

really a very subsidiary point, but I would like just to draw the Court's attention to that.

My Lords, subject to the few uncompleted arguments on Liberation, Fighting Talk, - I am sorry, New Age, Liberation and Advance, and an argument on the South African Society for Peace and Friendship with the Soviet Union, I now propose to leave Mr. Terblanche to continue the argument on the South African Congress of Democrats, the factual, non-ideological argument, which was interrupted some time ago, My Lords.

MR. TERBLANCHE :

My Lords, before continuing with the argument on the South African Congress of Democrats, may I just return for a moment to the National Action Council and the National Consultative Committee. Your Lordships will remember that when I completed that argument, I was about to give Your Lordships particulars in regard to the different searches in which the documents I used were seized. I then undertook, My Lords, to prepare schedules which I could hand to the Court to save time. I have now done so, and I ask leave, My Lords, to hand those Schedules to the Court.

The first schedule sets out the searches in regard to the documents used in connection with the National Action Council, and the second in connection with the National Consultative Committee. And then I have redrafted the first Schedule, which I used in connection with my argument on New State. I have kept it in the

same form, except that I have shortened the paragraphs and indicated numerically the different portions and the documents supporting those which I dealt with are also numbered in the same way, My Lords. I ask leave to hand that in substitution of the one which I handed in last time, SACOD 6. This will then retain the number, the new schedule, and be SACOD 6. My Lord, I didn't want to make any alterations, therefore I wish to ask Your Lordships to make three small alterations in the schedule. The first one is on page 13 - I'll inform Your Lordships why. Your Lordships will remember that I have dealt with all this. Therefore I put in every document in again, but on page 13, My Lords, the last portion of the submission, submission 20, "and held out to its followers and others that if this happened their aims would be achieved within a short time, which in one instance was put at five years". Now Your Lordships will remember that I was about to quote from a speech at a certain meeting, and it then transpired that that meeting took place before the formation of SACOD. This submission was based on a speech made by a later member of SACOD at that meeting, so there is not quoted evidence to cover that portion of the submission, and I ask the Court to delete that last portion. On page 13 it is No. 3,,My Lord. My Lord, then at page 3, I quote right at the bottom of the page, marked "3", I quoted document C.284; Your Lordships will see that originally there was no date mentioned next to that, and I didn't deal - for that reason I didn't deal specifically with the admissibility of that document. I checked that again,

and I find that that was Notes for Speakers also issued at the time just prior to the formation of the South African Congress of Democrats, by the then existing Congress of Democrats. I do not think I can advance any good reasons why this should be admissible against the South African Congress of Democrats, and I ask Your Lordships to delete that, and therefore the portion marked "3" in the submission. My Lord, the same at page 16, the second document mentioned, again C.284, My Lords, and the same applies, and therefore submission 4, the portion marked 4, "it warned the government-that the government would use the police, the army and the might of the government.." that should be deleted, that portion.

MR. JUSTICE RUMPF :

"It warned that..", that should stay?

MR. TERBLANCHE :

Yes, My Lord. My Lords, the next portion I wish to deal with is the liberatory movement, and there I handed in a schedule marked 8, and I wish to hand in another one in substitution of that one. I had not dealt with this document in my argument. I only dealt shortly with some extracts from the evidence of Helen Joseph. With the leave of the Court, My Lord, I will repeat the whole of the argument, even the reference to Helen Joseph where it occurs. My Lords, in this connection the submission of the Crown is that from the evidence that has been placed before the Court, it is submitted that the following matters have been proved in regard to the activities of the Congress of Democrats.

1. That there existed during the whole period of the

Indictment a national liberation movement in South Africa. That the South African Congress of Democrats right from its formation, established close liason with this movement and completely identified itself with it. The reasons why the South African Congress of Democrats joined the national liberation movement, were (i) the election victories of the Nationalist Party and as a consequence the rapid extension and enforcement of unbridled racialism and fascist reaction, as the South African Congress of Democrats described it. (ii) The rapid growth of the non-European national liberation movement under the leadership of the A.N.C. and the S.A.I.C. My Lord, I have mentioned a number of documents supporting these admissions, but I am not going to refer to every one of them, I am only going to refer to a few. The first one I wish to refer to is C.32, My Lords, which is the Chairman's Report of the First Annual Conference of the South African Congress of Democrats on the 24th of June, 1955. I have previously dealt with this document, My Lords, and I now refer the Court to page 1527, line 27 to page 1528 line 8. My Lords, I will again refer to this same extract when I deal with campaigns under paragraph 4 of that heading. It deals with the co-operation with the liberatory movement. "To this end close liason has been established with the liberatory movement. It can safely be said that in the minds of the people the South African Congress of Democrats is today completely identified with the Congress or liberatory movement. Over the last twenty months the South African Congress of Democrats has taken

its place as an equal party with the A.N.C., S.A.I.C. and South African Coloured People's Organisation in this people's struggle for freedom. We have joined on all levels with these organisations in campaigns to mobilise the people of South Africa against the tyrannical and oppressive measures of the present government and in their struggle for a democratic South Africa."

