



JOMO KENYATTA: “THE BURNING SPEAR”

- c. 1894 Born
- 1914 Joined a Church of Scotland mission and was baptized
- 1922 Joined the East Africa Association political protest movement
- 1928 General secretary of the Kikuyu Central Association
- 1929 Went to London to protest white domination of East Africa
- 1936–38 Studied anthropology at London School of Economics
- 1946 Returned to Kenya to become president of the Kenya African Union
- 1952–53 Arrested and tried as the “manager” of the Mau Mau organization
- 1961 Released from prison
- 1963–64 Became prime minister, then president of Kenya
- 1978 Died

Jomo Kenyatta of Kenya was the most widely known and charismatic of the leaders of the several African peoples who were clamoring for independence from colonial rule in the 1950s. He was a large, powerfully built man, with a commanding presence, a penetrating, transfixing gaze, and a deep, kettle-drum voice. He was a spell-binding orator, well educated, and an experienced political leader and consensus builder among the many factions of his people. He was clearly a danger to continued white supremacy in Kenya. He knew it and the white settlers knew it.

He was born about 1894, near Mount Kenya, the grandson of a Kikuyu witch doctor. His life coincided with the period of white penetration of East Africa. He later recalled, as a boy, seeing the first white men to reach the interior. He was fascinated by them, by their bustling progress and their literacy. At about the age of twelve he presented himself at a Church of Scotland mission school, clad only

in three wire bracelets and a strip of cloth around his neck. He became a student and a Christian. He took the baptismal name Johnstone, from his admiration for the Apostles John and Peter (the "rock" or "stone" of the early church), adding it to his tribal name Kamau.

After five years in the mission school he went to Nairobi, the rapidly growing political and economic hub of East Africa. Here he held a succession of jobs that provided him with a living and the ability to buy fancy clothes, including a decorated belt which in the Kikuyu language is called *kenyatta*. He took this as a new name symbolizing his new life of affluence.

In 1922 Kenyatta joined the fledgling East Africa Association, the first political protest movement in Kenya against white domination. Government pressure forced this organization to disband, but its members shortly reorganized as the Kikuyu Central Association. Kenyatta became its general secretary in 1928. That same year a British colonial commission recommended a union of Kenya with Uganda and Tanganyika, with the prospect of self-government. Such a prospect spelled ruin for native Kikuyu interests, and the following year Kenyatta went to London to work against the scheme.

He made no progress at all with British authorities, but he and his cause were championed by various radical groups and individuals in England, including Fenner Brockway, a socialist member of parliament who was an outspoken critic of imperialism. Under the sponsorship of radical groups, Kenyatta traveled to Moscow and to the International Negro Workers' Conference in Hamburg. He was becoming identified with European radical politics—but he was radical only in the interests of his own people. In 1932 he was finally permitted to testify on behalf of Kikuyu land claims before a British government commission, but his testimony was generally ignored. He continued to travel on the Continent, visiting the Soviet Union again, where he studied at Moscow University for a year. Returning to England, he worked as a phonetic informant at University College, London, and from 1936 to 1938 studied anthropology at the London School of Economics. His thesis, *Facing Mount Kenya*, a study of Kikuyu tribal life, was published in 1938. For that book he took yet another name, Jomo "Burning Spear."

After the start of World War II Kenyatta was unable to return to Kenya. In England he lectured on African affairs for the Workers Educational Association and continued to write pamphlets advocating African rights. With the end of the war he helped organize the Fifth Pan-African Congress, which met, not in Africa, but in Manchester. Resolutions were passed demanding African independence from

colonial rule. Shortly thereafter, he was able to return to Kenya, where, in 1947, he was elected president of the newly formed Kenya African Union. Under his leadership the union grew into an enormous, mass nationalist party, with an increasingly insistent agenda for self-government.

Suffering without Bitterness

JOMO KENYATTA

In the face of the intransigence of the white settler government of Kenya, some sort of violent reaction was nearly inevitable. It came in 1952 with the outbreak of the black terrorist movement called Mau Mau. It was a widespread secret society, its members pledged, by the most gruesome oath-taking ceremonies, to violence against both whites and temporizing fellow blacks.

The Mau Mau created a nationwide panic. White settlers barricaded themselves in their farm compounds, fearing even their most faithful native retainers. Black tribal leaders who advocated anything short of violent solutions were in danger of their lives. A climax was reached with the murder of a revered senior chief of the Kikuyu, Chief Waruhiu, in the fall of 1952. On October 20, at the request of the newly appointed governor, Sir Evelyn Baring, the British government issued an Emergency Proclamation. Jomo Kenyatta was widely perceived among the white settlers to be the leader of the Mau Mau. Under the Emergency Proclamation he was arrested, along with nearly two hundred other African leaders. Kenyatta was immediately flown to a remote northern village, Kapenguria, where he was charged with "management" of the Mau Mau and brought to trial.

The book from which the following excerpt is taken, *Suffering without Bitterness*, was published under the name of Jomo Kenyatta. While it does contain substantial excerpts from his speeches and writings, it was actually written by two close associates of Kenyatta, his former secretary Duncan Nderitu Ndegwa, and Anthony Cullen, a member of his personal staff. Kenyatta himself read and contributed to the manuscript as it took shape. It is thus an "official biography." It deals with the famous Kapenguria trial, with Kenyatta's subsequent imprisonment, and with his eventual release and triumphant return to Kenyan national leadership.

The excerpt selected is a refutation of the charge against Kenyatta that he was the leader of the Mau Mau. Quite the reverse: it depicts him as an opponent of the movement and the leading advocate of Kenyan nationalism by peaceful, constitutional means.

