

**J.B. Danquah And  
Co.: The Case For The  
Preventive Detention  
Act  
by  
Francis Kwarteng**

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### **Part I**

What was the nature of crimes Nkrumah committed to warrant chains of pre- and post-independence terroristic acts against his person, Ghanaians, and Ghana? This is one important question followers of the Danquah-Busia Tradition conveniently avoid. Significantly, there have been several attempts by keepers of the Danquah-Busia Tradition to tell a grossly distorted history of the PDA, since Nkrumah's departure from the political scene, ostensibly with no discernible success because the truths of history have not allowed revisionist fabrications to take hold of public consciousness. In other words, they massage Ghana's political history to fit a certain narrative of moral convenience in which antecedence or precedence, history, or context loses its value in the scientific evaluation of facts, especially when these facts have the potential to assail or prick their conscience for whatever reason(s).

Historical, selective, or social amnesia is their lot, their forte. For that reason, common sense, comparative methodology, scientific grasp of global history and of Ghana's political historiography, and source criticism, among others, do not feature in their methodological strategies. Our contention is that it is not possible discussing the Patriot Act, for instance, without situating it in the broader contexts of America's foreign policy, national security concerns, and Military-Industrial complex; the geopolitics of the Middle East; September 11; international terrorism; Congressional practices; ideological conflicts among Judaism, Christianity and Islam; Guantanamo Bay Detention Camp controversies; human rights; renditions; history, imperialism, and Orientalism; patriotism; and international law. Yet ideas and phenomena do not drop out of the clear blue sky. Certainly ideas and phenomena have history, antecedence, or context.

It is, therefore, important to place them [ideas and phenomena] in their proper

contexts if their meaningful reconstructions for national reconciliation and improving understanding of the world have any success of enhancing human relations. This is necessary when it becomes apparent that the Preventive Detection Act (PDA), for instance, cannot stand apart from the turbulent period of 1955 to its enactment in 1958. Yet, those Danquah apologists who discuss the PDA have actually elected to do so not in the proper context of Danquah's lawful imprisonment on account of it, as if Danquah's life was more precious than Nkrumah's and hundreds of others and Ghana, but also that the general good it did for Ghana, Africa, and the larger world, including saving the lives of thousands of children and of innocent men and women, is largely ignored for political or ideological expedience.

That notwithstanding, the root cause for the PDA's enactment traces to September 19, 1954 when the National Liberation Movement (NLM), a terrorist, secessionist, and ethno-regional organization, was formed in Kumasi under the leadership of Busia and Okyeame Akoto Baffoe. The major reasons given for the NLM's formation include protection of property rights vis-a-vis cocoa farmers and political quest for federalism as opposed to unitary governance. However, a closer examination of the facts reveals an underlying motive that goes beyond what are in the public domain. It turns out the masses had rejected the Opposition at the polls and thus formation of the NLM offered individuals in the Opposition an opportunity to redeem themselves.



Colleagues of the NLM (National Liberation Movement) Nana Akyempemhene, Victor Owusu, Okyeame Baffuor Akoto, Mr Joe Appiah meeting with British Colonial Secretary, Alan Lennox Boyd, (Photo: circa 1957)

The Opposition began calling Nkrumah “a dictator, a Fuehrer” after the CPP vanquished it in the 1951 elections. Busia lost in his hometown, Wenchi, where his brother was a traditional ruler. Danquah, the so-called Doyen of Ghana Politics, lost to his relative Aaron Ofori Atta, later a Minister for Local Government and the Minister for Justice in the CPP government, in Central Akyem Abuakwa. Obetsebi-Lampsey and S.G. Antor both lost in Accra and the Volta Region respectively. Thus, the NLM became a front for political losers like Busia and Danquah to revive their political careers. It is in this context that Prof. Ninsin’s statement “But the aim was not to liberate the country but themselves as a group from imminent political extinction” must be understood.

Finally, formation of the NLM saw leading members of the CPP, namely Joe Appiah, R.R. Amponsah, Kurankyi Taylor, Victor Owusu, J.C. De Graft Johnson, defecting to it [NLM]. The NLM would later form political alliances with the Togoland Congress (TC) and the Ga Shifimo Kpee, led by S.G. Antor and Obetsebi-Lampsey respectively, the Northern People’s Party (NPP), the Muslim Association Party (MAP), the Ghana Congress Party (GCP), and the Asante-based CPP rebels. Nevertheless, we should not overlook the fact that the NLM had support from some powerful quarters, including the Asanteman Council, Ofori Atta ?? and Okyeman Council, Asantehene Nana Agyeman Prempeh ?? [and the Asante Youth Association (AYA)]. The British Cocoa-buying company Cadbury and Fry financially supported it, as was the chiefs in council who pledged the movement £20,000, to be taken out of the Asantehene Palace Fund.

Regrettably, the birth of the NLM extended the anticipated date for the Gold Coast’s independence by a year or so, 1956 instead of 1957. The kind of terrorism which the movement and its affiliates unleashed on the country explains the delay. Labelling the CPP government’s position to use cocoa revenue to develop the country as “misrule and dictatorship of the CPP,” to borrow Prof. Ninsin’s phraseology, the Opposition embarked on a series of secessionist and terrorist campaigns to impose federalism on the would-be nation-state’s political economy thinking that was the only way each region could control and appropriate its resources for regional self-development. But this argument has larger political implications for nation-building, as we stated elsewhere in respect of the ulterior motives of Danquah, Busia, etc., to make Nkrumah and the CPP government unpopular, and the country ungovernable. Elsewhere, Danquah and Ofori Atta ?? threatened to bomb voters in Akyem Abuakwa should they [voters] vote for the CPP and to ensure peace never reigned in Akyem Abuakwa, for as long as the

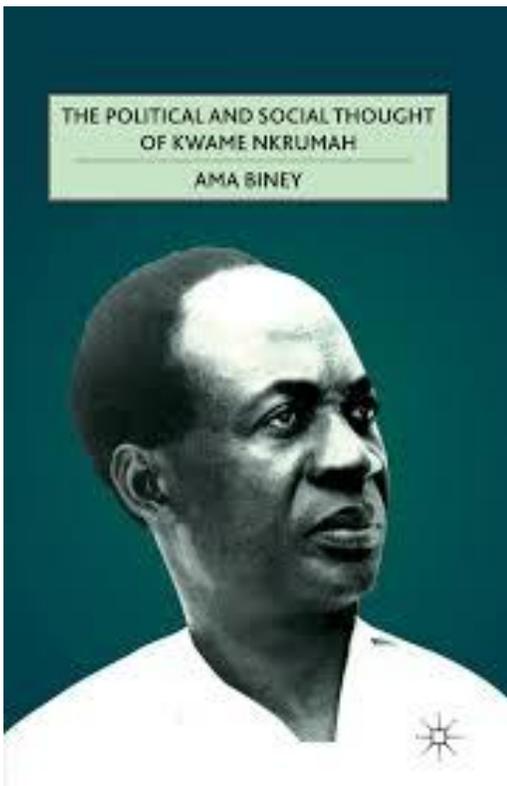
reverse of voters' intentions to vote for the CPP did not happen (see Dr. Botwe-Asamoah's book "Kwame Nkrumah's Politico-Cultural Thought and Policies").

