


On Charges of Treason: The High Treason Case against the Afrikaans Broadcasters of Radio Zeesen after the Second World War

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Abstract

While the Second World War was characterised by battles and intelligence networks, it also involved cases of treason and military legal processes – and South Africa was no exception. The South African involvement in the war produced high treason cases, but trials of those historical figures who worked “behind the scenes” are occasionally neglected within academic literature on the South African history surrounding the Second World War. An example of such is the case of high treason of four Afrikaner men accused of broadcasting propaganda from Radio Zeesen to South Africa in Afrikaans, with the aim of jeopardising the South African war effort. This propaganda was carried out strategically within the context of existing Afrikaner resistance against participation in the war. The four accused were Sidney Erich Holm, Jan Adriaan Strauss, Johannes Jacobus Snoek, and Michael Johannes Pienaar. This article focuses on the trials of the four men accused as a series of lesser-known cases in South African history. The aim of the article is to provide a historical narrative of the cases. After providing the necessary contextualisation, the positions of the prosecution and defence, as well as the verdicts of the trials will be outlined. The objective of this article is not to offer a detailed analysis of the criminal justice procedure or the laws surrounding the cases, but rather to make a historiographic contribution to an overlooked aspect of South African history.

Keywords: South Africa, Second World War, Radio Zeesen, Broadcasters, Propaganda, High Treason

Introduction

Radio Zeesen played a prominent role in German dissemination of radio propaganda, and the station had been spreading German propaganda across the world since the 1930s.⁶⁶⁶ By the time the war broke out, Germany was already broadcasting propaganda to several countries across the globe in various languages via shortwave transmission, including to South Africa in Afrikaans.⁶⁶⁷ The propaganda was incorporated into news reports, radio talks, and cultural programmes, and was specifically adapted to resonate with Afrikaner

listeners who opposed South African (SA) participation in the war. The angle adopted by Radio Zeesen was often suggestive of an informal alliance between Germany and Afrikaner nationalists, rather than official declarations that Afrikaner nationalists were pro-Nazi.⁶⁶⁸ In this way, support for the German cause and resistance to the British war effort could be promoted. Afrikaans propaganda by Radio Zeesen not only fuelled sympathy for Germany and Afrikaner nationalist sentiments, but also openly opposed the Smuts government. Prime Minister JC Smuts's political decisions and actions were under heavy criticism, especially regarding the emergency regulations he introduced during the war.⁶⁶⁹ Smuts felt that the emergency regulations were justified due to the increasing unrest.⁶⁷⁰ The first of these regulations was announced two weeks after war was declared.⁶⁷¹ The war measures were enabled by government approvals, for example, parliamentary approval was given for some of the emergency regulations on 7 February 1940.⁶⁷² These emergency regulations included prohibiting non-religious gatherings and the wearing of uniforms by civilians, internment of individuals suspected of anti-war activities, the confiscation of private firearms, forced withdrawal of public servants from the *Ossewabrandwag* (oxwagon sentinels or oxwagon guard), and especially relevant for this article – the establishment of a Special Court to handle political crimes.⁶⁷³ Given the openly anti-government nature of Afrikaans broadcasts by Radio Zeesen and its status as an enemy radio station, any involvement with Radio Zeesen would be potential grounds for high treason. Despite the influence of Radio Zeesen on anti-war Afrikaners, the subject of Radio Zeesen has not yet been fully represented in SA historiography.

Radio Zeesen is only discussed in a few academic works,⁶⁷⁴ with even fewer in-depth discussions when it comes to the Afrikaans radio broadcasters' high treason cases. Primarily, historians such as C Marx and F Monama made mention of Radio Zeesen in their writings, and only Marx's article, which was published over 30 years ago, was dedicated fully to operations by Radio Zeesen in South Africa.⁶⁷⁵ Marx's article focuses, among other things, on how Radio Zeesen orchestrated radio broadcasts, and further investigates the propagandist techniques and leitmotifs of the propagandist contents.⁶⁷⁶ Marx refers briefly to the Afrikaans radio broadcasters of Radio Zeesen,⁶⁷⁷ but offers no in-depth discussion of the high treason cases against them. The current article thus builds upon Marx's work – where Marx described the operational aspects of Radio Zeesen. The article provides insight into how these operations were represented in SA courts, and also how the experience of working at Radio Zeesen is recalled by the broadcasters. The discussions on subversive activities in South Africa during the war years, explored by historians such as A la Grange, AM Fokkens, and PJ Furlong, also serve as connecting points to this research in the wider historiographical discussions, as the research of these historians alludes to propaganda as a factor that played a role in the internal unrest.⁶⁷⁸ This research also connects with historians who took into account the South African context during the Second World War, including about resistance movements, such as the *Ossewabrandwag*, as such organisations assisted in the spread of anti-war propaganda. This includes historians such as EP Kleynhans, PF van der Schyff, and C Blyngaert to name only a few.⁶⁷⁹ The complexities of the cases against the Radio Zeesen broadcasters also reflect the historical debate about the blurred lines of treason and patriotism, which were not only debated in academic historical context, but also appeared in popular publications

by writers such as GC Visser and A Blake.⁶⁸⁰ The current article builds on the research of other historians surrounding the logistics behind Radio Zeesen by also evaluating the consequences for the Afrikaans broadcasters after the war.

Monama is one of only a few historians who make mention of Radio Zeesen on more than one occasion, although it was not the exclusive focus of his research. Monama's articles, 'South African Propaganda Agencies and the Battle for Public Opinion during the Second World War, 1939–1945' and "'Blind" Warfare: Radio Propaganda Dynamics in South Africa during the Second World War",⁶⁸¹ focus extensively on the topic of Radio Zeesen concerning attempts by the Smuts administration to counter propaganda, such as that of Radio Zeesen. Monama's research forms part of the academic literature on propagandist techniques during the Second World War, and how Smuts, for example, was portrayed in a way that could further instil anti-British resistance.⁶⁸²

Radio Zeesen is also briefly mentioned in the works of other historians, specifically concerning the fact that the sentiments conveyed by Afrikaans propaganda broadcast by Radio Zeesen resembled existing anti-war sentiments. The same argument can be found, for example, in the research of AM Fokkens, W van der Merwe, and A la Grange.⁶⁸³ Several sources that mention Radio Zeesen refer to it in terms of the relationship between Germany and South Africa during the war.⁶⁸⁴ A gap however exists in terms of the Afrikaans broadcasters' personal experiences, and the central theme of this article, namely the high treason cases against them after the war. The potential therefore exists for more research about Radio Zeesen with respect to the post-war context surrounding the high treason cases.