The record of evidence at this point illustrates beyond rational doubt that, far from being a catalyst of disaster, Kenyatta was an implacable opponent of lawlessness and violence. By all his words, and by his very presence, he stood unyieldingly for nationalist demands, to be secured by the forces of peace.

He risked his life, before he was arrested, to strengthen his national Party. His principles, rooted in personal philosophy tempered by wide experience, were those of constitutional means. Beyond this, he could envisage how terrorism must provoke such reprisals, and permit such propaganda, as to undo—or set right back—the effect of solid preparation and persuasion over thirty years.

It seems remarkable in retrospect that, in 1952, men of ingrained honesty, and often of undoubted brilliance, should have stifled or have found themselves deserted by such attributes. . . . All were caught up in a monstrous lie.

The national Swahili newspaper *Baraza*—one of the *East African Standard* group of publications—covered a meeting at Muguga, about fifteen miles from Nairobi, in its issue of April 12, 1952. This account was quoted in evidence, incidentally, during the Kapenguria trial.

Baraza was staffed by professional journalists, who reported that: "Mr. Jomo Kenyatta, the President of the KAU, said last Saturday that, because of the rumours that had spread everywhere that KAU is connected with an Association which was proscribed—that is, Mau Mau—there should be no other meetings after the close of KAU meetings". . . .

Also quoted in the Court records was a report in the newspaper *Sauti ya Mwafrika* of June 20, 1952, in reference to a speech by Jomo Kenyatta at Naivasha at that time. In this speech, he emphasized that demands must be pursued peacefully, and warned against racial intolerance. This—be it noted—was not a subtle or strategic address to a select group of intelligentsia, but one of a series of orations to the ordinary people who gathered in thousands to hear him, standing in groups or perched in trees or seated on the ground. . . .

Then came two enormous mass meetings, of the greatest possible significance to any appraisal of Mzee¹ Kenyatta's activities and objectives over this period. The first of these was a KAU meeting at Nyeri on July 26, 1952, with an attendance of at least 50,000 people.

There is an official record of his words at this meeting. As an orator on such occasions, Kenyatta had—and indeed still has—a magic touch and a capability without peer. He could have inflamed this crowd and turned the country onto any chosen path, bending the

¹Mzee is a Kikuyu term of respect.—Ed.

future to his will. In the event, this was the occasion when he called for national unity rather than subversion, and for the faithful pursuit of democratic principles. He proclaimed that violence and thuggery could only delay Kenya's independence. Denouncing Mau Mau and lawlessness, he urged this vast assembly, and through them the millions to whom his words would gradually seep, to renounce force and rely instead on the supreme power of justice and brains. . . .

The second of these equally large mass meetings was held at Kiambu on August 24, 1952. . . .

Jomo Kenyatta started his speech with these words—"Many people were asked what this meeting is about and who the organizers are. The meeting is of the Kikuyu elders and leaders, who have decided to address a public meeting and see what the disease in Kikuyuland is, and how this disease can be cured. We are being harmed by a thing which some people seem to call Mau Mau."

Kenyatta went on to ask all those who were against Mau Mau to raise their hands. Response was immediate and unanimous. He then went on to talk about the objects of the KAU, and to disclaim any association between the Union and Mau Mau activities. He ended his speech with these words—"Let us agree not to engage in crime. We have pleaded for more land for many years. A Commission will soon be coming out to look into the land question. If you do not stop crime, those people who come out on the Land Commission will be told that we are thieves, that we are this, that we are that, which would do us immeasurable harm. We must now work together". . . .

He went on: "Mau Mau has spoiled the country. Let Mau Mau perish for ever. All people should search for Mau Mau and kill it. . . ."

Only 57 days elapsed after these declarations before Kenyatta was arrested. It is possible to ascribe motivation, not with the assurance of testimony, but at least with the confidence that has to emerge from the absence of alternative assumption. It must have been thought, by those responsible, that here was a man drawing inconveniently near to the attainment of at least some legitimate demands, by lawful means. It must have been thought that here was the one mature and powerful leader, in whose absence ambition—or even rebellion—could speedily be crushed. But whatever the composite of motives and emotions, Kenya was plunged into disaster. And those annals of justice to which the British people cling, with such modest and seemingly-casual devotion, were made to look shoddy, by the work of frightened servants of the Crown. . . .

After Kenyatta's arrest the Mau Mau violence grew worse. But the trial hastened on. In the course of the trial, Kenyatta made the fol-

lowing statement during testimony as a witness, called by his leading defense council, Mr. D. N. Pritt.

'I blame the Government because—knowing that the Africans have grievances—they did not go into these grievances: shortage of houses in places like Nairobi, land shortage, and poverty of the African people both in the towns and in the Reserves. I believe if the Government had looked into the economic and social conditions of the people, they could have done much good.

'And instead of joining with us to fight Mau Mau, the Government arrested all the leading members of the Kenya African Union, accusing them of being Mau Mau. It should have been the Government's duty to co-operate with KAU to stamp out anything that was bad, such as Mau Mau. Instead of doing that, they have arrested thousands and thousands of people who would have been useful in helping to put things right in this country. It is on these points that I blame the Government; they did not tackle the business in the right way.

'They wanted—I think—not to eliminate Mau Mau, but to eliminate the only political organization, the KAU, which fights constitutionally for the rights of the African people, just as the Electors Union fights for the rights of the Europeans and the Indian National Congress for the rights of the Asians. I think and believe that the activity of Government in arresting all the leading members of KAU, who are innocent people engaged in ordinary business, is not the right way of combatting Mau Mau. Most of the people behind bars today are people who would be helping to adjust things and eliminate Mau Mau from the country.