My Lords, in this connection I wish to point out that here the Chairman said that "over the last twenty months..". Now My Lords, the South African Congress of Democrats was formed in October, 1953, and this was in June, 1955, which is just about a period of twenty months, and it shows clearly that right from its establishment, its formation, it joined this liberatory movement.

Then My Lords, I refer Your Lordships to C.52, the Road to Liberty by L. Bernstein. My Lords, I have already dealt with this document, and I made my submissions to the Court why I submit that this document can be used to show what the policy, outlook and views of the South African Congress of Democrats was. I refer to page 1554, line 12, to page 155 line 13. There it says "Two things have brought us face to face with the need to make our stand decisively on the side of our choosing. One was the election victory of the Nationalist Party, the spearhead of South African reaction, first in 1948 and even more strongly in 1953. And flowing from those victories the rapid extension and enforcement in every aspect of South African life, of the policies of unbridled racialist and fascist reaction. The other was the new, rapid growth of the non-European national liberation

movement, based on the firm leadership of the A.N.C. and the S.A.I.C., united in a campaign of nationwide action and organisation against the whole structure of South African racial oppression. The import is clear. On the one hand, the Nationalist Government was ringing the deathknell of South Africa's liberty and former (?) limited democratic concepts and . . . . . On the other hand, a new a powerful force has emerged as an - as a clear and obvious challenger to the whole concept of White supremacy and limited democracy. We are here concerned with the democratic . . . . . force ? . . . what are its purpose, prospects, what are its forces and its outlook, and above all what will be the organised form of our side. We could in other times, before the opposing forces had presented themselves so . . . . . , have blueprinted ideal schemes, and formulated ideal organisational arrangements. To do so today would be to isolate ourselves from the forces that are already in action for democratic advance, and to attempt to superimpose our ideas, our visions on what they have already tried out and found to be workable. We have to work with what we have." Now My Lords, that clearly substantiates portions of the submission made.

Then the next is C.166, a Counter Attack, I am not reading that, it is to the same effect, just showing that they have admitted that there was a liberatory movement of which they were part.

MR. JUSTICE RUMPF :

Mr. Terblanche, you have read your submission No. 1, and you say - and you rely for that submission

on these documents which are here. You tell us that is a fair and reasonable submission to make from the documents. I don't think you need refer to the documents, unless there is some special element which you want to bring out or if you want to add something.

MR. TERBLANCHE :

As Your Lordship pleases. My Lord, I also quoted there C.281, the Draft of the Immediately Programme of Action. Your Lordship will remember that this is the second of the two documents which were delivered at the inaugural meeting of the South African Congress of Democrats. I am just repeating, My Lords, that I have already made by submissions on that document, why I say it is admissible. I just wish to refer Your Lordships to two short extracts from that document. The one is that it says that the organisation exists as part of the movement that has to meet a particular and immediate historical need. And then it says, "We must examine the movement of which this organisation is a part". Now I just wish to read to Your Lordships that part : "The movement as a whole is the people's answer to fascism and the drive towards it. It draws its main strength from the oppressed non-White peoples who are motivated by the compelling and urgent need for relief from intolerable conditions, and by the need to arrest and defeat the process of fascism with its inevitable worsening of these conditions." And then later on it says, My Lord : "Since the masses of the people in South Africa are non-White the same compelling and urgent motivation does not yet exist in the same degree for White South Africans, and probably

never will, it is inevitable that this movement of resistance to fascism should be national liberation in character. The movement finds its main organisational expression through the people's national organisations, the A.N.C, the S.A.I.C. and the S.A.C.P.O., and now the new organisation." This shows again, My Lord, the whole idea was to join in this national liberation struggle from its inception.

My Lords, then C.1001, is a South African Congress of Democrats circular dated the 5th September, 1956, which is the - to the same effect as the document I have read, and which substantiates the submission. I only wish to say, My Lord, that this document is clearly admissible against the South African Congress of Democrats. It was found in their offices, and it clearly shows that it is a circular issued by them.

The same applies to C.1013, which is a Counter Attack found in their offices, and which is the official bulletin of the organisation. The same with C.1017, they all support the submission made, My Lord. And then D.C.T.5, My Lords, is also a Counter Attack, the official bulletin of the South African Congress of Democrats. It was found in the possession of an alleged co-conspirator, D.C. Thompson. There is no evidence, My Lord, that he was a member of the South African Congress of Democrats, but it is the official bulletin, there have been a number handed in, similar documents, and in my submission My Lord the inference is that it is one of the Counter Attacks issued by this organisation and as such admissible against the organisation.



Then the next is L.L.M. 81, and this document I have dealt with before and I have made my submission why I said that it was admissible against the South African Congress of Democrats. My Lords, I want to draw Your Lordship's attention to one further aspect, and that is C.1092, page 2186, this is a report of the National Executive Committee to the Annual National Conference, March 31st to April the 3rd, My Lord. At page 2187 it says that the National Executive Committee sent a fraternal delegate to the African National Congress Conference which met in Bloemfontein in December. The delegate delivered a message which dealt with the Freedom Charter, Bantu Education and the Anti-Pass Campaign. Now My Lords, the Bloemfontein Conference was held in December, 1955, and if one reads this message as published by the African National Congress, one finds that it does deal with those subjects mentioned.