Contextualising the broadcasters' backgrounds and involvement with Radio Zeesen

To grasp the accusations of high treason and the legal proceedings against the Afrikaans Radio Zeesen broadcasters fully, it is essential to understand the circumstances under which the broadcasters were affiliated with the station and with their individual histories. All four broadcasters were born in South Africa and were therefore SA citizens.⁶⁸⁵ The broadcasters lacked substantial connections to Germany. Despite Marx noting Holm's German ancestry,⁶⁸⁶ the Holm family was already established in South Africa for several generations prior to the onset of the Second World War.⁶⁸⁷ Consequently, Holm's lineage played no notable part in his association with Radio Zeesen.

The broadcasters' connection to Germany was mainly due to the fact that all four studied and pursued careers in Germany. Holm studied archaeology in Germany in the 1920s,⁶⁸⁸ but returned to South Africa in the 1930s.⁶⁸⁹ Strauss studied history, and pursued his postgraduate studies in Humanities in Germany in 1938.⁶⁹⁰ Pienaar's studies were focused primarily on physical education, which he pursued in Germany in 1938.⁶⁹¹ The fourth announcer, Snoek, also went to Germany in 1938 with an interest in the printing industry and rotary presses.⁶⁹²

Of the four Afrikaners in question, Holm was the first to join Radio Zeesen. As mentioned, Holm returned to South Africa after completing his studies, where he was employed in education for some time.⁶⁹³ It was during this time that Holm accepted the opportunity to join Radio Zeesen in Germany.⁶⁹⁴ According to Marx, Holm already left for Germany on 20 March 1939 for his new position at Radio Zeesen.⁶⁹⁵ This means that, at the time that Holm joined Radio Zeesen, Germany and South Africa were not yet officially at war.

At the outbreak of the war, Strauss, Pienaar and Snoek were in Germany, still engaged in advancing their education and professional lives.⁶⁹⁶ Because Pienaar was classified as an “enemy citizen”,⁶⁹⁷ he was required to check in at the police station daily. Subsequently, the German Ministry of Foreign Affairs became aware of his proficiency in Afrikaans, and offered him translation work. This role was eventually expanded to include managing broadcasts.⁶⁹⁸ In Snoek’s case, he was approached by W Gröhe of the German broadcasting service, and offered a position at Radio Zeesen, which Snoek accepted because another opportunity fell through.⁶⁹⁹ Snoek’s personal writings suggest that Strauss became affiliated with Radio Zeesen before 1941.⁷⁰⁰ Furthermore, official records confirm that Strauss also took on the responsibilities of sub-editor and announcer at Radio Zeesen in 1944.⁷⁰¹

The Afrikaans broadcasters at Radio Zeesen made use of aliases for their broadcasts – Holm was known as “Neef Holm”, Strauss as “Neef Buurman”, Pienaar as “Neef Hermaans”, and Snoek as “Neef Bokkies”.⁷⁰² A crucial aspect of the four Afrikaners’ affiliation with Radio Zeesen is the absence of a distinct ideological alignment. Holm became associated with the station before the war, while the other three, unable to return to South Africa at the time, were compelled to seek employment in Germany. This context of incidental presence in Germany and non-politically motivated involvement with Radio Zeesen is important, because it is relevant for understanding the broadcasters’ defence in the high treason cases.

The pursuit of war criminals and subsequent arrests after the war

The conclusion of the war in 1945 had global repercussions, and the Allied triumph similarly influenced South Africa. After the end of the war, the Union government took steps to track down South Africans who could be labelled as potential war criminals. This effort also entailed searching for South Africans in Europe, particularly those who had betrayed the Union government by supporting enemy nations, such as Germany, against whom South Africa had battled during the war.⁷⁰³ The Union government was aware of propagandistic Afrikaans broadcasts by Radio Zeesen, and attempts were made to counter the anti-war propaganda through government agencies, such as the Bureau of Information. There were also non-government agencies, such as the Union Unity Truth Service. These were started by loyal Smuts supporters to counter propaganda efforts, especially through a field unit called the Waarheidslegioen (Truth Legion) and a radio station called “Mystery Radio Freedom” to counter Radio Zeesen directly.⁷⁰⁴ German dissemination of propaganda to the Union was thus observed, and consequently, the search for Union citizens suspected of treason included the Afrikaans broadcasters at Radio Zeesen, who, as South Africans employed in Germany, contributed to the German war effort by disseminating propaganda.

By the end of 1945, the Union government was considering the South African Search Officers' mandate to allow such officers to interrogate Union suspects in Germany. It was further determined that cases of high treason would fall under the jurisdiction of the Department of Justice.⁷⁰⁵ In February 1946, the Rein Mission headed by lawyer and German linguist, R Rein, was dispatched to Europe to look for suspected war criminals and gather evidence of potential high treason. The commission however lacked the authority to execute arrests on European territory.⁷⁰⁶ By May 1946, under the leadership of a deputy attorney-general, L Barrett, and special police member, GC Visser, the Barrett Mission was deployed. The Barrett Mission specifically targeted South Africans who had supported or contributed to the German war efforts, and worked to collect evidence against suspects.⁷⁰⁷ The Rein and Barrett missions were thus similar in scope, and also collaborated in the investigation of suspected individuals.⁷⁰⁸ These missions were therefore explicitly designed to locate individuals such as the aforementioned Afrikaans broadcasters, enabling their prosecution by the Union government.