Yet, interestingly enough, the Colonial Government watched as the NLM's violence against Nkrumah, citizens, and the CPP continued. According to Dr. Biney, Nkrumah introduced Proclamation Eight on May 25, 1955, a piece of legislation which "demanded all arms and munitions be surrendered to the Kumasi police," upon which police enforcements were dispatched to the region. The violence continued in spite of these developments. But putting everything aside, was the NLM a truly peaceful movement as keepers of the Danquah-Busia Tradition claim? Mr. Nelson and Dr. Gyamerah cite Dennis Austin to show how an altercation between E.Y. Baffoe and K.A. Twumasi Ankrah, N.L.M. and C.P.P. supporters respectively, led to the former's stabbing death on October 9, 1955, thus placing the origins of pre-independence political violence at the feet of this infamous incident. This account oversimplifies the political causation of the altercation. It turned out "Baffoe and a gang of the NLM 'Action Troopers' had chased him [Twumasi] to a room, where he stabbed the former with a knife in self-defence" (our emphasis; see Adamafo). Twumasi was subsequently charged with murder, tried in a colonial court, and executed. Related to Baffoe's death was the birth of the NLM "Action Troopers," which Dr. Biney otherwise calls NLM "Action Groupers."

Following this incident, the leadership of the NLM began spreading rumors that Nkrumah and the leadership of the CPP had instigated Twumasi. Yet while the leaders of the NLM portrayed the CPP as a violent political party, it painted the NLM as a peaceful organization. Then again, Mr. Nelson and Dr. Gyamerah quote from a memorandum written by R.J. Vile, the Assistant Secretary and Head of West Africa Department B at the Colonial Office. In this memorandum he [Vile] said of the NLM and its membership: "It is, however, clear that they have a fair amount of dynamites at their disposal and presumably can easily obtain fresh supplies by theft from the mines. They contain a number of thugs who are prepared to use knives and arms of precision. Reports were current in Kumasi a fortnight ago that the NLM had been smuggling in rifles and machine-guns, and there were other reports that small bands of people were being trained with the object of sending them to Accra to attack, and possibly, murder Gold Coast Ministers." It also turned out elements within the Colonial Government operating the Obuasi mines had been secretly giving out dynamites to these terrorists to destabilize the country in hopes of creating conditions to justify the return of white rule, recolonization.

Vile made those observations in March 1955, some six months prior to the Twumasi-Baffoe incident, thus contradicting the NLM's self-described accolade as a peaceful organization. As well, Vile's observations have contextual backing from Busia who, in Dr. Botwe-Asamoah's words, "had warned the British government that a CPP victory in the 1956 election would be disastrous for the nation, and that the NLM was prepared to seek any means necessary, including terrorism and undemocratic means, to eliminate the evil CPP" (see also Prof. Kofi Awoonor's "GHANA: A Political History from Prehistory to Modern Times"). In addition, Prof. Ninsin shows the links between the various attempts made by individuals to overthrow the CPP government, the NLM's iron will to assassinate and/or drive out Nkrumah and his government, and so forth. Elsewhere in Prof. Ninsin's essay Basil Davidson quotes Dr. Busia in that regard: "As far as we can see (this would lead to a road that) makes for the country (one) of riot, rebellion, revolution; the road long ago taken by those unhappy countries where one can change only the Head of State or the people who govern by armed insurrection after underground conspiracy and courage" (also see "The Nkrumah Government and the Opposition on the Nation State: Unity vs. Fragmentation" in Kwame Arhin's edited volume "The Life and Work of Kwame Nkrumah"). These incendiary outbursts and other

such by Busia underlined his ideological tendencies toward autocracy, thereby serving as a political tool for intimidating his opponents.



The story does not end there, however. Dr. Ama Biney also writes: "The political violence in the country continued with a dynamite explosion at the Central Market in Kumasi on November 17, 1955, and the murder of Krobo Edusei's sister the following month. By the end of the year, 'few vestiges remained of a CPP presence in Asante'" (see "The Political and Social Thought of Kwame Nkrumah"). To intensify the already-precarious situation in the Ashanti Region, however, mechanisms were put in place to make it possible for the Asantehene Confederacy Council "to arbitrarily destool all Chiefs who 'supported the CPP,'" Dr. Botwe-Asamoah quotes Bing, with the former adding: "They include Juasohene, Bekyemhene, Juabenhene, Nifahene of Kumase, and Bamuhene

also of Kumase." Kofi Banda, a CPP activist, was shot to death at a rally in Ejisu. CPP ministers and activists faced death threats if they dared set foot in Kumasi.

Rather surprisingly, also, rumors circulated that Nkrumah had demanded the sacred Golden Stool merely as a pretext on the part of subversive elements within the Opposition camp to incite the Asante people to wage war against Nkrumah and the CPP (see Prof. Kofi Awoonor's book).

The terrorism which the NLM unleashed on the CPP led to the closure of its regional office in Kumasi. Having said that, the Kumasi agitations did not stand alone. They interrelated with others such as those of the Accra-based Ga Shifimo Kpee, the Awhiatey-Amponsah-Apaloo conspiracy (1958), and the Togoland Disturbances led by S.G. Antor. Compounding these atrocities was the Opposition's protracted equivocation on what it was they actually wanted from Nkrumah and the CPP government (see Chapter 5 ["Nkrumah and the Opposition, 1954-1957"] of Dr. Biney's book for detailed information). For instance, Dr. Biney shows how Nkrumah and the Opposition worked out their differences in what became a white paper, titled "The Proposed Constitution of Ghana," under the supervision of Secretary of State Lennox-Boyd, in January 1957. According to her, this white paper addressed "many of the NLM's concerns; namely, regional assemblies and an agreement that an alteration to the constitution to increase the numbers of regions would seek a referendum in the affected region." Before long Okyeame Baffoe Akoto came up with another excusatory threat, telling A.C. Russell, the chief regional officer, that there was not going to be independence celebrations in Ashanti. All in all, Jean Allman notes: "there was some consensus in Accra between colonial authorities and the CPP on how to respond to events in Asante. There must be reaction, but not over-reaction, quite, reasoned negotiation, BUT MINIMAL COMPROMISES" (our emphasis; see "The Quills of the Porcupine: Asante Nationalism in an Emergent Ghana").