My Lords, then I was also going to refer to certain speeches made at certain meetings. Those speeches are to the same effect as documents which I have read to Your Lordships so far, also dealing with the South African Congress of Democrats and their participation in the liberatory movement. My Lords, may I just read one of those, and that is the meeting of the 1st December, 1955. No, My Lord, I have read this before, I won't read it again. May I just say the evidence of Helen Joseph, at page 13948 line 28 to page 13949 line 26 is also to the same effect, where she admits that - I have dealt with her evidence.

My Lord, the second submission is that this

national liberatory movement, according to the South African Congress of Democrats, had to meet a particular and historic need, namely it was the people's answer to fascism and the drive to war. The fight against fascism was therefore the same as the fight for world peace. I therefore submit that the fight against fascism was therefore the same as the fight for world peace. My

Lord, I have just read that extract, I am not reading it again.

The third submission, My Lord, is that the South African Congress of Democrats stated that there were also liberation movements carrying on struggles for liberation in Asia and Africa. Those usually referred to were those in Kenya, Malaya, Korea, China and Vietnam, where according to it the struggles were violent revolutions or wars. The responsibility for these violent struggles were laid at the door of the metropolitan powers, for they denied the people their political aspirations for freedom, independence and democracy, and they ruled directly or indirectly by force and they suppressed the national movements.

MR. JUSTICE RUMPF :

Where does the term "metropolitan powers" come from? I know it is used in the document, but what does it mean?

MR. TERBLANCHE :

My Lords, it is used to describe the imperial power with colonies, the metropolitan power - the imperial power is referred to as a metropolitan power. And where there was violence, the South African Congress

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of Democrats called it, in one instance My Lords may I say, a brutal war under the euphemism of police action.

Then I refer to C.281(a), which is National Liberation Struggles in Asia. My Lords, I have already dealt with that document and gave my submissions to the Court why I say it is admissible. I also dealt with the evidence of Helen Joseph on that document, and I have submitted, My Lord, that her evidence, in my submission does not effect the admissibility of this document.

C.33, My Lords, is a document found in the possession of the South African Congress of Democrats, and it is headed Resolutions Adopted at the National Conference of the South African Congress of Democrats, dated the 24th June, 1955. In my submission there can be no doubt about the admissibility of that document.

Then I refer to the three lectures, I have also made my submissions why I say they are admissible. My Lord, I have mentioned the evidence of Helen Joseph here, I have just included her special comment on the document as a whole. It does not deal with the merits of the submission, My Lords, she didn't speak for the Congress of Democrats, as far as the lectures were concerned, except to say that they were only documents for discussion, and not policy documents. Those reference are all her own evidence on it, her own views on the document. Then I also mention her evidence a second time, and that evidence in my submission supports certain portions of the submission, My Lord. That has got nothing to do with the lectures, My Lord. The same applies to the meetings, My Lord, in my submission

they also support the portions marked there. My Lord, the first meeting is a Colonial Youth Day Rally, the evidence is that the South African Congress of Democrats took part in those rallies, those mentioned, R. First and S. Shall, are both members of the South African Congress of Democrats. It is true, My Lords, that on this occasion they didn't mention that they were speaking on behalf of the South African Congress of Democrats, but in my submission, My Lord, that would follow that they would express views there, contrary to the views of the South African Congress of Democrats, and in any case, My Lord, what they expressed there was not inconsistent with the documents mentioned. The same applies to the speech in Cape Town by Sonia Bunting at the Congress of the People Meeting, The South African Congress of Democrats of course took part in the organisation of the Congress of the People, and in my submission those speeches can be used against the South African Congress of Democrats.

My Lord, then the fourth submission is that the South African Congress of Democrats went further, and even stated that in countries like Indonesia, Burma and the Phillipines, where there were also revolts and insurrections against the independent governments of those countries, it was really the Dutch, the British and the Americans fighting against the people's liberation movement and thus Western civilisation had proceeded (?) to the role of Japanese imperialism. My Lord, there I mention only the one document, C.281(a), which supports this submission as a whole.

My Lords, then submission No. 5. The South

African Congress of Democrats held out the establishment of a Chinese People's Republic in 1949 as the beacon of hope to all colonially oppressed people the world over. I mention again the same document, My Lord, and in my submission it supports that submission fully.

Then My Lords, submission 6 is that India has been held out as an example of a country where the people had struggled in a non-violent manner and gained freedom. The South African Congress of Democrats however held that what India had obtained was not freedom but only formal independence, and that the granting of that had been compelled by the depth of the crisis and had been regarded as the only means of averting or postponing revolution. My Lord, I mention here this document C.281(a). I only refer to the first portion mentioned there, page 1766 line 27 to page 1767 line 11, not to the other quotations.

Then the seventh submission, My Lord, is - and this I submit My Lord is an inference from what has gone before - that by always referring to the violent nature of the liberation struggles in other countries, or the unsatisfactory nature of what has been obtained in one of those countries where the struggle was non-violent, to avert or postpone violent revolution, The South African Congress of Democrats was preparing the people of South Africa for a similar struggle, and was in fact advocating the use of the same violent methods here.