Amid the international search for war criminals, Snoek, Pienaar and Strauss were arrested on SA soil. Following the conclusion of the war and the subsequent cessation of the operations of Radio Zeesen, the three men undertook steps to return to South Africa. Snoek and Pienaar had already arrived in South Africa with their families in July 1945 by ship.⁷⁰⁹ Upon his return, Snoek secured a position at the National Press in Cape Town. Nearly a year later, on 30 August 1946, he was arrested on charges of high treason by two detectives at the National Press office. Pienaar was arrested for high treason in August 1946 in Rustenburg.⁷¹⁰

Strauss did not travel back with Snoek and Pienaar but completed his own journey back to South Africa at the beginning of June 1946.⁷¹¹ He was taken into custody in Germiston on 30 August 1946.⁷¹² Holm was the only one of the four Afrikaans broadcasters to be arrested on European soil. He was first detained in Munich, Germany, under American authority, but then handed over to SA officials for arrest.⁷¹³

“For the Crown”:⁷¹⁴ Charges and Prosecution of the Afrikaans Broadcasters of Radio Zeesen

After Holm, Straus, Pienaar and Snoek had been arrested for high treason, a decision had to be made as to how the trials would proceed – a prominent discussion point in the post-war climate of South Africa. A logistic question therefore emerged at the end of the war regarding the upholding of emergency regulations and subsequent handling of trials. When the trials of the broadcasters were set to commence, the emergency regulation allowing subversive activities to be prosecuted without a preliminary investigation remained in effect. Although the war had ended, the broadcasters could therefore be summarily tried by a Special Court, the establishment of which was allowed under the Criminal Procedure and Evidence Act (Act 31 of 1917) of the Union of South Africa. Despite the emergency regulations, it was determined that a preliminary investigation would be conducted prior to proceeding with the cases against the Afrikaans broadcasters from Radio Zeesen.⁷¹⁵ The four broadcasters were charged with high treason on various counts.

There were four counts against Holm, the first being that he accepted a position in the Broadcasting Corporation under the control of the Propaganda Ministry and of the Foreign Office of the German Reich. The second count stated that he prepared and recorded talks to be broadcast to the Union on behalf of the German Propaganda Ministry and of the Foreign Office. Related to the second, the third count was that he broadcast propaganda from Germany to South Africa, 'which was designed to weaken and hinder the State in its prosecution of the war against Germany and that such propaganda was heard in the Union of South Africa'.⁷¹⁶ Lastly, the fourth charge rested on the accusation that Holm took the solemn vow prescribed by the German Public Service Act to be loyal and obedient to the Führer of the German Reich, also referred to as the Hitler oath.⁷¹⁷

The four charges against Pienaar were similar to those against Holm in the sense that they also related to Pienaar's employment at an enemy radio station, the preparation and recording of talks on behalf of the Propaganda Ministry and Foreign Office, the propagandistic nature of the talks broadcast to South Africa, and the Hitler oath.⁷¹⁸ When examining the charges of high treason against Holm and Pienaar, four key factors had to be considered to determine their guilt. The initial factor was their employment at Radio Zeesen, operating under pertinent German agencies, suggesting their service to the enemy. Secondly, the charges hinged on their involvement in preparing and recording radio broadcasts that were disseminated within the Union, with the content of these broadcasts being propagandist and specifically targeted at the Union. The third factor concerned the intent behind the propagandist broadcasts, which was to undermine the South African war effort against Germany. The fourth factor involved the purported taking of the so-called Hitler oath, regarded as concrete evidence of disloyalty towards the Union government.

Strauss' charges rested on only three alleged acts of treason, the first being that he translated, prepared, and recorded news services, talks, commentaries, and radio plays on behalf of the German Propaganda Ministry and the Foreign Office to be broadcast to the people of South Africa. The second charge was that Strauss, in 1944, 'did accept and enter upon the duties of office under the enemy in the capacity of a sub-editor and news announcer, employed by the Reich's Broadcasting Corporation'.⁷¹⁹ The third charge was that Strauss did broadcast propaganda designed to weaken the South African state in the war against Germany.⁷²⁰

Strauss therefore faced charges based on his role as a sub-editor at Radio Zeesen, his involvement in the preparation and broadcasting of radio talks for Germany, and the propagandistic intent of these talks aimed at undermining the SA war effort. The charges against Strauss however did not encompass the taking of the Hitler oath, a detail that also surfaced during the trial.

Snoek's high treason case also rested on the details of three charges. The charges were firstly that Snoek engaged in work under the enemy, 'in the capacity of editor-in-chief at the Reich's Broadcasting Corporation, German Shortwave Station, under the assumed and observed command and control of the Ministry of Propaganda and the Office of Foreign Affairs, of the said German Reich'.⁷²¹ The second charge was similar to that of the other

broadcasters – that Snoek translated, prepared, and broadcast propaganda to the Union of South Africa. The third charge accused Snoek of taking the Hitler oath as prescribed by the Reich Civil Service Act.⁷²²

These specific points in the broadcasters' charges touched upon technical points that influenced the court cases. The charges entailed specific and numerous elements that required careful consideration, with each aspect necessitating adequate supporting evidence.

Debates Surrounding the Definition of High Treason

A significant issue that emerged during the trial – and which was subsequently revisited during the appeal process – revolved around the definition of high treason and the applicability of this definition to the broadcasters' case. In the case of Holm and Pienaar, the prosecution argued for an interpretation of high treason that hinged on the presence of “hostile intent” as its defining characteristic. Furthermore, the prosecution contended that the cognitive aspect of treason inherently implied that the act in question was, by its very nature, against the state.⁷²³ According to the prosecution's reasoning, any act executed with the direct or indirect aim of harming the state should consequently be classified as high treason. The argument also obscured the distinction between hostile intent and the act itself, suggesting that the presence of hostile intent qualified an act of treason, irrespective of the extent to which the act was executed.

The context of war was also crucial to the prosecution's case, leading them to differentiate between involvement with foreign countries in times of political stability versus involvement in times of conflict. In this scenario, Germany was identified as a specific enemy of the British Crown and, by extension, an adversary of the Union. The state of war between South Africa and Germany, combined with the propagandistic content of their broadcasts, rendered the SA broadcasters' association with Radio Zeesen contentious. Consequently, the prosecution maintained that any assistance provided to an enemy nation, regardless of its magnitude, should be interpreted as an expression of hostile intent.⁷²⁴ This stance elucidates why acts, such as sabotage and the dissemination of propaganda, were both classified as high treason, with sabotage exerting a physical impact, and propaganda influencing on an intellectual level. Interestingly, despite both propaganda dissemination and sabotage being deemed high treason due to their shared hostile intent, the varying sentences for high treason suggest recognition of different degrees of severity within the crime, based on the nature of the act. For example, R Leibbrandt was convicted of high treason for acts of sabotage and conspiracy against the government and initially sentenced to death, although the sentence did not materialise.⁷²⁵ The broadcasters of Radio Zeesen were also found guilty of high treason, but none was sentenced to death. If treason could be proved, the severity of the consequence had to be determined, and consequently an appropriate punishment had to be found. These examples highlight the complexity of high treason cases, specifically after the Second World War.

