

MASHUJAA · MACHAKOS · 1923-2004

NGEI

*The Kapenguria Hero
They Changed the Law For*



THEY CHANGED THE CONSTITUTION FOR HIM.

GRAHAM KASINDO

NGEI



M A S H U J A A

NGEI

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They Changed the Law For*

G R A H A M K A S I N D O

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*“Where were you when I took up arms to chase away the
white man!”*

— Paul Ngei, to his fellow MPs, as reported by the Daily Nation

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Prologue

NAIROBI. 1966.

The minister stood before his fellow Members of Parliament. He was accused of taking maize meant for a hungry country.

He had been one of the **Kapenguria Six**, tried with Jomo Kenyatta and jailed for seven years in the northern desert. He had spent nine years in prison and restriction for Kenya's freedom.

Now the MPs were asking where the maize had gone.

According to the Daily Nation, his answer became famous.

"Where were you when I took up arms to chase away the white man!"

His name was **Paul Ngei**. He was one of the bravest men of the struggle for independence, and one of the first ministers of independent Kenya to be accused of corruption.

Kenyatta suspended him. Then Kenyatta brought him back.

Eight years later, when the courts threw him out of Parliament, the law itself was changed to save him.

CHAPTER ONE

The Grandson of Masaku

KIIMA KIMWE, MACHAKOS. 18 OCTOBER 1923.

Paul Joseph Ngei was born on **18 October 1923** at **Kiima Kimwe**, near Machakos. He was a grandson, according to his biography, of the Kamba paramount chief **Masaku**, after whom Machakos is named.

In **1929**, his family moved to **Mbilini**, in Kangundo.

He was a good student. He went to school at Kangundo and at Kwa Mating'i in Machakos, and then to **Alliance High School**, the finest school in the colony for Africans.

Then he went to war.

CHAPTER TWO

The Soldier and the Journalist

THE KING'S AFRICAN RIFLES. THE 1940S.

Ngei served for four years in the **King's African Rifles**, the British colonial army in East Africa.

He came back, like thousands of African soldiers, to a colony that had not changed.

From **1948** to **1950**, he studied journalism at **Makerere**, in Uganda. He became a writer and an organiser. In the **Kenya African Union**, he became secretary of the Machakos branch.

By 1952, the colonial government had marked him down as one of the men it wanted.

CHAPTER THREE

Kapenguria

20 OCTOBER 1952.

When the State of Emergency was declared in October 1952, Paul Ngei was arrested.

He was twenty-nine. He stood trial at **Kapenguria** alongside **Jomo Kenyatta, Bildad Kaggia, Fred Kubai, Kung'u Karumba** and **Achieng Oneko**. They were the **Kapenguria Six**.

The prosecution's chief witness was later found to have been paid by the government. The magistrate, it was later reported, had been paid too.

On **8 April 1953**, all six were convicted of managing Mau Mau. Each was sentenced to **seven years' hard labour**.

CHAPTER FOUR

The Whip

LOKITAUNG AND LODWAR. 1953–1961.

They were taken north, to the desert prisons of **Lokitaung** and **Lodwar**.

Ngei was not an easy prisoner. According to his biography, when a jailer turned on Kenyatta with a whip, it was Ngei who **seized the whip** from him to defend the older man.

He was not always easy for Kenyatta either. According to a biography of the prison's jailer, **Leslie Whitehouse**, the prisoners quarrelled bitterly among themselves, and Ngei insulted Kenyatta to his face, mocking the degrees he had earned in England.

Prison did not break him. It did not tame him either.

He was released in **1961**, after nine years.

CHAPTER FIVE

His Own Party

UKAMBANI. 1962.

Ngei came out of prison a hero, with his own following among the Kamba.

In **1962**, he founded his own party, the **African People's Party**, the APP. For a time, he stood apart from Kenyatta's KANU.

It did not last. In time, he joined Kenyatta.

From **1964**, he sat in Kenyatta's Cabinet.

The prisoner had become a minister.

CHAPTER SIX

The Maize

NAIROBI. 1965–1966.

In **1965**, Kenya was short of maize. Ngei was the **Minister for Marketing and Co-operatives**, responsible for the country's food supply.

Questions began to be asked about a company in his home area: **Uhuru Millers** of Kangundo, connected to his wife, **Emma Ngei**. According to the Daily Nation's account, it had taken **2,000 bags** of maize without paying for the permit. Other accounts say the maize came from the famine relief supply.

On **16 February 1966**, **Clement Lubembe**, the Senator for Nairobi, raised the matter in a motion.