MR. JUSTICE RUMPF :

Is this correctly put? You say, by always

referring to the violent nature of the liberation struggles in other countries - or do you mean by referring to struggles where violence was involved?

MR. TERBLANCHE :

Yes, My Lord, by referring to struggles where violence was involved, yes, My Lord.

MR. JUSTICE RUMPF :

Now just the next part of that sentence. Or the unsatisfactory nature of what had been obtained in one of those countries where the struggle was non-violent, to avert or postpone a violent revolution - where does that fit in? To avert or postpone a violent revolution?

MR. TERBLANCHE :

My Lord, that fits into the second portion, that refers to what they said, as I pointed out, about India.

MR. JUSTICE RUMPF :

One of those countries, you mean India, where the struggle was non-violent...

MR. TERBLANCHE :

When referring to India, where the struggle was not violent, they at the same time pointed out that what had been obtained in India was according to them not satisfactory, and that had only been granted in order to avert or postpone a violent revolution.

MR. JUSTICE RUMPF :

I see.

MR. TERBLANCHE :

My submission is, My Lord, that from that the

inference is that they pointed out that where the struggle is a violent one, then what the oppressed people obtained, is a satisfactory state. Where formal independence is granted without violence having taken place, then according to them, they pointed out that that was not a satisfactory state which had been obtained. And in that way, My Lord, in my submission, they brought home to the people that in order to obtain a satisfactory state, or to be really liberated, to have a satisfactory result, a violent revolution is necessary.

MR. JUSTICE RUMPF :

May I just come back again to the opening words, "By always referring to the liberation struggles in other countries where violence was involved", that is one thing, "or the unsatisfactory nature of what had been obtained in India", is this "by always referring to the nature of what had been obtained in India has been unsatisfactory," and as a result...

MR. TERBLANCHE :

No, not "always" in the second portion.

MR. JUSTICE RUMPF :

Shouldn't you take out the word "always"?

MR. TERBLANCHE :

That will be better, My Lord. My Lords, the evidence of Helen Joseph, page 13952 line 13 to line 29, in this portion of her evidence she denies this allegation or this submission. But, My Lords, my submission is that this inference is the only inference to be drawn from all these facts which I place before the Court.

MR. JUSTICE RUMPF :

The facts on which you rely, are the facts set out in 6?

MR. TERBLANCHE :

Yes, My Lord. Not only did the South African Congress of Democrats tell the people about these other struggles, they also identified themselves with those struggles, expressed solidarity with the people engaged in those struggles, and also told the people that the people in those countries supported the struggle here. It propagated the view that the struggle here was part of the world struggle. The South African Congress of Democrats protested against what it called the brutal methods of oppression, victimisation, murder and torture practised by the oppressors in some of those countries, but never voiced any disapproval of the violent acts committed by the oppressed people in their struggle. Now My Lords, it is submitted that the reason is that the attitude of the South African Congress of Democrats is that there won't be violence if the oppressors were willing to capitulate to the demands of the oppressed people, or if they did not rule by force. The violence is therefore forced upon the oppressed people. This, in my submission, My Lords, is the South African Congress of Democrats justification, and this is the nature of their non-violent struggle. In other words, My Lords, my submission is that the South African Congress of Democrats say that their struggle is non-violent, but if violence should break out, then it is because of the oppressors, because of his actions, because



he doesn't grant their demands, and in that way, My Lords, they justify or would justify any violence that may occur. It is not non-violence in the sense that they are against violence in my submission.

My Lords, the submissions there are substantiated by the documents which I mention there, C.299, the National Council meeting of the South African Congress of Democrats, and also again the lecture C.54, A.84, the World We Live In. And also from a meeting of the 20th March, 1955, My Lords, the speaker being Ronald Press. On this occasion My Lords, he spoke on behalf of the South African Congress of Democrats. He was introduced ...

MR. JUSTICE RUMPF :

May I just go back to No. 3, where you say - I am not so much concerned as to what is in the document, but you say here, under 3, The South African Congress of Democrats .... but never voiced, never voiced any disapproval of the violent acts committed by the oppressed people in their struggles. Now is that quoted as an instance where there was a condemnation of the violence by the oppressors, but no condemnation of violence committed by the oppressed people, at the National Council meeting?

MR. TLRBLANCHE :

No, My Lord, that is quoted as an instance in which there was condemnation - may I read that to Your Lordships?

MR. JUSTICE RUMPF :

It is quoted as an instance of the violence of the oppressor. Now I am coming to the second part of

that paragraph, "but never voiced any disapproval of the violent acts committed". Should 3 then not be after the bit "in some of these countries"?

MR. TERBLANCHE :

My Lords, those two are really one and the same, My Lord.

MR. JUSTICE RUMPF :

No, they can't be.

MR. TERBLANCHE :

The one is just negative, My Lord...

MR. JUSTICE RUMPF :

Yes, but the word "never" - do you see what I mean?

MR. TERBLANCHE :

I see that now, My Lord.

MR. JUSTICE RUMPF :

If there had been in this National Council meeting record a statement, "we of the SACOD will never voice any disapproval of.." - then you could put it in there, but that is not the point, that is the argument, a submission by you.

MR. TERBLANCHE :

My Lord, not only a submission by me, that has been admitted by Helen Joseph.