In spite of the preceding accounts, Nkrumah and his CPP government did their best to give serious attention to Opposition demands. According to Dr. Biney, Nkrumah in 1956 "invited representatives of the NLM executive, Asanteman Council, and other opposition leaders to a roundtable conference to discuss issues raised by the Bourne Report." As always, the Opposition boycotted it as well as Nkrumah's second invitation to them. In the process the Opposition also ignored Sir Frederick Bourne, a constitutional expert the Colonial Government had dispatched to the Gold Coast to resolve the impasse between the Opposition and the CPP. Yet, in another instance, NLM supporters pelted Sir Charles Arden-Clarke's car with stones in Kumasi, when he travelled there to mediate the impasse breeding the violence, with a view to ending it. Overall, Governor Arden-Clarke appreciated Nkrumah's efforts to resolve the impasse. He notes: "the Prime Minister's [Nkrumah's] overtures were statesmanlike efforts and, taken by themselves,

deserved success” (see Dr. Ama Biney). Likewise, Vile echoed Arden-Clarke’s observation when he wrote: “On my second interview with the Prime Minister he took a much more reasonable line. He fully understood that it was only too easy to provoke violence in Ashanti and that it was his clear duty to act peacefully and diplomatically.”

Vile’s and Arden-Clarke’s diplomatic statements tie in with Nkrumah’s character. Adamafio made it clear in his book that Nkrumah intervened in the tensions that arose between members of the NLM and of the CPP, when CPP Troopers finally elected to speak the “language” of NLM Action Troopers. According to Adamafio, Nkrumah warned the CPP Troopers not to reciprocate the violence of the NLM Action Troopers. In other words, he [Nkrumah] rather insisted upon non-violence as a response to opposition violence, for he believed working with the Opposition was in the best interest of the nation. This explains why Nkrumah invited Busia and other Opposition members to join his cabinet, an invitation the latter turned down. Nevertheless, other Opposition members accepted his invitation and consequently became part of his government. For instance, J.A. Braimah became the Minister of Communication and Works. E.O. Asafu-Adjaye, a lawyer and a representative of the Ashanti Confederacy Council, became the Minister of Local Government. Later, Asantehene Otumfuo Osei Agyemang Prempeh was on board with Nkrumah and the CPP government after Busia failed to pressure London not to grant independence to the Gold Coast

[Note: Dr. Botwe-Asamoah acknowledges Nkrumah as the only leader in Ghana’s entire political history holding the record for appointing the “largest” number of opposition members to his cabinet. In fact Nkrumah did this in addition to encouraging responsible and effective opposition].

The question for us to address at this juncture in spite of the preceding statements is: Why did Nkrumah not unleash the Ghana’s Armed Forces on the ethnic-based NLM and its vicious supporters, quashing their violence as the Governor-General authorized Ghana’s Armed Forces to do as in the case when S.G. Antor and his thugs declared war on the eve of independence? Let us recall here that, according Dr. Botwe-Asamoah, “Until July 1, 1961, the three main instruments of the government of Ghana, namely, the military, police...were in the hands of British expatriates.” Thus, Nkrumah’s internal government was constitutionally and logistically constrained to effectively respond to the NLM’s terrorism and other instances of armed insurrection. More specifically, in 1951, when Nkrumah became the Leader of Government Business the constitution prevented him from appointing individuals to the positions of Finance and Justice, Attorney General,

Defence and External Affairs. The Governor's veto power also held sway over Nkrumah's internal government. Yet Dr. Biney cites from R.J. Vile's 1955 memorandum where Nkrumah had told the former "that Ashanti only understood the language of force." Unfortunately, the Opposition had an agenda to frustrate Nkrumah's government from doing the best for the nation. Simply put, the terrorism, secessionism, coup d'états, and assassinations Nkrumah's enemies hatched out were resolute strategic political calculations meant to undermine popular association with Nkrumah and the CPP, a nationalist, Pan-Africanist political party with a mass following. Dr. Kwame Botwe-Asamoah gives the following chronology of events (see Part 3 of "Kwame Nkrumah: The One and Only Founding Father of Ghana") justifying for a stronger response such as the PDA. We present them as follows:

- 1) Dr. K. A. Busia and the NLM warned the British government in August of 1955 of grisly after-effects, if the country attained independence under the CPP government. Hence, the Danquah-Busia camp resorted to the undemocratic methods and terrorist acts and bomb attacks to overthrow the democratically elected government of Kwame Nkrumah, before and after Ghana's independence.
- 2) On November 10, 1955, Nkrumah's house was bombed while he was resting and working in his house with his secretary and others because of a terrible cold.
- 3) On the day that the CPP reopened its regional office in Kumasi after fourteen months of closure, Prof. Busia's NLM drove a jeep past the crowd and fired shots into it and wounded several people; it also killed a pregnant woman. Earlier, Krobo Edusei's sister had been shot dead as she was preparing food in the backyard for her children; while Edusei's wife had survived a bomb blast.
- 4) On the eve of Ghana's Independence on March 6, 1957, the Ewe Unificationists, led by S.G. Antor (Danquah's buddy), formed themselves into a ragged guerrilla army in Alavanyo and prepared for armed insurrection with homemade guns against the CPP government. The Governor-General sent troops to the region to put down the revolt. Yes, S. G. Antor (J. B. Danquah's loyal buddy, an ally of Prof. Busia, and one of President Kufour's heroes) by his (Antor's) terrorist acts.
- 5) In 1958, there was a plot to assassinate Nkrumah at the airport and then overthrow the CPP government as Nkrumah was about to leave for a state visit to India. The plot was discovered and the plotters were arrested.
- 6) Dr. Danquah's intention to have Nkrumah eliminated from the political scene,

after the declaration of Positive Action, lies in his unapologetic statement that Nkrumah will pay with his neck. Danquah would later become an ally of the CIA (Note: Recall Danquah's speech at the Belawashi coup plot; see Dr. Botwe-Asamoah's "Kwame Nkrumah's Politico-Cultural Thought and Policies" and Richard Mahoney's "JFK: Ordeal in Africa").

7) Acts of extreme vandalism were perpetrated in Ashanti but particularly in Kumasi, where members of the CPP were chased and ambushed down like animals in broad daylight. Party Adherents fled to Accra and other Southern towns and their houses were dynamited, burned, or turned into places of convenience. The NLM organized what they called 'Action Troopers.' These were armed gangs who raided CPP strongholds and killed indiscriminately or destroyed properties at will. Law and order had virtually broken down in Kumasi (see Tawia Adamafio's "By Nkrumah's Side: The Labour and the Wounds").