On **23 February 1966**, Kenyatta **suspended** Ngei from the Cabinet, and set up a commission of inquiry under **Justice Chanan Singh**, the same lawyer who, years before, had defended Makhan Singh.

"I can prove my record is clean," Ngei protested.

CHAPTER SEVEN

Censured, and Restored

1966.

The commission sat for four months.

It **censured** Ngei. But it found no criminal offence. It recommended that ministers should declare the business interests of their wives and relatives.

On **29 May 1966**, Kenyatta **reinstated** him.

It was the first time an independent Kenyan Cabinet minister had been publicly investigated for corruption. It would not be the last.

That same year, Bildad Kaggia, who had been in the same dock and the same prisons as Ngei, left KANU to join the opposition. And around that time, according to one widely quoted account, Kenyatta asked Kaggia in public why he had not done as well for himself as Ngei, with his farm full of coffee.

CHAPTER EIGHT

The Recount

KANGUNDO. 1974.

In the **1974** general election, Ngei stood again in **Kangundo**.

According to the Daily Nation, when the count went against him, he wrestled the returning officer to the ground and demanded a recount.

The courts found him guilty of an **election offence**. His election was nullified. And under the law, a man convicted of an election offence was barred from standing again.

His career should have been over.

CHAPTER NINE

The Ngei Amendment

NAIROBI. 1975.

It was not.

In **1975**, Parliament passed an amendment to the Constitution. It extended the President's power of pardon to cover people disqualified by an election court for an election offence.

Kenyatta pardoned Ngei.

It became known as the **Ngei amendment**. The Constitution of Kenya had been changed, in effect, for one man.

Ngei went back to Parliament, and back to the Cabinet.

CHAPTER TEN

The Mercedes

NAIROBI. THE 1970S AND 1980S.

He had a sense of what he was owed.

According to the Daily Nation, he walked into the showroom of the car dealer **DT Dobie** and drove away in a brand-new **Mercedes-Benz**. When the dealer asked for payment, he told them to send the bill to State House or the Treasury. The accounts differ on whether this was in the 1970s or the 1980s. By one account, he drove the car for twenty years.

After Kenyatta died in **1978**, Ngei served in the Cabinet of President **Daniel arap Moi**.

CHAPTER ELEVEN

The Fall

NAIROBI AND KANGUNDO. 1990–2004.

In **1990**, a court declared Paul Ngei **bankrupt**. He owed a bank about **Sh19 million**. The bankruptcy barred him from public office, and he lost his seat.

Auctioneers evicted him from his house in **Garden Estate**, Nairobi.

Diabetes took his health. His right leg was amputated in **1997**, and his left leg the following year. By the end, according to the Nation, he moved in a wheelchair and depended on well-wishers for shelter.

Paul Ngei died on **15 August 2004**, of diabetes. He was about eighty.

Epilogue

Mbilini and Chumvi. Today.

In **2006**, a mausoleum was unveiled over his grave at Mbilini. On **20 October 2016**, Mashujaa Day, a statue of him was unveiled at **Chumvi**.

The six men of Kapenguria went different ways after freedom.

Kenyatta became President. Kaggia asked about the land, and ran a posho mill. Ngei took the maize, the Mercedes and the pardon, or so the record says, and died bankrupt in a wheelchair.

But in 1952 he was twenty-nine, and he stood in the dock at Kapenguria when it would have been easier to stay home. He seized a whip from a jailer to protect an older man. He did nine years.

“Where were you,” he asked, “when I took up arms?”

It was a fair question. It was just not an answer.

THE RECORD

NAME	Paul Joseph Ngei
BORN	18 October 1923, Kiima Kimwe, Machakos
FAMILY	Grandson of paramount chief Masaku
BEFORE 1952	Alliance; King's African Rifles; journalism at Makerere, 1948–50
KAPENGURIA	Arrested October 1952; seven years' hard labour; released 1961
PARTY	African People's Party, 1962; then KANU
MAIZE SCANDAL	Suspended 23 February 1966; censured, no crime found; reinstated 29 May 1966
ELECTION OFFENCE	Kangundo, 1974; pardoned after the 1975 "Ngei amendment"
BANKRUPT	1990; Sh19 million debt
DIED	15 August 2004

A hero in 1952. A pardon in 1975. Bankrupt in 1990.
 Cover illustration: an artist's impression.

A Note from the Author

If this story stayed with you, you can buy me a coffee. It keeps the research going and helps bring the next one to you.

LIPA NA M-PESA	
PAYBILL	522533
ACCOUNT	8129965
CLICK MTAA TECHNOLOGIES	

Asante sana.

— *Graham Kasindo*