MR. JUSTICE RUMPF :

Well, that is another reference. So the 3 should really for clarity's sake come after "countries", and 3(a) you can leave and put that also opposite the evidence of Helen Joseph.

MR. TERBLANCHE :

That is correct, My Lord. My Lords, the

documents are again the same, there is no further difficulty with these documents as far as admissibility is concerned in my submission, and as I have said the meeting also substantiates it, My Lord.

MR. JUSTICE RUMPF :

What does Mrs. Joseph say about this?

MR. TERBLANCHE :

My Lord, page 13949 ...

MR. JUSTICE RUMPF :

I am not so much interested in 1, the identification with the struggles of the oppressed peoples elsewhere, but on this question of the disapproval of violent acts. Which reference is that of Mrs. Joseph's evidence?

MR. TERBLANCHE :

My Lords, 14517, line 24, the question is :  
"Having regard to the position in Kenya to which I referred just now and you dealt with, did you or did you not at that time attempt to allocate the blame? --- I don't think that I personally did, My Lord, I was merely horrified at what was taking place. I do not think I did."

"Did you at that time condemn the acts of the soldiers?  
--- I think I must have expressed horror at them, My Lord, just as I did of the others, the killing of the European farmers and their families".

"I am asking these questions..? --- Not officially though My Lord."

".. to ascertain whether either you or the Congress of Democrats ever treated both parties on the same basis, because the impression that I have is that looking at the documents published, that the entire blame in regard to all

the issues that were mentioned in the documents, the various clashes between the oppressed and the governments in the various parts of the world, in every case the blame was squarely put on the government? --- My Lord, I think that that is undoubtedly so, because of the feeling of the liberation movement."

"And the violence adopted by the government in each case, whatever it may have been, was condemned? --- I think that it was, My Lord."

"And in not a single instance that I can think of, and that is why I am putting it to you, in not a single instance was the violence adopted by the oppressed people condemned? --- My Lord, I think that is so, but I think that it was because it was the view generally held that it was the very system itself of foreign rule which created the situation, but I think that is a correct assessment".

MR. JUSTICE RUMPF :

Yes, that was a broad question put to her. What is the position in the documents or speeches before the Court?

MR. TERBLANCHE :

My Lord, in no document that I could find was there ever any expression or condemnation of the violent acts of the oppressed people. The documents are silent on that.

9. The liberation movement was also bound with the struggle for world peace, because racial conflict and national oppression are linked with international conflict and war, and one of the reasons why the South

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African Congress of Democrats was founded, was to strive for world peace. My Lord, only the last portion of that is in a document. The South African Congress of Democrats propagated the view that the struggle for peace in South Africa was closely bound up with the struggle for democracy. It also propagated the view that throughout Asia the struggle for peace had been linked in the minds and actions of the people with the national liberation struggle. My Lords, C.2 is the Constitution of the South African Congress of Democrats, that was found in the offices of the South African Congress of Democrats, and that says, "We proclaim our conviction that racial conflict and national oppression are linked with international conflict and war, which threatens the advancing standards of life and liberty. We therefore found this association and advocate to strive for the maintenance of world peace." Then C.33 My Lords, in my submission substantiates the second portion, and it is again the same resolution that I have already referred to, and the third is substantiated in my submission My Lord by the document C.281(a), which has also already been referred to. And other portions, My Lord, are substantiated by the three lectures, which I have already referred to. Then the first portion is also substantiated My Lord by a meeting at which Sonia Bunting, a member of the South African Congress of Democrats was a speaker, and it was a Congress of the People Meeting at Cape Town. I make the same submission in regard to the admissibility of that speech, My Lord.

The South African Congress of Democrats divided

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the world into two camps, namely the peace camp and on the other side the war camp. This war camp aimed at the unleashing of a new war, the crushing of liberation and independence in all countries, and South Africa was part of this war camp and system of military alliances. The first document My Lord that I mention is document C.138, which is an official bulletin, Counter Attack, it is not dated, My Lord, but it must have been issued during the period of the indictment, because SACOD was only formed during the period of the Indictment. It clearly states, My Lord, on page 1367 inter alia, that "the A- and H-bombs are now counted as conventional weapons in the military planning of the armies and they are (?) subordinate to the American war drive". Then it further mentions that as the peace force grows, so do the war mongers become more desperate, having placed America in that camp. And then C.33, My Lords, I have also dealt with, the resolutions. It says, "The government of South Africa is today part of the war camp and the system of military alliances. It is an ally of those wishing to crush liberation and independence in all countries and prepare for war. The struggle for peace in South Africa is closely bound up with the struggle for democracy, racial co-operation and human rights." It is also substantiated My Lord in the three lectures, so I do not refer to them further.

Then My Lords, it is submitted, and this is an inference, My Lord, that it was for these reasons that the South African Congress of Democrats supported the World Peace Council generally, and without any

qualification or reservation, and also in its specific campaigns against the A and H bombs and also the convening of the World Peace Conference in 1954, as will be shown later. My Lord, I deal with the support of the World Peace Council in this - under this heading, but in a later portion.