Here are Mr. Nelson's and Dr. Gyamerah's take on the subject under discussion (see their joint essay "The Origins of Preventive Detention"):

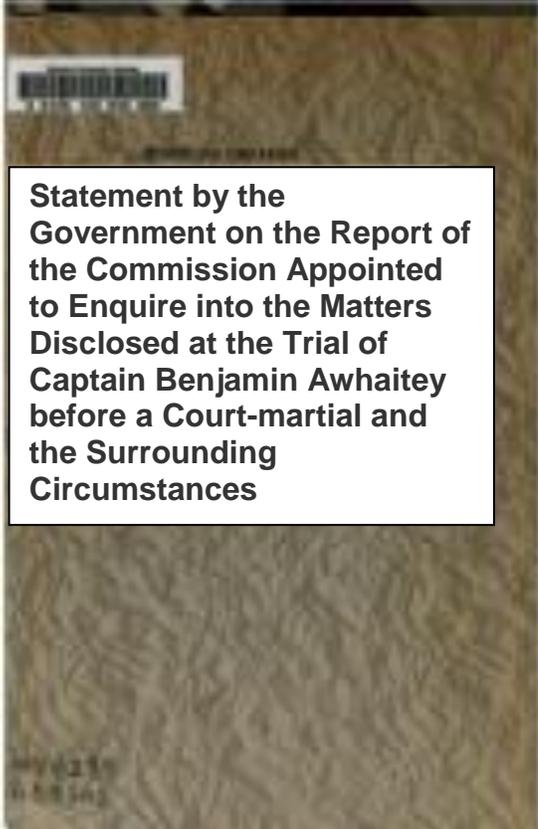
1) Less than a year after independence, and after three defeats at the polls in 1951, 1954 and 1956, four prominent members of the U.P. were involved in either undermining the stability of the new Ghana or planning a coup to overthrow the C.P.P. government.

2) In 1958, Modesto Apaloo and R.R. Amponsah (General Secretary of the N.L.M, and later the opposition parties, UP) were implicated in plotting the first coup in the new Ghana with Captain Awhiatey, Commandant of the Gifted Camp (now Burma Camp). The Granville Sharp Commission reports the following: "Amponsah and Apaloo since June 1958, were engaged in a conspiracy to carry out at some future date in Ghana an act for unlawful purpose, revolutionary in character."

Elsewhere, the Majority Report of the Commission quoted Sir Tsibu Darku and Mr. Maurice Charles as saying: "that Awhiatey, Mr. Amponsah, Mr. Apaloo, and Mr. John Mensah Anthony, were engaged in a conspiracy to assassinate the Prime Minister, Dr. Kwame Nkrumah, and carry out a coup d'etat..." Major General A.G. V. Paley, the British Officer in charge of the Ghana Armed Forces [Chief of Defence Staff], later corroborated the connection between Awhiatey and the Opposition by showing that Awhiatey used Victor Owusu's "green Wolseley car." This car was involved in an accident and Amponsah had it repaired. Finally, the National Liberation Council (NLM) appointed Victor Owusu as Attorney General

after the 1966 coup.

3) “In the period immediately preceding Awbiaitey’s arrest there has been rumours of an army coup d’etat and there was even a Special Branch report in regard to it. It



source was a conversation in a foreign Embassy in Accra which had been allegedly overheard by a non-Ghanaian guest who reported it to the police. According to this report, Dr. J.B. Danquah had been heard assuring a diplomat that Dr. Kwame Nkrumah would be overthrown by Christmas by the Army. In view of the status of the informant, the report was taken seriously enough by the Special Branch and General Paley for there to be a thorough investigation made as to whether there was any possibility of the army planning a coup d’etat” (see Geoffrey Bing’s “Reap the Whirlwind”).

4) The violence did not, however, end there: Numerous attempts were made on Nkrumah’s life in years following the introduction of the PDA, including the infamous Kulungugu bomb outrage, the bomb outrages in late 1961 that preceded the visit of Her Majesty Queen Elizabeth II in 1962,

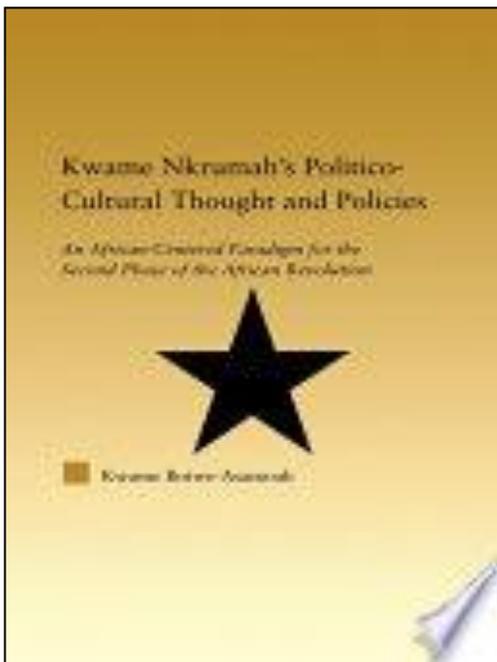
and the repeated assassination attempts on Nkrumah’s life, a death toll of 30 Ghanaians, men, women and children, had been recorded with the wounding of some 300 others.

We ask again: Why did the Colonial Government generally remain nonchalant in the face of Opposition violence? Part of the reason the Colonial Government chose to remain nonchalant may be deduced from South Africa’s Dr. Motsoko Pheko’s commentaries on Africa’s political history, colonialism, imperialism, and neo-colonialism. Dr. Pheko believes the British never liked Nkrumah, his nationalist and Pan-Africanist politics, and for that reason the British Colonial Government gave in to demands for independence only when “the Gold Coast became ungovernable” (see “Democracy and Legitimacy in Africa,” *New African Magazine*, Sept. 18, 2013).

## J.B. Danquah And Co.: The Case For The Preventive Detention Act

### Part II

By: Francis Kwarteng



Now, given the various accounts of Drs. Biney, Botwe-Asamoah, Gyamerah, Owusu-Ansah, and Mr. Nelson, it becomes clear why the Opposition adopted as its modus operandi “any means necessary” to save itself from “imminent political extinction” rather than to liberate the country from a perceived encroaching tyranny. Therein lies the roots of the political confrontations between the Opposition and the CPP. The Opposition’s negative political calculations would chip away at one of the important pillars of Nkrumah’s progressive thinking. Dr. Biney writes: “It is evident that the principles of freedom, equality, and independence that shaped Nkrumah’s thinking during his days in America and London underpinned his political practice during the dyarchic period.” Dr. Biney marks this era of the Nkrumah political

dispensation as the “dyarchic period” which she situates between 1951 and 1954.

Among other extrapolations that can be gleaned from the historical connotations of this “dyarchic period” is the birth of the NLM in 1954. This year signals the epochal beginning of the erosion of the budding democratic institutions chalked under Nkrumah’s progressive leadership.