Debates Surrounding the Location of the High Treason Offence and the Authority of the court

During the broadcasters' court cases, the prosecution expanded on the issue of where the high treason offence was committed as relating to the borders of a state. The argument was put forward that the state had jurisdiction over all persons with SA citizenship or those born in the country. Moreover, any action that violated allegiance to the state was deemed to affect the state, irrespective of the physical location where the accused committed high treason.⁷²⁶ Court case reports also highlighted a significant aspect of the debate: whether SA courts possessed the jurisdiction to prosecute cases of high treason that occurred beyond the territorial boundaries of the state.⁷²⁷ The broadcasters were broadcasting propaganda from Germany, so they were not on Union soil when they committed the act of high treason. Nonetheless, the prosecution argued that the dissemination of propaganda by Radio Zeesen constituted high treason and had to be prosecuted by the Union, despite the act being committed on another continent, on the grounds that the broadcasters were SA citizens.

The prosecution also invoked a fundamental principle of international law, asserting that every state possesses jurisdiction over its territory and its citizens, irrespective of whether a crime was committed on foreign or domestic soil. Jurisdiction only within own territory was, according to the prosecution, not recognised internationally. While some nations adhered to the principle of prosecuting crimes only if committed within their own territory, there was no international agreement that would prevent the Union from punishing its citizens for treasonous acts committed beyond its borders. This argument was also partly founded on the fact that treason only affects a citizen's own country and its prosecution, and therefore does not infringe on the authority of the country where the act was committed.⁷²⁸ In other words, given that the broadcasters' crime only affected South Africa and that no other country had an interest in their prosecution, the Union was within its right to try them. Since the broadcasters did not commit any offence against Germany, they would not face prosecution in German courts. This suggested that, if the Union did not prosecute and penalise its citizens, the crime could persist without interruption. This formed part of a wider debate that emerged during the trials regarding which institution was responsible for trying high treason cases.

Furthermore, the prosecution contended that the use of radio propaganda as a means of supporting warfare served as a compelling example of why the definition of high treason should not be confined solely to acts committed within the territory of the state. Even if the definition of treason is not interpreted in such a manner, or in other words, even if the concept of high treason were restricted to actions within state territory, the prosecution argued that there was still a tangible presence of treason within the Union. This was because the propaganda broadcasts were heard by thousands of listeners within the Union, thereby constituting a demonstration of hostile intent.⁷²⁹ This argument concluded that the broadcasts created an "atmospheric disturbance" within the Union, implying that the act of treason was, in part, perpetrated within the borders of the Union.⁷³⁰

The conclusion reached by the prosecution in terms of this argument was that there was no international policy that prevented the Union from punishing its own citizens for high treason, even if it was not committed entirely within the Union itself.⁷³¹

Another issue that emerged during the court proceedings was whether the Special Court tasked with conducting the hearings possessed the legal authority to adjudicate the case. The prosecution maintained that the court was indeed entitled and authorised to preside over the trials. The jurisdiction of the court was established under section 215 of the South African Criminal Procedure and Evidence Act (Act 31 of 1917). This section allowed the establishment of a Special Court in circumstances where the Governor General deems it necessary, and gave it the power to 'try without a jury any charge' and 'to sentence the accused, if convicted of such an offence, to any punishment that may by law be imposed therefor'.⁷³² The argument also highlighted that, despite the Special Court having the same jurisdiction as a provincial court that might otherwise have heard the case, in this instance – within the Transvaal provincial division – the proceedings were also justified according to the provisions of section 4 of Act 31 of 1917.⁷³³ Following this line of reasoning, the prosecution consistently argued that the Special Court possessed the authority to deem the dissemination of propaganda a punishable offence. This point is somewhat related to the discussion on the location of the treasonous act, as the location would have influenced which courts were deemed appropriate to hear the case.⁷³⁴ The context of the act occurring in a post-war period however meant that the Special Court was designated to oversee the case.

Evidence and Witness Statements against the Accused

The prosecution presented many pieces of evidence to support the charges against the broadcasters. For instance, evidence presented indicated that Radio Zeesen operated under the Ministry of Propaganda and the German Foreign Office, thereby corroborating that the broadcasts were disseminated on behalf of the enemy and thus hostile intent. Testimonies from Germany confirmed that Radio Zeesen operated among these departments.⁷³⁵ For example, Strauss claimed he was unaware that Radio Zeesen was under the oversight of the Ministry of Propaganda and the Foreign Office; however, the prosecution confirmed his regular interactions with Dr WRP Oetting at the Foreign Office to counter this claim.⁷³⁶ Gröhe also testified that it was common knowledge that the broadcasts were controlled by said specific departments.⁷³⁷ The testimonies from Gröhe and Oetting, for example, affirmed that the Ministry of Propaganda had implemented the guidelines for the broadcasts.⁷³⁸ This also provided additional evidence for the prosecution to demonstrate that the broadcasts were conducted on behalf of the enemy.⁷³⁹ This meant that the broadcasts could be motivated as tools of propaganda rather than mere cultural products. For example, Strauss himself admitted to having translated, compiled, and broadcast news and political and cultural programmes.⁷⁴⁰ The political nature of the broadcasts was therefore a focal point for proving guilt. Gröhe testified that the Afrikaans broadcasts from Radio Zeesen encompassed both cultural and political content,⁷⁴¹ indicating that they were not solely for entertainment, but also carried a political agenda within the context of the war.