Then I say My Lord that the South African Congress of Democrats knew that the communists held the view that a post-war - the post-war period had been marked by the rallying of the democratic forces in general, and that an expression of this was the formation of the World Federation of Trade Unions, the Women's International Democratic Federation, and the World Federation of Democratic Youth, and the convening of the World Congress of . . . . . of Peace. My Lords, I have interpolated there, that is not the reactionary forces to which South Africa and the Western countries belong. The documents show that whenever the South African Congress of Democrats referred to the different congresses, those were always the democratic forces, and whenever they referred to the Western countries or to the South African government, those were called the reactionary forces. My Lord, this is from a document C.970, which is the Communist Information Bureau Resolutions. I don't use this My Lord to say that it is the policy of the South African Congress of Democrats, but I only use it to show what knowledge they had of these organisations because of that document that was found in their possession.

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MR. JUSTICE RUMPF :

Well, what is the evidence of this document being found there? Is it just that it was found - where?

MR. TERBLANCHE :

In the offices of the South African Congress of Democrats.

MR. JUSTICE RUMPF :

In what state was it found?

MR. TERBLANCHE :

My Lord, it is a little booklet. Your Lordships will remember that there was some difficulty about it. There was a typed copy, and at one stage the Crown thought that was a typed copy that was found with the document. As a matter of fact, the person who gave evidence expressed the opinion that he thought that was so, but it later transpired - the Crown brought it to the notice of the Court, that that was a copied prepared by the Crown, and that it was only the little booklet that was found, a printed booklet.

MR. JUSTICE RUMPF :

Why do you say that the SACOD knew that the communists held the view?

MR. TERBLANCHE :

My Lord, because in that booklet that is stated to be the case, and from that possession...

MR. JUSTICE RUMPF :

Assume there is a Bible found in the office. Does the Crown then suggest that the Congress of Democrats knows every single chapter of the Bible? The particulars contained therein?



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MR. TERBLANCHE :

My Lord, no.

MR. JUSTICE RUMPF :

How many books were found in the office?  
Pamphlets, brochures?

MR. TERBLANCHE :

Very many, My Lords.

MR. JUSTICE RUMPF :

Why do you say that the whole of the SACOD knew  
the contents of this booklet?

MR. TERBLANCHE :

My Lord, I cannot see for what other purpose  
they may have it in their office, unless they had it there  
to study it.

MR. JUSTICE RUMPF :

Yes, one person might have wanted to study it.  
Assume that to be the case. Why do you say that SACOD  
knew the contents of this booklet?

MR. TERBLANCHE :

It is only an inference which I ask the Court  
to draw.

MR. JUSTICE RUMPF :

Then you have put it quite wrongly.  
Do you submit that SACOD knew...

MR. TERBLANCHE :

Yes, My Lord, that is really what it amounts  
to. That is my submission, SACOD knew...

MR. JUSTICE RUMPF :

On what ground do you say that it knew?

MR. TERBLANCHE :

On the fact that they possessed it, My Lord.

MR. JUSTICE RUMPF :

There is not a single reference to this in a document is there or in a speech?

MR. TERBLANCHE :

No, My Lord, except that there are references to the World Peace Council, there are references to the World Federation of Democratic Youth, to these organisations, My Lords...

MR. JUSTICE RUMPF :

What about the position or the statement that one or two members of SACOD may have known the contents of that? Why should the whole of SACOD know it? I take it then your submission is that the whole of SACOD knew the contents of every book found in their offices.

MR. TERBLANCHE :

No, My Lords, I can't make such a submission.

MR. JUSTICE RUMPF :

Then why do you pick out this book then? Just because it suits you?

MR. TERBLANCHE :

No, My Lord. I am submitting My Lord for instance that SACOD knew all these other documents which they issued. I can't say that every member of the SACOD knew every document that I am using.

MR. JUSTICE BEKKER :

Which member of SACOD read that document?

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MR. TERBLANCHE :

No, My Lord, I can't say.

MR. JUSTICE RUMPF :

Surely the highest that you can say is that some of the SACOD members might have known the contents of that.

MR. TERBLANCHE :

My Lord, the highest I may then perhaps put it is that they had in their possession a document which stated...

MR. JUSTICE RUMPF :

Yes, but your submission is that SACOD knew that the communists held the view.

MR. TERBLANCHE :

Yes, My Lord, I cannot take it further than that, because they had this book in their possession,...

MR. JUSTICE BEKKER :

If SACOD had the book, had read the book, then you would be correct.

MR. JUSTICE RUMPF :

Or if there is a presumption that if the book is found in my possession I know the contents thereof. Is there such a presumption?

MR. TERBLANCHE :

No, My Lord.

MR. JUSTICE RUMPF :

Well then I think you should take this out.

MR. TERBLANCHE :

My Lord, the following is that the South African Congress of Democrats supported and/or had connections

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and/or knowledge of some of these organisations as I will show in a little while, following on the submission which I made which is now struck out.

MR. JUSTICE RUMPTI :

It needn't be struck out in toto, except that the gist of it goes, of course. You could change it by saying that they knew about and supported these organisations, I don't know, I leave it to you. Just to bring in the organisations...

MR. TERBLANCHE :

Just to bring in the organisations, My Lord...

COURT ADJOURNS.

COURT RESUMES.