'We know pretty well that the reason for our arrest was not Mau Mau, but because we were going ahead uniting our people to demand our rights. The Government arrested us simply because, when they saw we could have an organization of 30,000 or 40,000 or more Africans demanding their rights here, they said: we have an excuse to stop this—Mau Mau.'

This clearly went to the root of the matter, and the presentation of this truth has been curiously hushed up—or simply unseen by superficial observers of Africa—in almost all subsequent literature and discussion.

But what of the trial itself? How was this conducted, and what was the calculated arrangement of the Prosecution case?

This may be gauged from Mr. Pritt's final address, spread over two days beginning on March 2, 1953. . . .

What follows now is an accurate precis, employing a selection of Mr. Pritt's unaltered words, of the case as he saw it at that stage:

'The prosecution case in this very serious litigation was scarcely properly prepared at any stage, either in the weeks or months preceding the charges, or in the weeks or months when the accused were already in detention, or during the period of the case itself.

'It does not seem that the prosecution has ever made up its mind on what is the essence of its case against the accused.

'I could understand the prosecution attitude if some political or other pressure had brought about the launching of a case that never should have been launched, but in no other way can I understand it.

'Some of the witnesses we wanted to call were in England, and the Government of Kenya refused to give us any safe conduct for them to come here.

'I have constantly wondered why so much of the prosecution evidence, and so much of their examination of the accused and witnesses, has seemed so remote from the allegations contained in the charges, which relate to management and membership of Mau Mau.

'Managing Mau Mau? Well, where? In what fashion, with what assistance, in what office, with what policy, with what documents? There was never anything.

'In order to convict Mr. Kenyatta of managing, the evidence would have to show that he is the manager, that is to say the one person who is at the head of the management, and not just one of a number of persons taking part in management. Therefore I would submit that Mr. Kenyatta not only cannot be convicted of being a manager, as a matter of law, because there is no evidence of his management in that sense of the word, but that he cannot be convicted of assisting in the management, since he is not charged with assisting in the management.

'The prosecution's case is sought to be built up out of all sorts of little bits and pieces, and little items on the periphery, and never any real evidence of anything seriously connected with Mau Mau. . . .

'You have to prove something grave and terrible, that the accused participated in a terrorist organization, whereas there is very substantial evidence that the body in which they are most prominent—the Kenya African Union—is a plain and outspoken enemy of that organization'. . . .

On April 8, 1953, the 58th day of the Kapenguria trial, judgment was delivered by the magistrate, Mr. R. S. Thacker, Q.C. The record shows that Kenyatta was convicted on both counts, sentenced to seven years imprisonment, with a recommendation that he be confined thereafter.

In all the history of legal process, there can hardly have been a more astounding verdict as an outcome of trial proceedings. It caricatured—rather than echoed—those farcical performances of law

in Police States which, before and since, have been widely condemned by humanists and liberal-minded men. . . .

Mau Mau from Within

DONALD L. BARNETT AND KARARI NJAMA

In spite of the government's best efforts to keep Kenyatta's trial secret, it quickly became an international event. India's Premier Pandit Nehru sent a team of Indian lawyers to defend him; he had the best available Kenyan lawyers; and his English radical friends secured the services of D. N. Pritt, one of Britain's most famous defense attorneys and a noted advocate of minority and subversive causes.

But the government pressed on with its case. The main charge was that Kenyatta was the active, managing leader of the Mau Mau. Despite the most blatant lapses in judicial process and the witch-hunt atmosphere of the trial, despite the perjured testimony of the leading prosecution witness (to which he later admitted), the presiding judge found Kenyatta guilty as charged. It was a judgment thoroughly approved by the Kenyan white settler community, who were unanimous in their belief that Kenyatta was indeed the leader of the Mau Mau. This was a belief shared by many native blacks, perhaps even a majority.

The following account is excerpted from a sensational book, *Mau Mau from Within*, the recollections of a Kikuyu teacher named Karari Njama, who joined the movement and whose book is a defense of it. In the account of his oath-taking it is clear that Kenyatta was regarded as the leader of the movement. It is equally clear that the distinction between Mau Mau tactics and legitimate protest—which was the heart of Kenyatta's defense—was totally ignored by Njama and the Mau Mau. Njama explicitly identifies Mau Mau with the Kikuyu Central Association (KCA), the radical political movement Kenyatta had once headed.

Njama had been persuaded by a friend to attend a feast at a neighbor's house. Only after he arrived did he begin to suspect that it was actually to be a Mau Mau initiation. Here is his account of his oath-taking.

Groups of men and women continued to come until there was very little room for anyone to sit. A few persons would be called by names and moved in the next hut. When I was called to go to the next hut, I

was very pleased, but arriving outside in a clear moonshine, I could see hundreds of people standing some armed with *pangas*, *simis* (swords) and clubs. They formed a path on both sides leading to the door of the next hut. I became certain that the day had arrived for me to take the oath, and I had to face it manly, I thought.

As I led my group marching in the cordoned path, they waved their *pangas* and swords over our heads and I heard one of them asking whether there was an informer to be 'eaten.' With a reply that we were all good people from another person, we entered the next hut.