She also notes that: “By the end of 1954, violence in Kumasi had spread to surrounding areas and led to an uneasy existence between the CPP regional headquarters and the NLM party offices, which coincidentally functioned side by side in Ashanti New Town” The irony is that the World Veterans Federation awarded Nkrumah its 1954 World Peace Prize! On the other hand, Dr. Botwe-Asamoah’s comments regarding Nkrumah’s inaction in the face of violence is implied in Dr. Biney’s assessment of the same. She writes: “It appears from this observation that Nkrumah preferred a more hard-line response to the Ashanti problem...However, his [Nkrumah’s] hands were tied by the dyarchic relationship. This seems to suggest that Nkrumah would not have demonstrated timidity in employing draconian measures to deal with the Ashanti problem.”

It may be recalled that in Part ? we explored some of the reasons Nkrumah’s government adopted a soft approach toward the “Ashanti Problem.” Dr. Biney’s personal convictions about Nkrumah’s inaction notwithstanding, it has widely been acknowledged that Nkrumah was not a human being of violent predisposition. Nkrumah’s adoption of Gandhian non-violence philosophy, his immersion in African humanism, religious beliefs and spirituality, and his pacifistic temperament detached him from any tendency towards violence as a counter-response to the excesses of the Opposition. His Positive Action is a good example of this.

Moreover, regarding the origins of political violence as it relates to the NLM, we may recall that Vile’s augury assumed a serious dimension of political actuation when he wrote: “It is quite possible that the core of determined young men [of the NLM] will take to the forest and engage in guerrilla warfare from there if other methods fail” (our emphasis). One wonders why the Opposition, a political minority, chose the medium of violence, terrorism, and armed insurrection to break the will of popular sovereignty in order to impose its minority opinions on the masses. Also, why Danquah, Busia, Antor, Obetsebi-Lampsey and their ilk did not resort to terrorism, political insurrection, violence, and clandestine collaborations with foreign intelligence organizations, the CIA say, to overthrow the Colonial Government remains an unresolved mystery, a multi-billion dollar question historians, both Danquah and Nkrumah apologists, and political scientists are yet to ask let alone answer.

In the main the terrorist, secessionist, and violent tactics of Danquah, Busia, Obetsebi-Lampsey, S.G. Antor, and their colleagues to impose their minority will on the masses confirmed Vile’s general predictions. This they did by targeting

Nkrumah's and Archie Casely-Hayford's residences for bombing. This is where the PDA, introduced in the Ghanaian parliament by Krobo Edusei, received



Krobo Edusei with David Ben-Gurion, the founder of the State of Israel and the first Prime Minister of Israel, in Tel Aviv. Israel's National Zim Company assisted in setting up the Black Star Line (BSL) in 1957, and provided initial management support for the BSL.

parliamentary approval after its merits for stemming the tide of violence had been thoroughly debated, with leading Opposition members in attendance. The parliamentary process enjoyed the consent of British Governor-General Lord Listowel. For one thing, the PDA became what Benjamin Netanyahu and George W. Bush call “pre-emptive strike.” For another, the Edward Snowden and Wikileaks revelations, the USA Patriot Act and the Guantanamo Bay Detention Camp controversies, Charles Krauthammer’s “the Bush Doctrine,” and the fates of terrorists like Osama bin Laden, Timothy McVeigh (America), Anders Behring Breivik (Norway), and Mohammed Yusuf (founder of Boko Haram) provide insights into the extent leaders go to protect themselves, their countries and strategic interests from the scourge of terrorism.

Still, Dr. Botwe-Asamoah cites the contents of a letter one Barbara Ward wrote to President Kennedy describing the dire security situation in Ghana. Ward said in the letter that: “Ghana has real security problems and has done much better than many

other newly-independent inexperienced governments. Thus it cannot fail to sense a core of hostility and cold superiority in Western reactions.” Ward was actually reacting to attacks in the Western media in which the latter characterized the PDA under Nkrumah’s CPP government as “incipient dictatorship” and “destruction of due process” (see Dr. Botwe-Asamoah’s and Mahoney’s books).

How did the West, including America and Britain, that have used similar laws to contain internal violence, to protect its strategic interests at home and abroad, and to build its nations and empires expect Nkrumah to do otherwise in order to prevent the imminent collapse of the new nation? Is it not a fact of history that Krobo Edusei first came into contact with the PDA in India where the British had introduced it? Moreover, the contents of a White Paper which the CPP government released in 1959 further reinforced the moral dimension of laws such as the PDA and their direct implications for nation-building, where safeguarding the geopolitical integrity of Ghana assumed strategic priority.

This White Paper centrally addressed the CPP government’s unqualified commitment to: “the very existence of the state of Ghana by not allowing to go unchecked plots and conspiracies which might result in the destruction of the state itself.” The CPP government set out to achieve two primary goals: 1) The elimination of sectarian or sectional tendencies which militate against the unity and security of the Ghanaian state, and 2) The elimination of the structural basis of the tendency toward national fragmentation. Ghana therefore needed a piece of legislation like the PDA to bring these two strategic aims to political fruition.

More importantly, though, the PDA’s enactment, like its statutory-sisters the Avoidance of Discrimination Act and the Nationality and Citizenship Act, both enacted just the year before, derived from a basic principle of statecraft or of governance, which is that government primary responsibility goes towards safeguarding national security, protecting its citizens, guaranteeing internal peace, and preventing ethnocentrism, racism, religious bigotry, and regionalism from taking root in national politics. These responsibilities make a unitary system of governance stronger.

But the concept of unitary nation-state collided with the Opposition’s political philosophy based on the mantra “No Federation, No Self-Government,” or “yate yen ho” (see Dr. Ama Biney), and with Busia’s and Danquah’s intellectual investment in Edmund Burke’s political ideology, which imputed strategies of rulership to the preordained elite. What’s more, the power Nkrumah reposed in the masses through his and the masses’ political investment in universal suffrage took

away the Opposition's preordained entitlement to the rulership of the would-be nation-state, forcing Danquah into a debilitating psychological fix that would haunt him for the rest of his life.

More so the masses, in turn, expected the mandate which they had given their representatives in parliament to translate to proactive, actionable statutory protection of their aggregate yet diverse interests, national security priorities, human rights, properties, national development, Ghana's territorial integrity, her foreign policy and image in the international community, among others. As expected, the Opposition soon found the masses' demands activated through their franchise politically convenient, giving the former cause for labelling popular sovereignty represented by Nkrumah and the CPP "dictatorship," to which the Nkrumah riposted: "If I were a dictator, the opposition would have no place to stand to make the noise they are making."

