

# Money called key in apartheid fight

By RICHARD M. PEERY

STAFF WRITER

When Jennifer Davis reads newspapers from her native South Africa, she sees results of her work in the United States.

"The divestment campaign is constantly mentioned in the South African press. That shows that the business community is extremely concerned," Davis said here yesterday.

Davis is executive director of the American Committee on Africa. Her organization has been leading a national campaign to get public groups and pension funds to withdraw their investments in companies doing business in South Africa.

The news reports from there prove that critics of divestment are wrong when they say the campaign can be ignored by the apartheid government, she said.

Davis is in Cleveland to conduct a seminar on divestment this morning at Fairmount Presbyterian Church for representatives of churches and other organizations that have investment funds.

Davis, who earned a degree in economics at the University of Witwatersrand, left her native country 20 years ago.

"I did political work in South Africa, but by 1966 almost everyone I worked with was under house arrest or in jail," she said in an interview yesterday. "My husband was visiting in the United States and he was offered a job, so we moved here with our two children.

She became the head of the committee in 1981 and has seen the move-

ment to divest grow dramatically in recent years. Davis said 17 states, 58 cities, nine counties and the Virgin Islands had adopted some sort of divestment plan so far.

Davis said Oakland had enacted the strongest law on divestment so far. That law not only controls how city funds are invested, but it awards a preference to contractors who do not have South African connections.

Legislation on divestment is pending before Cleveland City Council. It is not as extensive as the Oakland law.

Davis said she conducted seminars, testified before legislative bodies or lectured to students each week.

Pension fund managers all give the same reaction when she first proposes divestment, she said. "I never had a financial adviser say 'yes' at first, but it always turns out that it is possible to do it," she said.

Davis said she was frequently frustrated by how little most Americans know about Africa.

"I've never gotten over the shock of having to deal with South Africa as part of the 'free world,'" she said.

Davis predicted that conflict would intensify in her former homeland as the government steps up repression to combat rebellion. She said the state eventually would run out of strength.

"I hope to go back some day," she said.



# South African family aims for Ohio Fear leads to asylum request

By RICHARD M. PEERY  
STAFF WRITER

A South African family afraid to return to their homeland has asked for political asylum here.

Marianne and Mervyn Swanson said yesterday at a press conference arranged by Rep. Louis Stokes, D-21, of Warrensville Heights, that they had been warned of persecution because Mervyn Swanson distributed anti-apartheid pamphlets and took pictures of police beating people in Bellville, a suburb of Capetown.

Mervyn Swanson said relatives had written letters telling them the police had been asking questions about him and that he would probably be arrested upon his return.

"I would probably be detained," Mervyn Swanson said at the briefing at the Federal Office Building.

Stokes said the Immigration and Naturalization Service office here interviewed the Swansons, decided their application for asylum was not frivolous and asked the State Department for an advisory opinion.

Mervyn Swanson, a plumber, was given permission by the INS Wednesday to work while his application is pending. The family, including three children, live in Orrville in Wayne County, where they have received assistance from neighbors and churches.

They came to this country so a son, Stan-Lee, 2, could be treated at the Center for the Achievement of Human Potential in Philadelphia. They said Stan-Lee suffered brain damage when he was given penicillin at a hospital in Capetown, even though he was wearing a medallion warning that he might be allergic to it.

Stan-Lee must receive therapy six hours a day at home and return to the hospital every three months for an evaluation. The Swansons returned to South Africa after their first two visits to the hospital, but said they were afraid they would not be allowed to leave again if they returned this time.

They were brought to Ohio by Randy and Marie Weber, who have a 300-acre dairy farm in Wayne County. The families met at the hospital. The Webers take one of their seven chil-

dren there for similar treatment.

The Swansons are represented by Peter Joy, a Case Western Reserve University law professor, but Weber said she asked Stokes to get involved because of his opposition to apartheid. Sen. Howard M. Metzenbaum, D-O., also has written the INS on behalf of the Swansons.

Mervyn Swanson, 34, said he would to try live in another country rather than return to South Africa if asylum is denied.