During the trials, the prosecution also used circumstantial evidence, among other things, to prove that the broadcasters' real names could be tied to their aliases. Gröhe testified that aliases were employed to obscure the identities of the announcers and to protect them from potential repercussions.⁷⁴² There was therefore direct evidence that the broadcasters had aliases, but that the real names could be linked to the aliases. Evidence presented, for example, indicated that Strauss indeed broadcast content and was the sole individual using the alias "Neef Buurman". Consequently, it could be inferred that any broadcasts attributed to Neef Buurman were made by Strauss.⁷⁴³ Gröhe and KC Wille, a representative from the German radio service, testified that they had never encountered an incorrect announcement of Neef Buurman. The defence however challenged their testimony, noting that these witnesses admitted to not listening to every broadcast. Nevertheless, the court concluded that Strauss being Neef Buurman was the most likely scenario, drawing on what was referred to as "circumstantial evidence".⁷⁴⁴ It was argued that, at times, circumstantial evidence could be so compelling as to indicate guilt sufficiently, even in the absence of direct evidence, such as explicit testimony.⁷⁴⁵

The charges that the announcers were broadcasting on behalf of Germany were relatively easily proved. Payment slips signed by the broadcasters for each broadcast, for instance, served as evidence. There were different coloured entries on the slips, which indicated the type of work done. The entry colour for serving as a broadcaster during a session was, for instance, different from the entry colour for preparing the broadcasts.⁷⁴⁶ The preparation and broadcasting of German radio talks were both used as evidence of guilt. Even if the person only prepared the radio talk, it would still make him (or her) an accessory to the one who broadcast it, the prosecution argued.⁷⁴⁷ The degree of the broadcasters' agency over the broadcasts also emerged from testimonies. For instance, Gröhe testified that on occasion, the Foreign Office would provide only guidelines, and the radio staff would then supplement parts of the talks.⁷⁴⁸ The fact that these talks were led by guidelines only was verified by Oetting.⁷⁴⁹ This meant that the radio staff acted not solely as broadcasters, but also as creators of the content of the broadcasts.

The argument of the prosecution rested primarily on the idea that propaganda was orchestrated to weaken the war effort of the Union against Germany. Statements from German witnesses frequently supported this argument, as it was testified that Britain was considered the primary adversary of Germany. As a result, it was considered that Germany would view the British withdrawal from the Union as a victory.⁷⁵⁰ Gröhe also testified that the broadcasts were tailored to support individuals opposing South African involvement in the war, meaning the content was crafted to appeal to those with anti-war sentiments. His testimony indicated that the broadcasts were designed to challenge and confront pro-war attitudes.⁷⁵¹ Oetting testified that the overarching goal of the Foreign Office and the radio broadcasts was to persuade South Africa to disengage from the war, and to provoke strong emotions among the population. Just like Gröhe, Oetting also testified that the radio broadcasts were an attack on the SA government and policies.⁷⁵²

The court further considered some of the themes in the broadcasts to determine whether their intent was hostile. The court, for instance, investigated one radio talk, which reported that England had transported toxic gas to Poland with the purpose of waging war against

Germany. Another example cited was a broadcast alleging that England had obtained naval forces through piracy, and had generally engaged in territorial theft. The anti-British themes in the broadcasts were therefore drawn up and used in court as support for the fact that the broadcasts were designed to attack Britain and the Union as its ally.⁷⁵³ Other talks that were used in the court related that Smuts was criticised for disarming the Afrikaners, and referred to the notion that the indigenous population would be armed. In this talk, it was stated that there was no freedom of speech, and that the Afrikaners were dishonoured. Another argument that was put forward was that Germany made a peace offer, which Smuts declined. Because of the attacks on Smuts and Britain, the prosecution argued that the broadcasts were clearly designed to weaken the war effort of the Union.⁷⁵⁴

In some cases, the broadcasters' level of education also counted against them. Given that Strauss and Holm possessed doctorates, the prosecution argued that this implied that they had sufficient understanding to grasp the full implications of their actions. In the case of Strauss's verdict, Judge Ramsbottom, for instance, remarked that Strauss, being a learned individual, should have anticipated that any support he provided to Germany would be to the detriment of South Africa.⁷⁵⁵ The broadcasters' personal contexts and backgrounds were thus used against them through selective elements, such as the focus on their education.

The argument that propaganda broadcast by Radio Zeesen was heard by many listeners in the Union and that this weakened the war effort of the Union by encouraging subversive activities, is reflected in a variety of sources. Monama suggests that Radio Zeesen was the main reason for much of the anti-war sentiments and the internal division within the Union.⁷⁵⁶ Many Afrikaners who were part of the Ossewabrandwag also recalled that they listened to Radio Zeesen.⁷⁵⁷ One member recalled how the listeners would cheer for the German victories announced on Radio Zeesen.⁷⁵⁸ Some listeners even gathered in groups to listen to broadcasts by Radio Zeesen, or shared the broadcast with those who did not have a radio by means of a telephone call.⁷⁵⁹ Even internees in the internment camps referenced Radio Zeesen in their camp plays.⁷⁶⁰ The fact that Radio Zeesen reached thousands of Afrikaner listeners in the Union,⁷⁶¹ and that the propaganda talks encouraged sentiments and acts of resistance, supported the argument by the prosecution that broadcasts by Radio Zeesen were designed to hinder the war effort.

The documentation from Radio Zeesen, excerpts from talks, as well as various testimonies supported the stance that the broadcasters worked for the enemy and broadcast propaganda in order to thwart the war efforts of the Union. It is however also noteworthy to analyse the argument by the defence, and, as set forth earlier, personal context was essential to understanding the position of the defence.

“For the Defence”:⁷⁶² The Viewpoints of the Afrikaans Broadcasters of Radio Zeesen

Each of the accused was represented by his own legal team. Holm was represented by advocates from the firms Gordon & Fraser and Roux & Jacobs. Holm's defence consisted of Advocates O Pirow and F Rumpff.⁷⁶³ Strauss was defended by Dr TE Dönges and

Advocate MR de Kock from the firms Naude & Naude and Roux & Jacobs, respectively.⁷⁶⁴ Pienaar was represented by Advocate Rumpff, who was also part of Holm's team, and Snoek's defence was led by Advocates AH Broeksma and CDJ Theron.⁷⁶⁵ It is however, noteworthy that Dr Dönges and Advocate Pirow were both prominent in Afrikaner nationalist politics,⁷⁶⁶ and their disposition towards the defence case, based on political, social and personal influences, might become an interesting topic for further study. The matter of the different defence teams leads to other interesting questions, such as whether one defence team for all four broadcasters would have resulted in a stronger argument against the prosecution. This is, however, a speculative matter, perhaps best reserved for a different study.