Rather, Nkrumah was more concerned about "feudal tyranny" which he essentially saw as a mark of a "certain intellectual snobs, traitors and saboteurs" usurping the masses' political rights and replacing them with their appropriation of Edmund Burke's parochial, anti-democratic political ideology. Nkrumah also expected "a strong and well-organized Opposition Party in the country and in the Assembly" which was not forthcoming. The depth of political encumbrance which the Opposition imposed on the new nation demanded an exercise of executive veto, which Nkrumah lacked for reasons we have already gone into.

But the executive veto came in the form of CPP's parliamentary majority, which represented the will of the people. Thus, the failure to pass appropriate laws by the people's parliamentary representatives would have amounted to sheer betrayal of public trust in the CPP government and of the principles of popular democracy, a dereliction of national responsibility to the people. It was therefore in the context of the Opposition's distaste for the public interest and participatory democracy that he [Nkrumah] further opined the following: "The present political issue is a test as to whether parliamentary democracy will live and strive in this country or whether we shall revert to feudal tyranny and despotic rule. We must not forget that democracy means the rule by of the majority, thought it should be tempered by sweet reasonableness in the interest of the majority. In a parliamentary democracy legitimate constitutional opposition is a part of its fabric, but not opposition that breeds and fosters violence" (see Dr. Ama Biney).

This sets the stage for contextual valuation of statutory codes and parliamentary deliberations during the political dispensation of the First Republic. It was under

these popular expectations that the PDA came under parliamentary deliberation. In other words, the Congressional process that brought the Patriot Act into statutory existence was no less credible than the parliamentary process that gave the PDA its statutory affirmation in Ghana's Constitution as well as powers of enforcement. Thus, the PDA, an emergency Act of Parliament, became the law of the land.

This law became one of the most important legal instruments in Ghana's political history, unlike other administrations after Nkrumah's that passed useless laws with no implications for national unity and development economics. For instance, while the parliament under the CPP enacted anti-terror legislation to combat subversive activities directed at the country's internal balkanization by Danquah and his ilk, the parliament under the Busia Administration spent a whopping 17 hours to deliberate passage of the "certificate of emergency." This piece of legislation criminalized the mention of Nkrumah's name and display of his portraits. As a matter of fact, it is one thing to tremble in the physical presence of greater human beings, but quite another to tremble before the names and portraits of greater human beings. What an irony! What relevance did that piece of legislation have to development economics, affirmation of unitary statehood, nation-building, and political economy?

Of course, that aside, ignorance of the law is not an excuse for self-defence (*ignorantia juris non excusat*). Rather, ignorance of the law is harmful (*ignorantia juris nocet*) and justifiably so. As an illustration of the first point, lawyer Danquah, a reprobate political criminal, and Ataa Ayi, a hardened armed robber, both knew the law and what was required of them by society yet they ignored the law thinking they were too smart to get caught in the dragnet of their misdeeds. It therefore appears the terminal stage of Danquah's political criminality had no use for his compass of inner compunction, like Ataa Ayi's. This probably explains why he [Danquah] kept vacillating between acceptance and rejection of the Coussey Commission Report that, among other issues, addressed the regionalization of the country's political administration and a second legislative chamber, though the masses had rejected both in favour of the 1951 Constitution (see Prof. Ninsin). He [Danquah] did this when it suited his political whims and stilted allegiance to the elitist claims of Edmund Burke's political ideology. The result of this was his [Danquah's] political apostasy that culminated in his assassination attempts on Nkrumah, his involvement in subversive activities against the state, and his clandestine collaboration with external intelligence (CIA), among others, thus necessitating the enactment of emergency instruments such as the PDA.

Accordingly, Danquah brought his detention under the PDA upon himself given

his anti-patriotic statement that the laws of the land did not apply to him and the people of Akyem Abuakwa. Yet he [Danquah] and his people of Akyem Abuakwa went along with colonial laws without so much as collaborating with the CIA to get rid of the Colonial Government. Put differently, his detention resulted from his deployment of vicious and violent anti-democratic methods to seek redress for what he could not have otherwise achieved through the ballot box, similar to the situations of Busia, Obetsebi-Lamphey, S.G. Antor, and others. What is also ignored in the historical narrative was Nkrumah's twice pardoning some PDA-prisoners as well as offering amnesty to political exiles, mostly self-imposed. Nkrumah even pardoned Danquah for plotting his assassination and for other subversive activities against the state. The courts also freed a PDA-prisoner like Kojo Ayeke, a member of S.G. Antor's Togoland Congress that declared war on the eve of Ghana's independence, after he successfully appealed his case.

One wonders why Danquah, a trained lawyer and a politician, did not follow Ayeke's example to appeal his case against the state with assistance from his relative Aaron Eugene Kofi Asante Ofori-Atta, who served as a Minister for Local Government and a Minister for Justice in Nkrumah's cabinet! Accordingly, the PDA became his [Danquah's] chaperone and helped break any ties he shared with terrorists and ethnocentric secessionists, like Obetsebi-Lamphey and S.G. Antor, and the CIA as Richard D. Mahoney, an American political insider, vividly describes in his work, "JFK: Ordeal in Africa."

That said, taking everything into consideration the PDA served Ghana very well.

In contrast, under the Preventive Custody Decree (PCD), the National Liberation Council's version of the PDA, more people were imprisoned and more people were subjected to abuse than was the case under the PDA, given that the latter had a much longer constitutional existence than the PCD, which was rather executed through military decree rather than through the deliberation process of constitutional attestation. Magnus George, M.O. Kwatiah, and E.A. Maclean, three members of the CPP, died under the PCD. What is more, Busia served as a principal advisor to and collaborator with the National Liberation Council, a cabal of coup makers who threatened Nkrumah's eighty-year-old mother, almost blind, at gun point to say Nkrumah was not her true son. They later dragged her to a Commission of Inquiry and again questioned her whether Nkrumah was her real son. As if what they did to Nkrumah's mother was not bad enough, this cabal of men dragged Nkrumah's high-school niece to the Commission of Inquiry and quizzed her "as to the relationship between her and Nkrumah" (see Dr. Botwe-Asamoah and Prof. Kofi Awoonor). They also peddled the falsehood that

Nkrumah's father was a Liberian, not a Ghanaian. Finally, this cabal collaborated with their foreign co-conspirators (CIA) to destroy the Atomic Energy Program! The question is: What did Busia have to say about the excesses of the National Liberation Council as far as the Preventive Custody Decree and his own excesses as a Prime Minister of the state in respect of his disrespect for the courts, the principles of democracy, subversive activities against the state, and boycotting parliamentary deliberations on issues relevant to nation-building went?