By the light of a hurricane lamp, I could see the furious guards who stood armed with *pangas* and *simis*. Right in front of us stood an arch of banana and maize stalks and sugar cane stems tied by a forest creeping and climbing plant. We were harassed to take out our coats, money, watches, shoes and any other European metal we had in our possession. Then the oath administrator, Githinji Mwarari—who had painted his fat face with white chalk—put a band of raw goat's skin on the right hand wrist of each one of the seven persons who were to be initiated. We were then surrounded [bound together] by goats' small intestines on our shoulders and feet. Another person then sprayed us with some beer from his mouth as a blessing at the same time throwing a mixture of the finger millet with other cereals on us. Then Githinji pricked our right hand middle finger with a needle until it bled. He then brought the chest of a billy goat and its heart still attached to the lungs and smeared them with our blood. He then took a Kikuyu gourd containing blood and with it made a cross on our foreheads and on all important joints saying, 'May this blood mark the faithful and brave members of the Gikuyu and Mumbi Unity; may this same blood warn you that if you betray our secrets or violate the oath, our members will come and cut you into pieces at the joints marked by this blood.'

We were then asked to lick each others blood from our middle fingers and vowed after the administrator: 'If I reveal this secret of Gikuyu and Mumbi to a person not a member, may this blood kill me. If I violate any of the rules of the oath may this blood kill me. If I lie, may this blood kill me.'

We were then ordered to hold each others right hand and in that position, making a line, passed through the arch seven times. Each time the oath administrator cut off a piece of the goat's small intestine, breaking it into pieces, while all the rest in the hut repeated a curse on us: '*T'athu! Ugotuika uguo ungiaria maheni! Muma uroria muria ma!*' ('Slash! may you be cut like this! Let the oath kill he who lies!').

We were then made to stand facing Mt. Kenya, encircled by

intestines, and given two dampened soil balls and ordered to hold the left hand soil ball against our navels. We then swore: 'I, (Karari Njama), swear before God and before all the people present here that. . . .

(1) I shall never reveal this secret of the KCA oath—which is of Gikuyu and Mumbi and which demands land and freedom—to any person who is not a member of our society. If I ever reveal it, may this oath kill me! ([Repeated after each vow while] biting the chest meat of a billy goat held together with the heart and lungs.)

(2) I shall always help any member of our society who is in difficulty or need of help.

(3) If I am ever called, during the day or night, to do any work for this society, I shall obey.

(4) I shall on no account ever disobey the leaders of this society.

(5) If I am ever given firearms or ammunition to hide, I shall do so.

(6) I shall always give money or goods to this society whenever called upon to do so.

(7) I shall never sell land to a European or an Asian.

(8) I shall not permit intermarriage between Africans and the white community.

(9) I will never go with a prostitute.

(10) I shall never cause a girl to become pregnant and leave her unmarried.

(11) I will never marry and then seek a divorce.

(12) I shall never allow any daughter to remain uncircumcised.²

(13) I shall never drink European manufactured beer or cigarettes.

(14) I shall never spy on or otherwise sell my people to Government.

(15) I shall never help the missionaries in their Christian faith to ruin our traditional and cultural customs.

(16) I will never accept the Beecher Report.³

(17) I shall never steal any property belonging to a member of our society.

(18) I shall obey any strike call, whenever notified.

(19) I will never retreat or abandon any of our mentioned demands but will daily increase more and stronger demands until we achieve our goals.

(20) I shall pay 62/50s. and a ram as assessed by this society as soon as I am able.

²Female circumcision had been opposed by white missionaries and, to some extent, whites generally, as a cruel and dangerous practice—but it had become one of the nationalistic issues to the Kikuyu.—Ed.

³A report on public education in 1949, seen as inimical to black interests.—Ed.

(21) I shall always follow the leadership of Jomo Kenyatta and Mbiyu Koinange.'

We repeated the oath while pricking the eye of a goat with a kei-apple thorn seven times and then ended the vows by pricking seven times some seven sodom apples. To end the ceremony, blood mixed with some good smelling oil was used to make a cross on our foreheads indicating our reception as members of Gikuyu and Mumbi [while] warning us: 'Forward ever and backward never!' . . .

After we had all been sworn, the house was very crowded that contained about 80 people; nearly all of whom were initiated on that night. About the same number of old members were working outside as guards. A speech was made by the oath administrator, Githinji Mwarari, and his assistant Kariuki King'ori, who told us that they had been sent from the Head Office in Nairobi to give people an oath that could create a real unity among all the Africans which would make it easier for the African to gain his land and freedom. . . .

When he sat down, his assistant administrator, Kariuki King'ori, stood and taught us greetings—the old Kikuyu greetings rarely used due to changes brought about by the European civilization—such as the shaking of hands and the terminology. 'If any person wants to refer to the society he would not say "Mau Mau" as you have already been warned, but he would refer to the society as *Muhimu* (a Swahili word meaning "Most Important"), *Muingi* (meaning "The Community" in Kikuyu) or *Gikuyu na Mumbi*.' . . .

It was about four o'clock in the morning, the cocks were crowing, the moon and the stars were brightly shining. The footpaths were wet and muddy as it had rained sometime before midnight. I quickly and quietly went home and called my wife to open the door for me. Without talking to her I went straight to my bed.

I spent the whole day in bed, partly asleep, as I had not slept the night before, and partly reciting and reasoning my vows. Reflecting on the crowd at the KAU rally held one and a half months ago at Nyeri Showgrounds supporting national demands under the national leader Jomo Kenyatta assisted by Peter Mbiyu Koinange, the cleverest Africans in Kenya—whose leadership was advertised in Mathenge's song book where Jesus Christ's name has been substituted for by Jomo Kenyatta's—and whereas the Government had taken no action against them proved to me that our true and just grievances were led by powerful and honoured men. I believed that it was an all Kenya African national movement and not a tribal one. With the understanding that African labour is the whole backbone of Kenya's economy, I believed that if all Kenya Africans went on a labour strike we would paralyse the country's economy and the white community who holds the most of it would suffer most and recognize our demands. Further-

more, our national leader, Jomo Kenyatta, had lived in England for 17 years and must have during his stay convinced the British Government of our claims.