During the defence, the broadcasters' teams frequently objected to the arguments and positions put forward by the prosecution, and those set out in the section above. The specific terminology surrounding the term "hostile intent" was called into question. In terms of hostile intent, Strauss's defence specifically maintained that he did not act out of hostility but rather to help and warn South Africa. This notion also tied in with the concept that intent and purpose can be distinguished from one another. Another argument put forward was that intent and conduct should be judged in relation to each other.⁷⁶⁷ According to the defence, the broadcasters' objectives had to be considered against the necessary background.⁷⁶⁸ In essence, while the broadcasters disseminated propaganda, and while their actions could be classified as high treason, their goals and motivations did not inherently equate to hostile intent. From the perspective of the prosecution, the motivation behind an action and its execution were however inseparable, as the broadcasters must have known that their activities constituted high treason.

The position of the prosecution regarding the location of treason also affected one of the prominent defence points. Holm and Pienaar's defence argued that criminal jurisdiction was territorial, and that there was no legislation authorising the Union to deal with crime outside its own borders.⁷⁶⁹ The authority of the Special Court was also called into question by the defence. Holm and Pienaar's defence contended that the Special Court possessed the same powers and authority as the Transvaal Provincial Court. As a result, they argued that since the laws of Transvaal did not apply internationally, the Special Court likewise did not have the jurisdiction to prosecute the accused for actions committed abroad.⁷⁷⁰

The Matter of Nationalist Sentiments

Further discussions delved into the rationale behind defending the broadcasters' position, specifically examining the implications of advocating for the broadcasters' nationalist viewpoints. The argument was made that the broadcasters did not operate in the interest of Germany. To support this argument, evidence was presented indicating that the broadcasters were proudly South African. During Snoek's trial, for example, Gröhe testified that Snoek always wore a Union coat of arms on his jacket – something that contributed to the idea that Snoek was pro-South African rather than pro-German. Gröhe also described Snoek as an Afrikaner above all else.⁷⁷¹ Witness Wille, who also worked at Radio Zeesen, gave the following testimony about Snoek:

I gathered from his [Snoek's] remarks that he was a South African, and had always been a South African, and proud to be so, and he had at one time hoped to be able to help his country, the Afrikaners in South Africa, the same as the others in the broadcasting station by the work they were doing there.⁷⁷²

Wille's testimony revealed that not only Snoek, but also the other Afrikaans broadcasters, wanted to assist South Africa and specifically their fellow Afrikaners by way of their service at Radio Zeesen, where they would have the power to deliver powerful messages about world politics. Wille acknowledged that Snoek supported the establishment of a republic, and hoped it would be realised if Germany emerged victorious. Even when Snoek later recognised that this outcome was improbable, he refrained from expressing his doubts in his broadcasts, despite discussing them privately.⁷⁷³ Gröhe also testified that he believed Snoek wanted South Africa to remain neutral.⁷⁷⁴

In 1941, Snoek wrote a letter to Gröhe informing him that he (Snoek) would accept a position at the radio station, in which he stated that he would be happy to work for the freedom of his country.⁷⁷⁵ Gröhe also mentioned in his testimony that he was sure the Afrikaans broadcasters would not work at the German radio if, for example, Germany declared war on South Africa first.⁷⁷⁶ This statement conveyed the notion that the German dispute was primarily with Britain, suggesting that the broadcasters were not guilty of betrayal of South Africa in terms of sovereignty. Testimonies portrayed Strauss as a nationalist primarily focused on South African interests, indifferent towards Germany, and holding a disdain for England.⁷⁷⁷ Oetting further noted that Strauss held the belief that South Africa could achieve neutrality through peaceful measures.⁷⁷⁸ This evidence and testimony worked in favour of the broadcasters, advancing the argument that they should not be simply categorised as pro-German.

Interestingly, all four broadcasters had been offered the opportunity to receive war medals. According to Oetting's testimony, they however refused the medals. For example, Strauss showed indignation at the suggestion of accepting a medal, reasoning that he could not accept it because his service was dedicated to South Africa, not Germany.⁷⁷⁹ The announcers' refusal to accept German medals played a significant role in demonstrating to the court that they were pro-South African and not pro-German. If they had accepted the medals, it would probably have counted heavily against them in the trials, because it would have meant that they had accepted commendations for service to Germany.

The Question of Circumstances, Necessity, and Non-Political Motivations

Apart from the argument that the broadcasters were loyal South Africans who actually wanted to serve their country behind the scenes, another prominent point of defence about the broadcasters' actions emerged. The argument posited that the broadcasters were compelled to work at Radio Zeesen due to their circumstances, indicating that their employment was not primarily driven by political motivations, but rather by individual agency in troubling times. Strauss, for instance, contended that his decision to accept a position with the German Broadcasting Service was motivated by a desire to avoid internment and to complete his studies, hoping this move would allow him to live without further upheavals. Gröhe testified that, even if Strauss had not been interned, he would

likely not have been able to earn money except by working for Germany.⁷⁸⁰ Nevertheless, the prosecution contended that Strauss ought to have recognised that, given the nature of the broadcasts, he was assisting Germany.⁷⁸¹ Strauss further stated (also regarding his resignation):

As far as my work at Zeesen was concerned, a crisis was inevitable. The news reports, talks, yes, even the music came from the top [translation]. Everything was already on the table and we freedom fighters were only allowed to do the translation work.⁷⁸²

Efforts were also made to demonstrate that Strauss had no desire to remain or work in Germany during the war. His defence mentioned that he wanted to flee Germany at the outbreak of the war, but was stopped at the Dutch border.⁷⁸³ It also partially proved that his motivation for staying in Germany was purely academic in nature and that he had to find work there out of sheer necessity. In Strauss's case there was no allegation or proof of having taken the Hitler oath either. Oetting testified that Strauss did not want to sign the oath and that he advised Strauss not to worry about it because it was simply routine. Gröhe pointed out that the other employment contracts signed were not equivalent to taking the Hitler oath.⁷⁸⁴