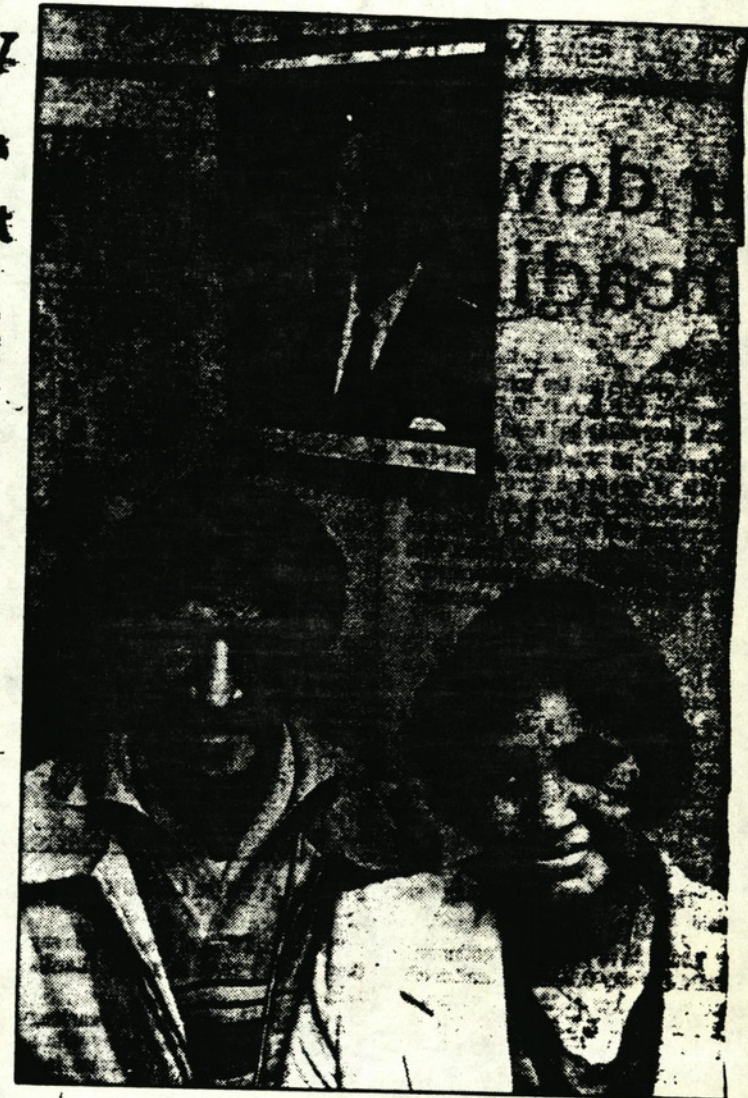
In South Africa, the Swansons are classified as "colored" by the government and are forced to live in a township reserved for mixed-race persons. The family enjoys Wayne County because it is the first time they have been allowed to be on a farm, Marianne Swanson, 36, said.

She said the South African government's announcement yesterday that a state of emergency was being lifted after seven months was meaningless.

"Things were the same before the emergency was declared. It won't make any difference," she said.

"The whole of South Africa is in a state of siege," said Mervyn Swanson. "When our children leave home for school, we never know whether they will return. Many children are killed by the police and army just walking to school."

The Associated Press reported that more than 1,200 blacks or mixed-race South Africans had been killed since the current unrest began 17 months ago. Two-thirds were killed by police



PH/DAVID L. ANDERSEN

Mervyn and Marianne Swanson of South Africa took their request for political asylum to the Federal Office Building yesterday.

or the military, the AP estimated.

Stokes said 58 applications for asylum had been made by South Africans

during the crisis. Seven were granted, 19 denied and the rest are pending, he said.



York Civil Liberties Union. "Students retain their traditional rights of free speech," because "university property is public property. The university cannot penalize them unless they interfere with the activity of the university."

However, First Amendment guarantees "don't apply to private entities," Mr. Eisenberg says.

"Private institutions aren't subject to constitutional restraints," says Claire Guthrie of the National Association of College and University Attorneys (NACUA). The First Amendment covers places regarded as public forums. "The issue is, what is and is not a public forum," with private institutions able to determine where, when, and how free speech is exercised on their property.

"Even public institutions can have regulations that regulate speech, using appropriate time, place, and manner considerations," explains Ms. Guthrie, whose organization sponsored a workshop on South Africa and student action for its members. "The key is, is it disrupting the academic enterprise?"