Rush to Judgment

JEREMY MURRAY-BROWN

Was the Kapenguria trial and conviction of Jomo Kenyatta a disgraceful and cynical rush to judgment? Kenyatta's assertions that he was never associated with the Mau Mau, but that he sought only the rights of his people under a constitutional government, seem to be borne out by the subsequent course of events.

After the trial and a series of fruitless appeals, Kenyatta was imprisoned in 1954, at Lokitaung. But African independence was on the march. There was a continuous clamor for his release. In 1960 he was elected *in absentia* as president of the Kenya African National Union, the leading native independence party. He was finally released in the summer of 1961, and he immediately began a speaking tour that brought out throngs wherever he went. Within the next two years he was elected president of KANU and a member of the Legislative Assembly. He was clearly the only black leader of Kenya with a substantial following. Under an agreement reached with the British, the last governor of Kenya, Malcolm Macdonald, invited Kenyatta to form a government on June 1, 1963, and he became the first Prime Minister of a self-governing Kenya. In the following year Kenya became a republic with Kenyatta as its president. In his triumph Kenyatta did not seek vengeance. Instead, he became the most pro-British of African leaders, and generally the most pro-Western, pro-white. He even reached an accommodation with the white settlers. This situation lasted until his death in 1978.

Were his moderation and statesmanlike policies as head of state indicative that he had been innocent of the charges brought against him in the trial at Kapenguria? Most of his detractors have said no, and have continued to characterize Kenyatta as, at best, an adroit politician who permitted his name to be used by the Mau Mau, and allowed himself and his party to profit from their violent tactics.

In the excerpt that follows from Jeremy Murray-Brown's *Kenyatta*, the most authoritative biography of Jomo Kenyatta, the author treats the trial at Kapenguria in great detail and proves conclusively that it was indeed a rush to judgment, a cynical pretext for remov-

ing Kenyatta as a dangerous political influence, and that the Mau Mau charge was a total fabrication.

The account begins with the appointment of the new governor of Kenya, Sir Evelyn Baring, and the proclamation of a state of emergency.

On taking up his appointment as Governor, Baring took the view that it would be a mistake for him to meet Kenyatta formally since if he then had to arrest him he would appear to have double-crossed the Africans. The first assumption of the Emergency operation was that once the nationalist leaders were out of the way, peace would return among the normally law-abiding natives of the colony.

The government was as shaken as everyone else by the Kikuyu reaction to the loss of their leaders, once the initial numbness wore off. It left them with the problem of having to decide what to do with Kenyatta. In London questions were raised in Parliament where Kenyatta had powerful friends in Fenner Brockway and Leslie Hale. Peter Mbiyu Koinange was also at large and able to denounce the Emergency measures. The confusion of thinking that led to Kenyatta's arrest compelled the government to find some pretext for his detention. Perhaps the most obvious solution was to bring him to trial and to try to make him out to be a common criminal. But of what offence should it accuse him? And how could they make the charge stick?

They made vigorous efforts to find something. A ton and a half of documents, books and papers had been removed from Kenyatta's house at Gatundu the night of his arrest, and a senior police officer was immediately detailed to go through these and prepare a case against him. He was given three weeks to complete his enquiries. It is fair to say he found nothing. . . . As Kenyatta's alleged crimes and the place of his arrest both lay in the Kiambu district of Kikuyuland, the natural and proper course would have been to try him in Nairobi. But the government feared the attention and demonstrations which this would attract and wanted to carry the case through as quietly as possible, at some remote spot.

Kapenguria was ideal for this purpose. It lay in a restricted area, to which no one could go without a permit; the scanty local population was backward and uninterested; it had never had a resident magistrate, so that the government could pick someone on whom it could rely. Had the prosecution been decided on from the start, the accused could have been sent straight to one of the prisons at Kapenguria where it would be simple to 'apprehend' them and give some plausibility to the holding of the trial there. But, as it was, the government had

to go through a legal farce. On 18 November Kenyatta and his colleagues Kaggia, Kubai, Ngei and Oneko, all of whom were also executive members of KAU, and Kunga Karumba, who was chairman of an important regional branch of the party, were brought down to Kapenguria, technically released from custody and immediately re-arrested, thus creating jurisdiction for trial in Kapenguria. They were now charged with the management of Mau Mau, which was a proscribed society. The offence carried a maximum penalty of seven years' imprisonment. Their trial was set for 24 November.

This was apparently the first Kenyatta heard of the government's intentions towards him. He managed to get a message out requesting that defence lawyers be briefed on his behalf. Within Kenya, feeling among the European community was running so high that no white man in the colony dared join in the defence, which was now being handled from Nairobi by the Indian supporters of the nationalist movement, led by a young barrister, A. R. Kapila. But immediate offers of help came from elsewhere, and soon an impressive international team of counsel was assembled, including Chaman Lall, a member of the Upper House of the Indian Parliament and friend of Nehru, H. O. Davies from Lagos, and Dudley Thompson, a West Indian practising in Tanganyika. Two Kenya residents also took part, a Goan, Fitzwell de Souza and a Sikh, Jaswant Singh.

To lead this team, Koinange, Brockway and Hale invited the services of D. N. Pritt QC, one of the ablest advocates at the English Bar. On 24 November the six accused were again brought down to Kapenguria where a judge recently retired from the Supreme Court of Kenya, R. S. Thacker, had been specially appointed to hear the case. He adjourned proceedings until 3 December to allow the defence team time to come together.