MR. TERBLANCHE :

My Lords, I have now altered that submission No. 12 on page 10 to read "The South African Congress of Democrats had in its possession a document which showed.." the following.

MR. JUSTICE KENNEDY :

And what flows from that?

MR. TERBLANCHE :

My Lord, my submission on that is that they had in their possession this booklet which showed this, and they supported some of these organisations, mentioned there, and My Lords, that the probabilities are, having regard to the type of person who was in the National Executive and who were members of SACOD, the probabilities are that they had knowledge of this and had obtained it for a certain purpose, obtained the booklet.

MR. JUSTICE RUMPF :

For what purpose?

MR. TERBLANCHE :

To get the knowledge which is in that booklet.

MR. JUSTICE KENNEDY :

How can we infer that, Mr. Terblanche. Your submission is unsupportable, unless you have other evidence.

MR. TERBLANCHE :

I have no other evidence. I won't take it any further, My Lord. As Your Lordship the Presiding Judge asked me in regard to the cross-examination on this document, may I just refer to that shortly. Your Lordship asked where and how this document was found. When it was handed in, it was attached to an envelope, but the evidence is that in the envelope were some cheques, and it had no significance having been attached to the envelope, it hadn't been in the envelope.

My Lords, then I go to ...

MR. JUSTICE RUMPF :

Submission 12 really is meaningless, it carries the matter no further, except that - if that is the case, then 13 must be altered to read, I take it, SACOD supported and/or had connection with and/or knowledge of the W.F.T.U., the W.I.D.F., the W.F.D.Y.

MR. JUSTICE RUMPF :

I am just referring to 13.

MR. TERBLANCHE :

Yes, My Lord, I do not deal with all of those mentioned there. It is the World Peace Council and the

World Federation of Democratic Youth I deal with. They also had certain connection with the Women's International Democratic Federation, but I have been given to understand that there is no point in arguing that, so I am leaving that out.

MR. JUSTICE RUMPF :

So then 13 should be altered to read, instead of these organisations mentioned here, it should be the W.P.C. and the W.F.D.Y.?

MR. TERBLANCHE :

That is correct, My Lord. The South African Congress of Democrats considered that there were three forces in the liberation movement, namely 1. The middle class; 2. The peasants; and 3. The workers. It propagated the view that the working class and the trade union movement had to play a vital and indispensable role in the struggle for national liberation. I say My Lord that how SACOD gave expression to this view will be shown when its support of the South African Congress of Trade Unions is dealt with. That is from C.281 with which I have dealt, and C.297, which is a Report of the SACOD, Johannesburg, 10-11.10.1953. That is the Report of the inaugural meeting, which was found in the possession of the South African Congress of Democrats, and it supports these allegations.

My Lords, then 15 again refers to the same C.970, and doesn't take the matter any further and I ask for it to be deleted. My Lords, and then those additional articles to which I refer, I am not stressing those.

Your Lordship gave a certain indication when I dealt with New State in regard to such articles, and I am not referring to those any further.

Then My Lords, I deal with the support of the World Peace Council by SACOD. I say the South African Congress of Democrats was founded to strive for the maintenance of world peace. I have already referred to that, that was from the Constitution. And then (2), I say that the South African Congress of Democrats agreed to get information from the South African Peace Council on plans with reference to the new world peace appeal, and to offer the assistance of its membership. The New World Peace Appeal was an appeal by the World Peace Council, My Lord. C.15, is the Minutes of the Secretariat, dated the 24th March, 1955, at page 1580, and under Peace Council it says it was felt that the C.O.D. should be doing more in the peace struggle. It agreed to write to the Peace Council requesting information on plans, particularly with reference to the New World Peace Appeal, and to offer the assistance of the C.O.D. membership. Then (3) My Lords, the South African Congress of Democrats supported the appeal to destroy the A and H-bombs and also the appeal against preparations for atomic war adopted at a meeting of the World Peace Council, held in Vienna in January of that year. It propagated the view that this was necessary because these bombs were counted as conventional weapons in the military planning of the armies and nations subordinated to the American war drive. It propagated the view that this was an act of desperation, the imperialists

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having been revealed as a tiny minority which had placed its hopes in these horror weapons and that as the peace forces grow, so do the warmongers become more desperate. It asked its members to assist in this campaign. My Lords, that is from C.138, a Counter Attack, official bulletin of SACOD and found in its possession, in its offices. Then (4) My Lords, the South African Congress of Democrats pledged its support for the World Peace Council and its work on behalf of peace and formed - and informed the World Peace Council thereof. That is C.383, My Lord, a letter from SACOD to the World Peace Council at Prague, Czechoslovakia, dated the 9th March, 1953, it says, My Lord, but in my submission that is the wrong date. It should be 1954, as will appear from the reply received. That letter appears at page 2060 line 27 to page 2061, line 12. It says it is a copy of a typewritten letter dated the 9th March, 1953, South African Congress of Democrats, addressed to the Secretariat, World Council of Peace, and this submission is taken from this letter, My Lord. Then I also refer to C.384, which is the letter from the World Peace Council to the South African Congress of Democrats, dated the 10th March, 1954 - it seems as if there is some mistake here, My Lords. But in any case that date cannot be correct, because the SACOD was not in existence at that date, and it is clearly addressed The South African Congress of Democrats, not the Congress of Democrats which existed before that. Both the record and the original document show 1953, but in my submission that is a typing error, it can't be



anything else. Then there is a letter from the World Peace Council to the South African Congress of Democrats, and it says - it is dated the 10th March, 1954, and this is a letter in which they acknowledge receipt of a letter from SACOD dated the 3rd February, 1954, and that they were informed that SACOD are going to co-operate with the World Peace Council, and in which they promise to send their publications regularly to the SACOD.