We shall end this essay with Mr. Nelson and Dr. Gyamerah who cite Geoffrey Bing to underscore the NLC's propaganda aimed at discrediting Nkrumah and the PDA: "Of the seven hundred and eighty-eight [788] detained persons that were released [after the coup in 1966], [some] three hundred and fifty to four hundred [350-400] were criminal detainees 'apparently let loose for the purely propaganda purpose of increasing the total number freed.'" According to these authors, "This led to an embarrassing upsurge in crime rates in the country after the coup." It is important to note again that, according to these two authors, much of the police force under Police Commissioner J.K. Harley and his Deputy A.K. Deku pleaded with the CPP government "to extend the PDA to common criminals by 1960."



# J.B. Danquah And Co.: The Case For The Preventive Detention Act

## Part III

By: Francis Kwarteng

*Prof. Ninsin writes:*

***“The PDA, on the other hand, MADE IT POSSIBLE FOR THE GOVERNMENT TO IMPRISON, WITHOUT TRIAL, SOME GHANAIANS WHOSE ACTIVITIES WERE UNDERSTOOD TO THREATEN STATE SECURITY AND STABILITY. “THOUGH THE PDA IS STILL REGARDED WITH DISDAIN, ITS VALUE IN SAFEGUARDING THE INTEREST OF THE STATE SEEMS TO HAVE BEEN APPRECIATED AND VIDICATED, AS BORNE BY ITS REPEATED USE UNDER DIFFERENT TITLES, BY SUCCESSIVE GOVERNMENTS AFTER THE FALL OF THE CPP GOVERNMENT....AND SOME OF THE REGIMES THAT HAVE RESORTED TO A REVISED VERSION OF THE PDA HAVE BEEN THE MOST DEVOUT AND VEHEMENT CRITICS OF THE CPP” (our emphasis).***

Did the Colonial Government not have its own version of PDA under it imprisoned the leaders of the Aborigines Rights’ Protective Society and Nkrumah? What crimes did they commit to warrant their imprisonment? Did the state under Nkrumah’s premiership not have a more legitimate reason to imprison Danquah and Obetsebi-Lampsey than the state under the Colonial Government? It was in this context that Mr. Nelson and Dr. Gyamerah charged the Colonial Government for holding the UGCC leaders including Nkrumah in preventive detention without

being charged or tried! Besides, the prison system was far better under the CPP government than it was the case under the Colonial Government.

It is also surprising that those who attack the PDA fail to see how prison tenancy has exponentially shot up in Ghana over the years as a result of remand and adjournment policies in the courts, with the Amnesty International calling Ghanaian prisons “Remand Prison.” Our analysis does not even include imputations of business cost burdens on the state to remand [Note: Britain, for instance, spent a whopping £230 million on remand in 2014 alone!]. The Ghanaian Times reports Mr. Mark Woyongo, the Minister of Interior, as saying plans are underway to construct “new prison facilities” to house people on remand (see “New Remand Prisons to be Built - Minister,” February 16, 2015).

Finally, contrary to what Danquah apologists might say or think, Nkrumah did not kill any of his political opponents or use the PDA to suppress the Opposition. Rather, the Opposition imploded under its own weight of ineffective campaign strategies; total rejection by the masses for its terrorist, secessionist and ethnocentric political calculations; elitist rejection of the masses; and self-destructive tendencies.

- INDIA: Preventive detention was included in the Government of India Act, 1919; Rowlatt Act, 1919; Defence of India Act. In modern times, Independent India's first Preventive Detention Act came in 1950.
- Canada: In Canada, anyone declared a dangerous offender by the courts is subject to an indefinite period of detention.

### United States

#### *U.S. v. Salerno and Cafero*



- ▶ Preventive detention provisions of the Bail Reform Act of 1984 are upheld as a legitimate use of government power designed to prevent people from committing crimes while on bail
- ▶ The justices said that preventive detention was a legitimate use of government power because it was not designed to punish the accused
- ▶ Instead, it deals with the problem of people who commit crimes while on bail

Still, preventive detention is part of the constitutional infrastructures of many countries around the world, including post-Apartheid South Africa and the world's sole police, the United States of America. Regarding preventive detention in American jurisprudence, American legal scholars Adam Klein and Benjamin Wittes write: "Preventive detention is not prohibited by US law or especially frowned upon in tradition or practice. The circumstances in which it arises are not isolated exceptions to a strong rule against it; rather, they are relatively frequent. The federal government and all 50 states possess a wide range of statutory preventive detention regimes that are frequently used, many of which provoke little or legal controversy (See "Preventive Detention in American Theory and Practice," published in the "National Security Journal," Harvard Law School, Jan. 18, 2011; see also Blum's "Preventive Detention in the War on Terror: A Comparison of How the United States, Britain, and Israel Detain and Incapacitate Terrorist Suspects").

The above notwithstanding, the following extracts represent some of the major achievements chalked under the PDA. Yet, what we are trying to do here is to show how certain essential aspects of the PDA are generally ignored where it comes up for critical valuation in public discourses. In effect the PDA represented

the best thing that ever happened to Ghana and Africa.

JOMO KENYATTA: “Ghana’s independence signalled the end of colonialism in Africa.”

OBED ASAMOAH (see his essay “Nkrumah’s Foreign Policy, 1951-1966” in Kwame Arhin’s edited volume): “Ghana was instrumental at the United Nations and other international fora in spearheading the adoption of a number of measures against the colonial and racist presence in Africa; most notably, General Assembly Resolution 1514 (XV) of 1960 on the granting of independence to colonial territories and Resolution 1716 at the 17th Session of the General Assembly in 1962 requesting Member States separately or collectively to apply diplomatic and economic sanctions including an arms embargo against South Africa as well as the establishment of the UN Special Committee on Apartheid which was assigned responsibility for reviewing UN policies on South Africa and assessing the extent of their effectiveness. INDEED, TO AN EXTENT THAT NONE CAN GAIN SAY AND TO WHICH THE UNPRECEDENTED ACCESSION OF 17 AFRICAN COUNTRIES TO INDEPENDENCE IN 1960 ALONE BEARS TESTIMONY, IT IS LARGELY TO THE CREDIT OF THE LIBERATION POLICY PURSUED BY GHANA UNDER NKRUMAH THAT THE ACCELERATION OF THE PROCESS OF DECOLONIZATION IN SOUTHERN AND EASTERN AFRICA OWED ITS SUCCESS” (our emphasis).

Note: Nkrumah, Du Bois, and others wrote resolutions on the Colonial Question for the United Nations prior to his [Nkrumah’s] leaving America for England. Nkrumah had been posthumously honoured with a Gold Medal (Special Session, United Nations, 1978). Lastly, Nkrumah gave Ghanaian passports to Black South African leaders and activists. He also gave scholarships to other Africans still under colonialism to study in Ghana in hopes that they will return to their countries and give back to their people. Nkrumah worked with all kinds of people without regard to race, ethnicity, religion, etc., in the interest of Africa’s decolonization and development.