During the court case, Strauss's defence highlighted the right of a Union citizen to express his or her opinions freely – a right that Strauss clearly valued highly. The prosecution however maintained that the right to freedom of speech only applied within the limits of the law, which was violated when Strauss entered the service of the enemy.⁷⁸⁵ Strauss's strong personality and idiosyncratic ways frequently came to the fore in the court case, but this also partly counted in his favour. The court accepted the point that Strauss wanted to broadcast only cultural material.⁷⁸⁶

Similarly, testimonies revealed that Snoek was reluctant to engage in political matters, and was compelled to accept a position at the radio after another potential opportunity became unavailable. Gröhe's testimony revealed that while Snoek disagreed with the war policies of the government, his primary focus was on delivering talks against communism and discussing issues related to the working class.⁷⁸⁷ FJ Shaefer, a witness who was affiliated with the German radio, also testified about Snoek's anti-communist opinions.⁷⁸⁸ This could lead to the perception that Snoek was both anti-communist and anti-war, instead of being specifically opposed to the Union government. Gröhe further testified that Snoek was not a politician.⁷⁸⁹ Portraying Snoek as a figure not inclined towards political radicalism, the testimonies could cast a favourable light on Snoek's case. According to reports, Snoek's case however did not produce sufficient evidence in terms of specific broadcast material, so the hostile intent was difficult to prove. His age – he was only 29 at the time – also counted in his favour because the court ruled that he was too young and too inexperienced to realise the severity of his actions.⁷⁹⁰

Holm's personal circumstances were also a significant factor in his defence throughout the trial. Judge Ramsbottom noted two factors that worked in Holm's favour during his trial: firstly, Holm's assistance to Germany was provided from outside the Union; and secondly,

Holm's involvement with Germany was evaluated within the necessary context. Holm's strong ties with Germany convinced the court that he intended to settle permanently in Germany before the war broke out. Ramsbottom stated that, if the German government had allowed it, Holm would probably have been granted German citizenship.⁷⁹¹ It is noteworthy that Holm's association with Germany was given significant consideration, to the extent that it nearly acted as a mitigating factor.

These arguments put forth by the defence seemingly aimed to indicate that the broadcasters' offence could be justified to some extent in order to influence the final judgement.

The Judgements and the Appeal Process in the Court Cases

The court proceedings spanned from the end of 1946 through to the middle of 1947 before a judgement was delivered. During the preliminary investigations, the cases were repeatedly postponed to later dates.⁷⁹² In June 1947, all four announcers were convicted of preparing, translating, and broadcasting programmes for German radio.⁷⁹³

Judgement of all four broadcasters was delivered on 11 June 1947. Snoek was convicted on one of the three charges of treason, and was fined 150 pounds as a penalty.⁷⁹⁴ If Snoek had not paid the fine, he would have received a one-year sentence with forced labour.⁷⁹⁵ He received the most lenient sentence of all four broadcasters. Strauss was convicted of treason, and sentenced to three years imprisonment with hard labour.⁷⁹⁶ Pienaar was sentenced to the same punishment as Strauss – three years in prison with hard labour.⁷⁹⁷ Holm received the harshest sentence of all four broadcasters: ten years in prison with hard labour.⁷⁹⁸ The court found that each of the four allegations against Holm was proved.⁷⁹⁹ During Holm's sentencing, Judge Ramsbottom summarised Holm's guilt as follows:

That propaganda was designed to divide the people in the Union and to separate the Union from its allies. At a time when the allied forces – and the Union forces with them – has suffered a reverse in the field, your broadcasts were designed to discourage recruiting, to instil fear and create alarm and to check the confidence of the people in its leaders at home and in the field. Your offence is grave.⁸⁰⁰

When the broadcasters' verdict was handed down, Holm, Pienaar and Strauss's defence filed an appeal.⁸⁰¹ The defence contended that the evidence presented was insufficient to convict the broadcasters, citing a lack of concrete evidence. An appeal was lodged against the court's reliance on circumstantial evidence for its decisions, arguing that this was not as compelling for the defence as direct evidence from testimony would have been.⁸⁰² The prosecution's stance was that direct evidence from testimonies might not always be available; yet, the circumstances alone could sometimes suffice to establish guilt.⁸⁰³ With Strauss's appeal, the prosecution also stated that his alleged motive to help South Africa get out of the war was not sufficient, and there was no way to indicate that this was his real intention. The position adopted by the State was that an individual who undertook actions to achieve a goal, knowing those actions were illegal, should be held accountable.⁸⁰⁴ This is evidence of individual agency in historical events.

The appellate process and discussions revisited the issues concerning the court's jurisdiction and the location of the treasonous acts. The debate over hostile intent resurfaced, clarifying that the hostile intent characterising high treason does not necessarily imply animosity or hatred towards the State, but refers to the presence of behaviour that is antagonistic towards the State.⁸⁰⁵ While awaiting a decision on appeal, Strauss and Pienaar were granted bail. Although Holm was not granted bail, he was permitted to be treated as innocent throughout the duration of the appeal process.⁸⁰⁶

The legal points contested in the appeal were ultimately ruled in favour of the State. Holm's sentence was upheld on 11 December 1947.⁸⁰⁷ Pienaar, who had been on bail along with Strauss, was taken back into custody on 18 December, following the conclusion of the appeal process and the decision on the verdict.⁸⁰⁸ When the National Party came to power in 1948, the sentences of the broadcasters were however suspended through a statement that exonerated political prisoners. The statement was issued on 11 June 1948 with the aim to relieve South Africans of the tension after the war years.⁸⁰⁹ This also included the Afrikaans broadcasters of Radio Zeesen, and they, along with other political prisoners, were released.⁸¹⁰ Pienaar, Strauss and Holm were released from prison in Baviaanspoort based on the statement and their exemplary behaviour.⁸¹¹ Pienaar was released on 12 June,⁸¹² and Holm on 24 December.⁸¹³

The high treason cases against the Afrikaans broadcasters of Radio Zeesen garnered significant media attention, particularly within Afrikaans-language newspapers. Reports about the Afrikaans broadcasters of Radio Zeesen covered proceedings from the earliest stages of the court cases and even continued after their release.⁸¹⁴ The focus that the court cases received in the media indicates that SA society – and especially the Afrikaner community – took a keen interest in the case. These court cases also formed part of the broader context of post-war prosecutions, which piqued the interest of the local community. Further comparative studies on this topic might be insightful.