D. N. Pritt QC had as great an experience of political trials as anyone in the British Commonwealth. A Member of Parliament for fifteen years and known for pro-Soviet views, he had long been an opponent of imperialism. In the Parliament of 1945–50 he had sat as an independent Socialist. His acceptance of the Kapenguria brief made it certain that Kenyatta's case would receive wide publicity. If the Kenya Government hoped to get away with a hole-and-corner affair to cover their blunder in arresting Kenyatta, they badly miscalculated. Their attempt to make Kenyatta out to be an ordinary criminal came unstuck the moment Pritt arrived on the scene. As became clear during the trial itself, the prosecution soon shifted the base of its attack from Kenyatta's alleged criminal activities as manager of Mau Mau to the politics of African Nationalism. . . .

On 3 December 1952, all was ready for the trial proper to begin. The government provided window-dressing in the form of armoured cars,

barbed wire and helicopters circling overhead. Troops were everywhere in evidence. The six accused men were brought from their prison a mile away by army truck and marched in handcuffs by armed *askaris* to the door of the court. Only then were the handcuffs removed. The 'public' consisted of wives of settlers and of government officers who applauded every point which seemed to go against Kenyatta. But Nairobi journalists and half a dozen of the best foreign correspondents of the English Press were there, along with government photographers. The government intended, no doubt, to humiliate Kenyatta and impress such Africans as were present with the power of the colonial regime. In the long run the steps taken to destroy him in the eyes of his people ensured his resurrection as their suffering servant.

Kenyatta still wore the clothes in which he had been arrested. The police had removed his stick and ring. He was to spend fifty-eight days in court before judgement was passed, but everyone who was present at the trial felt that his was the dominating personality at Kapenguria.

On 3 December 1952, then, Deputy Public Prosecutor Somerhough opened for the Crown:

'May it please your Honour. The charge is that of managing an unlawful society. . . . The Crown cannot bind themselves to any particular place in the Colony where this society was managed. The Society is Mau Mau. It is a Society which has no records. It appears to have no official list of members. It does not carry banners. Some details of its meetings and rites, the instrument of which are got from the local bush, will be heard later in the proceedings. Arches of banana leaves, the African fruit known as the Apple of Sodom, eyes of sheep, blood and earth—these are all gathered together when ceremonies take place. . . .

The Crown case is going to be that Mau Mau is part of KAU—a militant part, a sort of Stern gang, if I may borrow a phrase from another country. It is possible to be a member of KAU and have nothing to do with Mau Mau; yet Mau Mau itself is a definite limb or part of KAU as it existed in 1952 when all the accused were closely connected with KAU as high office bearers.'

The Crown proceeded confidently to its first witness, a certain Rawson Macharia. Rawson Macharia was a young man still in his thirties and Kenyatta's neighbour at Gatundu. His evidence contained obvious untruths which the defence exposed, but its main significance was that it was the strongest of only three statements that implicated Kenyatta directly with oath-giving ceremonies. Macharia claimed to be a drinking friend of Kenyatta's, and to have been present when Kenyatta personally administered a 'Mau Mau' oath to several people and tried to make Macharia take it also. He gave convincing details—a

goat's head from which the eyes had been removed and placed on thorns and the tongue cut out, ceremonial arches, a brew of blood and earth. Kenyatta, he alleged, made the oath-takers repeat the words:

"When we agree to drive Europeans away you must take an active part in driving them away or killing them."

MAGISTRATE: Jomo Kenyatta said this?

MACHARIA: Yes, Mr. Kenyatta said this: "If you see any African killing anyone, you must not disclose it or tell anyone. If you shall see an African stealing, you must help him. You must pay sixty-two shillings and fifty cents to this society." Then he said: "And that is Mau Mau, and you must not ask how this money is used, and if you shall be asked whether you are a member of this society you must say you are a member of KAU."

Macharia said this incident took place on 16 March 1950, which was before Mau Mau was proscribed and so, even if proved, it was not an offence in itself. Pritt argued that the evidence should be disallowed. Thacker, however, accepted it on the grounds that it was a strong indication that Kenyatta must also have engaged in similar oath-giving ceremonies after the banning of Mau Mau. But the prosecution could produce nothing to substantiate this. . . . In the tensions of the Emergency any hint that a man might have links with Mau Mau was enough to condemn him. At Kapenguria Kenyatta was already cast as the villain by the government, and anything he had done or had said, anything which he now said in court, took on sinister meaning in the eyes of the Europeans.

It was for this reason that Rawson Macharia's evidence was so significant. It set the tone for the prosecution case, and put the judge in a receptive frame of mind. Despite the fact that Macharia's story was refuted by no less than nine witnesses whom the defence were able to bring to Kapenguria, as well as being denied by Kenyatta himself, the judge in his summing up said: 'Although my finding of fact means that I disbelieve ten witnesses for the Defence and believe one for the Prosecution, I have no hesitation in doing so. Rawson Macharia gave his evidence well.'

Rawson Macharia had reason to do so, knowledge of which was denied to Pritt at the time, though not to the government. The reader should now be made aware of it, as it is an important illustration of the peculiar circumstances in which Kenyatta's trial was held.

Almost six years later, towards the end of 1958, Macharia signed an affidavit swearing that his evidence against Kenyatta was false. He was then prosecuted himself for perjury—but for what the government said was a perjured affidavit, not for the perjury at Kapenguria

to which he confessed. At his trial in 1959 a copy of a letter was produced which purported to emanate from the office of Kenya's Attorney-General and in which were set out the terms of a government offer to Macharia to pay for his air fare to England, for a two years' course at an English University and two years' subsistence for himself and his family, and a government post on his return. The value of the offer amounted to over £2,500. The letter included the sentence: 'In the event of the above named [Rawson Macharia] being murdered for providing evidence, Government will undertake the maintenance of his family and the education of his two sons.' It carried the date 19 November 1952. . . .