Eisenberg points out that two cases — *Schmidt v. the State of New Jersey* and *Tate v. the Commonwealth of Pennsylvania* — established state law "guaranteeing that their rights could not reasonably be abridged." If a university has made a location available "in other contexts, such as student government campaigns, then it is eligible for any use."

Asked if its private status has helped Boston University deal with activism, dean of student affairs Ronald Carter responded, "Yes, very much," adding, "we are concerned that they know they can protest within the rules and regulations." If they violate the rules, "we will hold them to the consequences," which may include suspension, expulsion, or arrest.

When students duplicated other schools' shantytown protests, Mr. Carter "met with them, and said, 'That's not going to happen,' and then the police took it down. The form of the protest was just not acceptable." Carter states, "We limit where they can picket or pass out literature."

"All political groups are hassled," says Mark Lurie, a senior active in BU's divestment campaign. "There's an incredible amount of paper work to get a room, to have a bake sale, anything. They do this in hopes that there will be less activism on campus." Mr. Lurie says it has not lessened the commitment.

Howard Zinn, a political science professor at BU for 20 years, has also noticed a change. "The controls at BU have become much, much tighter," adding that one student was suspended for leafletting.

In addition, Dr. Zinn states that the Massachusetts Civil Liberties Union has received a large volume of complaints about BU. Zinn resigned as adviser to a campus alternative newspaper rather than comply with a new rule requiring him to censor all "questionable" material.

"Last summer," Lurie recalls, "we handed out a divestment leaflet at graduation that referred people to an address if they wanted more information. The next morning at 3 a.m. the police showed up."

Along with potentially limiting public dissent, an administration may or may not choose to initiate disciplinary action internally, or call in the police.

At Harvard University, internal procedures were used to discipline 21 students who participated in anti-apartheid demonstrations last spring.

University last year to break up a demonstration, the student government, citing charges of police brutality, passed a resolution calling for a permanent police review commission and an outside investigator.

"Some campus police are authorized deputies of the state, some are not," NACUA's Guthrie explains. When they are not, an administration may resort to local police to end a troublesome but not violent action, such as a sit-in. "A private citizen, which is what a security guard for the campus may be, cannot bodily carry off another private citizen. The guard stands the possibility of being charged with assault. So the university may be compelled to call the police and charge the students with trespassing."

To retain control of the process, some universities institute changes in disciplinary procedures, or use other regulations to achieve their goals.

Following a 10-day fast by four students calling attention to Brown University's failure to divest, the university used a health-related regulation to end the action.

"We told them from the beginning that this was an acceptable form of protest, but that there were medical and liability concerns," said Robert Reichley, vice-president for university relations.

"We chose to separate them from the university; they were disenrolled." He reports that the university insisted they undergo an examination by university doctors, but "they refused."

Mr. Reichley concedes that "they had several people who were attending them who were doctors."

Students chose to fast in the campus chapel, according to spokeswoman Christine Arbor, to avoid possibly being forced to end their action by locating in a campus building, having received sanctuary status from the chaplain.

Declaring the chapel a "medically unsafe environment," the university threatened to drop the students from its rolls, putting them on "involuntary leave of absence." The students ended their fast.

Ms. Arbor indicated that "we planned this as nonconfrontational from the beginning, but the university decided to make it confrontational." Calling the move "really sneaky stuff," she says "it wasn't a disciplinary action, which could have led to a public hearing or a public debate."

"Despite the repression, students are politically active," Zinn observes. "They don't conform to the picture that the media often use to characterize them," he says, "that students today are conservative."

"They had the courage to do what they feel they need to do. They haven't been silent," Zinn adds. "No doubt the '60s has seeped into their minds." The only difference is one of "behavior rather than consciousness. They are affected by the economic crunch."

Guthrie concurs. "These students are very civil, because they don't want to damage the opportunity to get a good job. These demonstrations are well organized and very civilly conducted."

A possible return to antiwar-era activism is on the minds of administrators. States Carter at BU: "Certainly, we all talk to each other. We have a sense of excitement and a sense of dread about those times. We've all been through them, and we don't want it to happen again the way it happened before. If it comes back again, we're not going to be caught off guard."



Amy Carter, daughter of former president, protests Brown University's divestment p...