Conclusion

The Afrikaans broadcasters' involvement with Radio Zeesen meant that, after the war, they became part of the persons who could be charged with treason because of their part in the spread of German propaganda. Following the war, the Union government actively pursued suspected criminals through initiatives such as the Rein and Barrett missions.

Snoek, Pienaar and Strauss however fled towards the end of the war and the consequent end of Radio Zeesen. They managed to return successfully to South Africa without being intercepted by the Rein or Barrett missions. Only Holm was arrested in Europe after some time. The announcers were identified in 1946, subsequently arrested, and tried before a Special Court in accordance with the emergency regulations in the Union.

The treason charges stemmed from multiple factors, including the broadcasters' service under the German Ministry of Propaganda and Foreign Office; their involvement in translating, compiling, and broadcasting propaganda material that was heard within the Union; the detrimental impact of this propaganda on the SA war effort; and the so-called

Hitler oath. During the treason cases, the prosecution presented several arguments and pieces of evidence to prove each of the specific allegations against the broadcasters. The case against the broadcasters primarily revolved around the definition of high treason, which is characterised by hostile intent. It was also argued that the cases could have been tried judicially by the Special Court, even if they had committed treason in Germany and not in South Africa itself. Consequently, these court cases have ignited debates surrounding the legal proceedings of treason, particularly within the context of war.

Nonetheless, substantial evidence indicated that the broadcasters were employed by the German Broadcasting Service under the supervision of the Ministry of Propaganda and Foreign Office. Moreover, there was ample evidence of the broadcasters' roles in the broadcasts, and that these broadcasts were intentionally crafted to undermine the SAn war effort. Despite the defence's arguments and counterarguments, the conclusion reached by the State was that there was sufficient evidence for high treason. According to the prosecution, the act of spreading propaganda was considered antagonistic towards the Union, even if the broadcasters' intention was not necessarily motivated by pro-German sentiments. The broadcasters' emphasis on their pro-Afrikaner sentiments failed to absolve them of treason charges. The opposition to the Union government, even through means such as propaganda, provided a basis for charges of treason, which ultimately formed the cornerstone of the case for the prosecution.

The defence outlined a more nuanced set of motivations behind the broadcasters' actions, challenging the simplistic assumption of ideological alignment. In each of the four cases, it was noted that the broadcasters' intent was not necessarily to serve Germany, but to support the Afrikaner cause subtly or out of sheer necessity to earn a living in Germany through employment at Radio Zeesen. Generally, the broadcasters appeared not to be politically radical, highlighting once more the complexity involved in understanding historical causality. The question on the depth of the broadcasters' sentiments towards Germany remains somewhat unanswered. Valuable insights can be gained from primary material, but one must also consider aspects such as the sympathetic Afrikaans press and the National Party who would not willingly have divulged on the scope of such sentiments. This also supposes a more nuanced understanding of the broadcasters' motivations, rather than seeking for evidence to assign a simplified label of "pro-German".

Mitigating factors that worked in the broadcasters' favour included Snoek's youth at the time of joining Radio Zeesen, Holm's adaptation to Germany even before the war, Strauss's attempts to escape from Germany, their refusal to broadcast certain political talks, and their rejection of German war medals. Despite these factors, the defence was unable to establish the broadcasters' innocence, and each was ultimately convicted on charges of treason. The various sentences passed on the broadcasters – ranging from Snoek's fine to Holm's ten-year prison sentence – indicate that the punishment process was also variable in the court cases and could be influenced by complex factors.

During the appeal process in terms of the sentences of Holm, Pienaar and Strauss, the issues of the court's authority, the location of the treasonous acts, and the definition of treason were revisited. The competency of the Special Court to adjudicate high treason

cases was called into question, particularly in light of the evidence presented and the reliance on “circumstantial evidence”. The cases were however answered in favour of the State, and the broadcasters’ sentences were confirmed. Holm, Pienaar and Strauss each spent time in prison before being released.

By 1948, the broadcasters were released from prison along with other political prisoners. The management of the court cases, coupled with the scant research on them in contemporary academic literature, presents an intriguing question for historians regarding the future representation of treason cases from diverse perspectives.

Endnotes

- ⁶⁶⁵ Suné Kleynhans is currently enrolled for her PhD in Social Sciences with History at the North-West University. She completed her MA-dissertation in History in 2023 titled “Die rol en impak van Radio Zeesen as pro-Duitse propagandastasie tydens Afrikaners se anti-Britse verset teen Suid-Afrika se deelname aan die Tweede Wêreldoorlog, 1939 tot 1948 (The role and impact of Radio Zeesen as pro-German propaganda station during Afrikaners’ anti-British resistance against South Africa’s participation in the Second World War, 1939 to 1948). She is currently employed as a junior lecturer at North-West University. Her research interests include Afrikaner history, propaganda history, histories of nationalism and patriotism, and the Second World War.
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- ⁶⁶⁷ FL Monama, *Wartime Propaganda in the Union of South Africa, 1939–1945* (PhD dissertation, Stellenbosch University, 2014), 28.
- ⁶⁶⁸ C Marx, “‘Dear Listeners in South Africa’: German Propaganda Broadcasts to South Africa, 1940–1941”, *South African Historical Journal*, 27, 1 (1992), 162.
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- ⁶⁷² PF van der Schyff (ed.), *Die Ossewa-Brandwag: Vuurtjie in Droë Gras* (Potchefstroom: History Department of PU for CHE, 1991), 203.
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- ⁶⁹⁵ Marx, “‘Dear Listeners in South Africa’”, 150.
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- ⁶⁹⁷ Pienaar, *By die Sterfbed van ’n Volk*, 4.
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- ⁷⁰³ Kleynhans, *Hitler’s Spies*, 172.
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- ⁷¹⁵ PC, NC, ‘Spesiale Howe se Magte Ingekort: Verhoor van Holm kragtens Strafprosesreg’, *Die Burger*, 3 September 1946; see also PC, NC, ‘Special Courts’ Power’, *The Argus*, 3 September 1946 and PC, NC, ‘Emergency Regulation Withdrawn’, *Cape Times*, 3 September 1946.
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