It was not until 19 January 1953 that the prosecution completed its evidence. Pritt then argued at length that there was no case to answer: 'I would submit that it is the most childishly weak case made against any man in any important trial in the history of the British Empire.' The Crown disagreed and Thacker adjourned for a weekend to ponder the arguments in Nairobi. He ran into the most dramatic confrontation between the settlers and the colonial government of the whole Emergency.

On the evening of Saturday 24 January occurred the murder of the Ruck family. The Europeans heard the news on the Sunday and at once gave vent to their feelings. On Monday several hundred of them gathered in Nairobi and marched in a body to Government House brandishing their weapons and shouting for the Governor. They demanded a greater say in the running of affairs; the government seemed on the verge of collapse. . . .

Thacker returned from Nairobi to rule that there was a case to answer. The trial resumed under the shadow of increasing settler discontent. A Kenya newspaper warned the judge against acquitting Kenyatta. An article by Elspeth Huxley comparing him with Hitler was reprinted in a settler periodical. Inaccurate information about his life was circulated by men like W. O. Tait who had known him in the past. Kenyatta was the universal scapegoat.

After lunch that Monday, 26 January 1953, Kenyatta at last entered the witness-box himself. . . .

There follows a grueling cross-examination of Kenyatta.

In the interval the situation with Mau Mau underwent a dramatic deterioration. Two incidents, both on the night of 26 March, shocked all races in the colony.

The first was a daring raid on Naivasha police station, in the Rift Valley. With only five guns between them, the attackers rushed the post

in the dark and got away with weapons and ammunition which they loaded on to government trucks and drove off to the forests. It showed the Mau Mau bands were capable of military planning and discipline, and it gave them essential supplies for guerrilla warfare. . . .

The second incident had greater repercussions. For reasons which in part stretched back into the troubled history of the Tigon removal, all the villagers of a location called Lari who were loyal to their government-appointed chiefs were marked for destruction by rivals. On the night of 26 March some 3,000 embittered men, most of whom had taken the stiffest Mau Mau oaths, swept through the location burning huts and hacking wildly at humans and animals. At least ninety-seven men, women and children in the village died.

Lari and the beginnings of this spiralling descent into nightmare coincided with the closing stages of Kenyatta's trial. They placed him in an impossible situation. The leader of a nationalist movement must always expect to find himself in the dock sooner or later. What he then says will decide his future standing with his people. For Kenyatta to deny the springs of nationalism would have been to deny his whole political life. The judge at Kapenguria could only sentence him to a term of imprisonment; but if he said anything against his own people, who could say what might happen to him. Some of the other accused who played such a subordinate role at Kapenguria were not above murder for their cause.

On 8 April 1953, the court reassembled at Kapenguria for the last time. In the situation just described, an acquittal was politically unthinkable. The judge duly found them all guilty. He dwelt upon Kenyatta's evasive attitude, implying that Kenyatta had virtually condemned himself. Kenyatta then addressed the court. For all he knew it was to be his political testament. In the circumstances it was a remarkable statement.

'May it please Your Honour. On behalf of my colleagues I wish to say that we are not guilty and we do not accept your findings and that during the hearing of this trial which has been so arranged as to place us in difficulties and inconvenience in preparing our cases, we do not feel that we have received the justice or hearing which we would have liked.

'I would like also to tell Your Honour that we feel that this case, from our point of view, has been so arranged as to make scapegoats of us in order to strangle the Kenya African Union, the only African political organisation which fights for the rights of the African people. We wish to say that what we have done in our activities has been to try our level best to find ways and means by which the community in this country can live in harmony. But what we have objected

to—and we shall continue to object—are the discriminations in the government of this country. We shall not accept that, whether we are in gaol or out of it, sir, because we find that this world has been made for human beings to live in happily, to enjoy the good things and the produce of the country equally, and to enjoy the opportunities that this country has to offer. Therefore, Your Honour, I will not say that you have been misled or influenced, but the point that you have made is that we have been against the Europeans, and sir, you being a European, it is only natural that perhaps you should feel more that way. I am not accusing you of being prejudiced, but I feel that you should not stress so much the fact that we have been entirely motivated by hatred of Europeans. We ask you to remove that from your mind and to take this line: that our activities have been against the injustices that have been suffered by the African people and if in trying to establish the rights of the African people we have turned out to be what you say, Mau Mau, we are very sorry that you have been misled in that direction. What we have done, and what we shall continue to do, is to demand the rights of the African people as human beings that they may enjoy the facilities and privileges in the same way as other people.

‘We look forward to the day when peace shall come to this land and that the truth shall be known that we, as African leaders, have stood for peace. None of us would be happy or would condone the mutilation of human beings. We are humans and we have families and none of us will ever condone such activities as arson that we have been guilty of. . . .

‘I do not want to take up more of your time, Your Honour. All that I wish to tell you is that we feel strongly that at this time the Government of this country should try to strangle the only organization, that is the Kenya African Union, of which we are the leaders, who have been working for the betterment of the African people and who are seeking harmonious relations between the races. To these few remarks, Your Honour, I may say that we do not accept your finding of guilty. It will be our duty to instruct our lawyer to take this matter up and we intend to appeal to a higher Court. We believe that the Supreme Court of Kenya will give us justice because we stand for peace; we stand for the rights of the African people, that Africans may find a place among the nations.

‘That, in short, is all that I shall say on behalf of my colleagues; that we hope that you and the rest of those who are in authority will seek ways and means by which we can bring harmony and peace to this country, because we do believe that peace by force from any section is impossible, and that violence of any kind, either from Europeans or from Africans, cannot bring any peace at all.’

