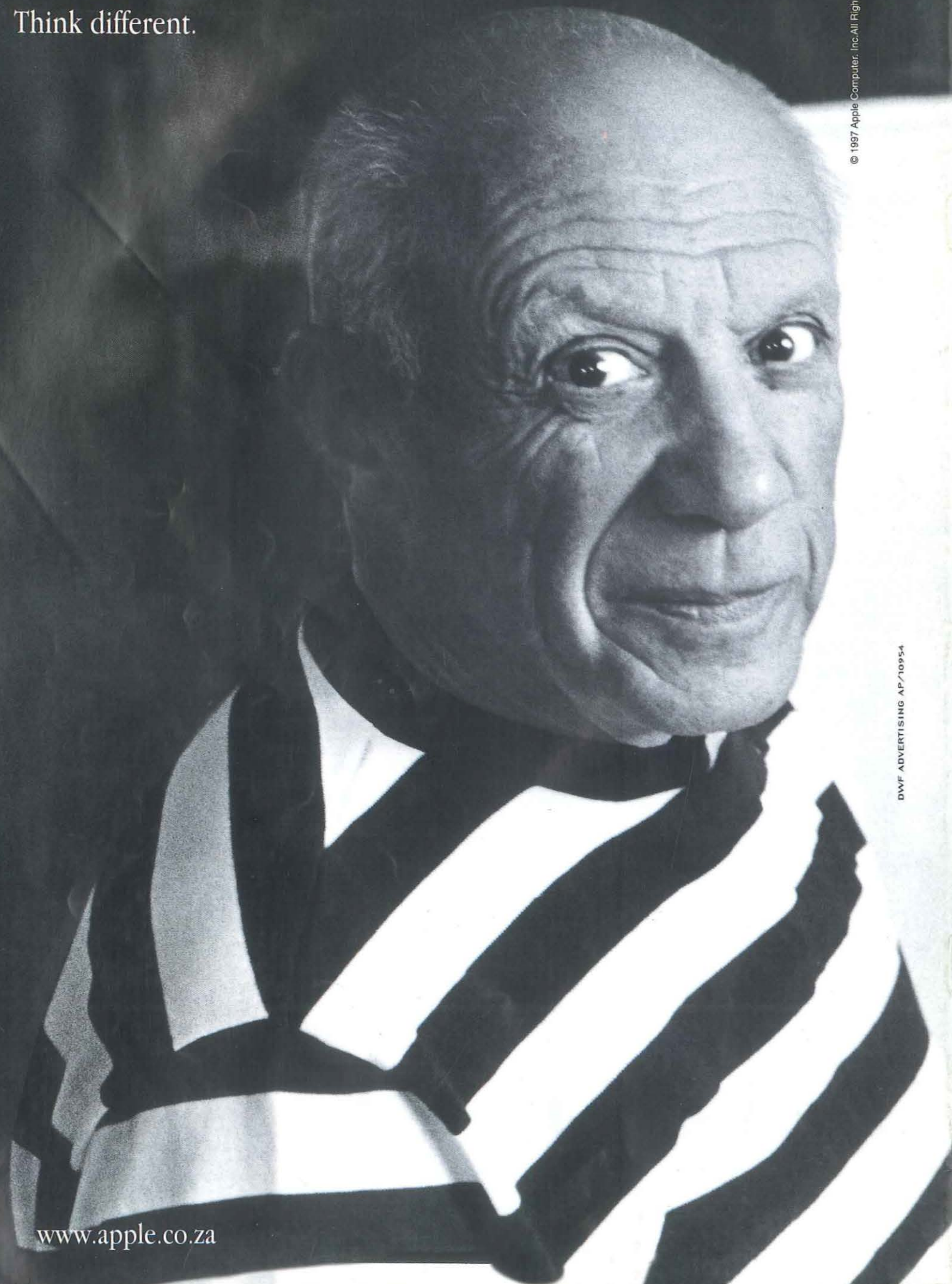
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