OBED ASAMOAH: “The All-African Peoples’ Conference which followed in December 1958, came as the formal and concrete expression of Ghana’s dedication to the freedom struggle in Africa and made it possible for representatives of freedom-fighters throughout the continent to assemble in a free, independent African state for the purpose of planning a coordinated assault on colonial and racist rule in Africa.”

**SAM NUJOMA:** “Ghana’s fight for freedom inspired and influenced us all, and the greatest contribution to our political consciousness at the time came from the achievements of Ghana after its independence. It was from Ghana that we got the idea that we must do more than just petition the UN [United Nations) to bring about our own independence.”

**KENNETH KAUNDA:** “Nkrumah inspired many people of Africa towards independence and was a great supporter of the liberation of southern Africa from apartheid and racism.”

**NATHAN ALBRIGHT:** “King's famed admiration for Ghandi's leadership in nonviolent rebellion was not isolated. He [Martin Luther King, Jr.] drew inspiration from Kwame Nkrumah, who led Ghana to peaceful independence.”

**Dr. KWAME AMUAH** (Nelson Mandela’s son-in-law, married to Makaziwe Mandela-Amuah): “No doubt he [Nelson Mandela] saw Nkrumah as his hero.”

**AMILCAR CABRAL:** “The strategist of genius in the struggle against classic colonialism.”

**FREDERICK COOPER:** “There is a particular poignancy to the history of Ghana because it was the pioneer. Kwame Nkrumah was more than a political leader; he was a prophet of independence, of anti- imperialism, of Pan- Africanism.”

**THOMAS HODGKIN:** “Nkrumah’s radical Pan-Africanism had an influence on the attitudes and behavior of a substantial body of people.”

**AMA BINEY:** “Nkrumah was central to the major debates and issues of the decolonization period of the 1950s and the 1960s. Among these was the emergence of the modernization paradigm, which assumed that newly independent states would seek to imitate European systems of governance, economic growth, and values in order to build cohesive nation-states.”

**ENOCH AMPOFO:** “Gaining perspectives into how Dr. Kwame Nkrumah has affected the lives of people in South Africa, I found out that back in the days of Apartheid, the oppressed people went to school and were taught about the principles of Kwame Nkrumah or Nkrumahism.”

**Note:** Nkrumah given the SATMA Awards (SA Government, Ingwe Mabalabala Holdings, National Heritage Council of South Africa).

**MOLEFI KETE ASANTE:** “Nearly 50 years ago on October 9, 1959, Patrice Lumumba spoke in Accra on the invitation of Kwame Nkrumah. He observed then at the Pan African Conference that he had three objectives: the independence of the Congo, the creation of the constitution of the United States of Africa, and the establishment of friendly economic relations with other countries. Unquestionably he had been influenced by the insistence of Nkrumah that Africa could not withstand the gathering forces of anti-Africanism in the political centres of the vanquished colonizers. Each nation, acting alone, would not be able to sustain its freedom. It would be shaken to its economic, political, and social core as France, England, and the United States had seen to it that Haiti, since Dessalines proclaimed independence, was shaken and abused. Nkrumah was a prophet of reality; his politics took the form of proactive work to raise the level of consciousness of the masses. But the process is long; the job is hard, and the people are often unwilling to give up the devil they know for the devil they do not know. Yet Nkrumah’s influence, as we celebrate him today, continues to grow as it has grown each year that we do not bring into existence the united Africa for which he devoted so much of his energy.”

Furthermore, the political activism of Nkrumah and the CPP government paved the way for Alex Quaison-Sackey to become president of the UN General assembly, the first black African to hold this position, while not glossing over the fact that Nkrumah’s outstanding leadership of the Conference of Independent African States (CIAS) resulted in the creation of the so-called “African Group” at the UN (see Dr. Zizwe Poe’s “Kwame Nkrumah’s Contributions to Pan-Africanism: An Afrocentric Analysis”). The question is: Could all the above attributions and achievements have been possible if Nkrumah and the people of Ghana had allowed Danquah, S.G. Antor, Busia, Obetsebi-Lamptey, and their terrorist, ethnocentric, and secessionist ilk to destroy Ghana and her independence? In other words, did Nkrumah via the PDA prevent Ghana from descending into political pits like Somalia, Afghanistan, Northern Nigeria, and Eastern Congo?

In fine, we shall say in closing this chapter that the following still occurred even after the PDA had become the law of the land (courtesy of Dr. Botwe-Asamoah):

1 On July 7, 1961, two bombs exploded in Accra, one wrecking Nkrumah’s statue in front of the Parliament House (see also McFarland & Owusu-Ansah).

2 In September 1961, there was a conspiracy among the senior Ghanaian military officers, but the plot collapsed because of the death of the chief conspirator

Brigadier General Joseph E. Michel in an airplane crash (Mahoney, 1983).

3 On September 9, 1962, another bomb exploded near the “Flagstaff House, where the Ghana Young Pioneers Orchestra Band was entertaining the audience to modern Ghanaian Music. The explosion killed one person and injured many others.

4 On September 18, 1962, two bombs exploded in Accra killing and injuring many people. One of these bomb blasts occurred in Lucas House in Accra, where nine children fell dead on the spot with their intestines gushed out of their bodies (Tetteh).

5 September 20, 1962, two bombs exploded in Accra, killing and injuring several people (McFarland & Owusu-Ansah).

6 On September 22, 1962, there was another bomb explosion in Accra (McFarland & Owusu-Ansah; Tetteh)

7 On January 11, 1963, another bomb exploded at a CPP rally at the Accra Sports Stadium shortly after Nkrumah had left the scene. This explosion killed over twenty people and more than four hundred people were injured; among the victims were children of the Young Pioneer movement (McFarland & Owusu-Ansah).

8 January 1, 1964, a police officer, Seth Ametewe, was posted on guard duty at the Flagstaff House to assassinate Nkrumah. His five shots missed Nkrumah, but succeeded in killing his personal security officer, Sgt. Salifu Dagarti.

Listen up, readers! Thus spake the Great Kwame Nkrumah: “The evaluation of one’s own social circumstances is part of the analysis of facts and events; and this kind of evaluation is as good as a strong point of inquiring into the relations between philosophy and society. Philosophy calls for analysis of facts and events, and an attempt to see how they fit into human experience.”

How do we summarize Nkrumah’s legacy then? Dr. Asante sums it best: “This is why I am an ardent celebrator of Nkrumah’s life and voice because in celebrating him we celebrate the best in us. This giant was real, genuine, with all of his human flaws, the essence of African intelligence and anti-fascist activism and he showed us what we must be and what we must do to remain centred and not simply shoved to the side as trash on the road of history.”

On the other hand, the modest Nkrumah had this to say about his place in human

history: “Fundamentally, I do not believe in the great men of history, but I do think that so-called great men of history merely personify the synthesis of the tangled web of the material and historical forces at play.”