Thacker turned to sentence him.

‘You, Jomo Kenyatta, stand convicted of managing Mau Mau and being a member of that society. You have protested that your object has always been to pursue constitutional methods on the way to self government for the African people, and for the return of land which you say belongs to the African people. I do not believe you. It is my belief that soon after your long stay in Europe and when you came back to this Colony you commenced to organise this Mau Mau society, the object of which was to drive out from Kenya all Europeans, and in doing so to kill them if necessary. I am satisfied that the master mind behind this plan was yours. . . .

You have much to answer for and for that you will be punished. The maximum sentences which this Court is empowered to pass are the sentences which I do pass, and I can only comment that in my opinion they are inadequate for what you have done. Under Section 70 and on the first charge the sentence of the Court is that you be imprisoned for seven years with hard labour, and under Section 71 and on the third charge for three years with hard labour, both sentences to run concurrently, and I shall also recommend that you be restricted.’

Thacker was immediately flown out of Kenya. The settlers were satisfied. Kenyatta was out of the way.

Review and Study Questions

1. In your view, is Jomo Kenyatta’s account of his own trial a valid historical document?
2. What were the government’s motives in pressing the trial of Kenyatta?
3. Was Mau Mau ever a really serious nationwide problem in Kenya?
4. In your view, was Kenyatta the manager of Mau Mau?
5. To what extent was Kenyatta’s trial and imprisonment the springboard to his political success and Kenyan independence?

Suggestions for Further Reading

Jomo Kenyatta himself wrote extensively. We have excerpted, for this chapter, his authorized “official biography,” *Suffering without Bitterness: The Founding of the Kenya Nation* (Nairobi: East African Publishing

House, 1968). His anthropology thesis is a substantial and respected work: *Facing Mount Kenya: The Tribal Life of the Gikuyu* (London: Secker and Warburg, 1939). Some of his speeches have been collected in *Harembee!: The Prime Minister of Kenya's Speeches, 1963–1964* (New York: Oxford University Press, 1965).

There are several books by contemporaries dealing with Kenya during the early years of Kenyatta's life: for example, Elspeth Huxley, *The Flame Trees of Thika: Memories of an African Childhood* (New York: William Morrow, 1959), and Karen Blixen, *Out of Africa* (New York: Random House, 1970). There are several more dealing with the years of the Mau Mau crisis in the early 1950s. One is excerpted for this chapter: Donald L. Barnett and Karari Njama, *Mau Mau from Within: Autobiography and Analysis of Kenya's Peasant Revolt* (New York and London: Modern Reader Paperbacks, 1966). Barnett is an American anthropologist who annotates and interprets the account of Njama. A similar account is Josiah Mwangi Kariuki, "Mau Mau" *Detainee: The Account by a Kenyan African of His Experiences in Detention Camps, 1953–1960* (London and Nairobi: Oxford University Press, 1963). Another book of the same type is J. Wamweya, *Freedom Fighter* (Nairobi: East African Publishing House, 1971). The story is told from a white perspective in *So Rough a Wind: The Kenya Memoirs of Sir Michael Blundell* (London: Weidenfeld and Nicholson, 1964). There are two other worthwhile books representing the colonialist viewpoint—one by a former civil servant, N. S. Carey Jones, *The Anatomy of Uhuru: Dynamics and Problems of African Independence in an Age of Conflict* (New York and Washington: Praeger, 1966), the other by a journalist whom President Kenyatta personally had escorted out of the country, Richard Cox, *Kenyatta's Country* (New York and Washington: Praeger, 1965).

There are several biographies of Kenyatta. By far the best is Jeremy Murray-Brown, *Kenyatta*, 2nd ed. (London: George Allen and Unwin, 1979), excerpted for this chapter. George Delf, *Jomo Kenyatta: Towards Truth about "The Light of Kenya"* (Garden City, N.Y.: Doubleday, 1961), is limited since it was written in 1960 while Kenyatta was still in prison, his future uncertain. There are two somewhat laudatory and superficial illustrated biographies: Anthony Howarth, *Kenyatta: A Photographic Biography* (Nairobi: East African Publishing House, 1967) and Mohamed Amin and Peter Moll, *Mzee Jomo Kenyatta: A Photobiography* (Nairobi: Trans Africa Publishers, 1973). A good political biography is Guy Arnold, *Kenyatta and the Politics of Kenya* (London: J. M. Dent, 1974). An excellent straightforward account of Kenyatta's trial is Montague Slater, *The Trial of Jomo Kenyatta* (London: Secker and Warburg, 1955).

There is a useful assessment of the Mau Mau movement in Carl G.

Rosberg, Jr. and John Nottingham, *The Myth of "Mau Mau": Nationalism in Kenya*, Hoover Institution Publications (New York and Washington: Praeger, 1966). There are two useful works on the Kenyan economy under Kenyatta: Arthur Hazlewood, *The Economy of Kenya: The Kenyatta Era* (New York: Oxford University Press, 1979) and Norman N. Miller, *Kenya: The Quest for Prosperity* (Boulder, Colo. and London: Westview Press, 1984).

There is a specialized historical study of Kenya's fight for independence following World War II in David F. Gordon, *Decolonization and the State in Kenya* (Boulder, Colo. and London: Westview Press, 1986). A good, even-handed one-volume history of Kenya is A. Marshall Macphree, *Kenya* (New York and Washington: Praeger, 1968). Also useful is *The Oxford History of East Africa*, especially vol. 3, ed. D. A. Low and Alison Smith (Oxford: Clarendon, 1976).