Then My Lords, (5), I say that the SACOD supported the convening of the World Peace Conference in 1954. That is from document C.161, a Counter Attack, mid-March 1954. It says - Under the heading, Peace Conference, it says : The National Executive Committee has issued a statement supporting the convening this year of the World Peace Council - the World Peace Conference.

My Lords, and then there was handed in document C.389 and C.391, which were described simply as correspondence with the World Peace Council during the months of March, April and May, 1954.

And then, My Lord, (7), I say that the South African Congress of Democrats possessed publications from the World Peace Council. Those publications are C.111, at page 1628, of November, 1952 - that is a publication before they came into existence, and how they came to be in possession of that I don't know, My Lord. Then C.113 and C.114, are publications of January, 1955. C.392 is a publication of December, 1954. C.1109 to 1114, are publications of February, September, October and November, 1955 and January, 1956. My Lords, in my

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submission this shows that there was very close connection and co-operation between the World Peace Council and the South African Congress of Democrats, and that they supported the World Peace Council in all respects.

Then the World Federation of Democratic Youth, My Lord. 1. The celebration of World Youth Day in 1954 was organised by the Youth Action Committee on which SACOD was represented. It had no association with the W.F.D.Y., that is direct association, it was not affiliated to the World Federation of Democratic Youth. These celebrations, My Lord, are organised throughout the world by the World Federation of Democratic Youth. That is from Counter Attack, C.3, November, 1954, where that statement was made. Then I also refer in that same connection to R.E.P. 16, R.E.P. 16 is a document that was found in the possession of Dr. R. E. Press, who was a member of the SACOD. On the face of it it shows that it was a circular dated the 18th of October, 1954, issued by SACOD, and as such My Lord, it is my submission that it is admissible against SACOD. Then My Lords, the South African Congress of Democrats was one of the sponsors of the World Youth Day celebrations in 1953, which welcomes home South African participants from the Bucharest Youth and Students Festival. That is from C.160, My Lord, a Counter Attack of November, 1953 in which that statement is made. The South African Congress of Democrats through its Youth Branch and the Ballview Branch helped to organise Colonial Youth Day in 1954. That is also from Counter Attack, C.161, mid-March, 1954, where that statement was made.

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The South African Congress of Democrats also reminded the readers of its official bulletin of the celebration of Colonial Youth Day on the 20th March at Sophiatown. The year, My Lord, is probably 1955. This is from C.164, a Counter Attack, but it is undated, and this statement is made there, but we find that there is evidence before the Court of such a meeting held at Sophiatown on the 20th March, 1955, and that is why I say the year is probably 1955.

SACOD possessed publications from the A.B.D.Y., C.256 is the August issue 1954 of their publication, and C.259 was in an envelope addressed to the South African Congress of Democrats Youth Branch.

Then My Lords, the following members of SACOD attended and/or addressed the following World Youth and Colonial Youth Festivals. Evidence of those meetings are before the Court. On the 15th of November, 1953 at the Trades Hall the following were members of SACOD and they attended : Leon Levy, Helen Joseph, J. Slovo, R. Slovo and I. Bernstein addressed this meeting. Then on the 21st of February, 1954, at Alexandra, My Lords, R. Slovo and S. Shall, both addressed the meeting. On the 20th March, 1955, at Sophiatown, R. Press addressed the meeting. It shows, My Lord, that their members supported these celebrations from the years that SACOD was formed. In my submission My Lord, that proves that they supported the World Federation of Democratic Youth here in South Africa.

My Lord, in my submission this evidence shows that SACOD supported liberation movements in South Africa

fully; that they also considered their liberation movement here as part of the liberation movements throughout the world, and that they had knowledge of these other liberation movements and the nature thereof.

My Lords, I then go over to deal with the extra-parliamentary, unconstitutional and illegal action. I hand in a Schedule, it deals with the Congress of Democrats, marked 8(a). My Lord, the allegations in regard to this are contained in paragraph 3(a)(i) and (ii) of Part C of the Policy Schedule at page 226 or page 92.

The admissions by the Defence are contained in paragraph 10 at page 642 of the record, and paragraph 13 of page 1399 of the record. My Lords, I do not propose reading those, Your Lordships know those paragraphs. The submissions are, My Lord, that it is submitted on behalf - that it has been admitted on behalf of the Defence that SACOD and the other Congresses accepted the view that extra-parliamentary activity should be resorted to to achieve the change of government desired by them, and that they advocated this and also carried on such activities. Now the Accused Helen Joseph, My Lord, when she was giving evidence, stated that what the South African Congress of Democrats was striving for was - could not be achieved without extra-parliamentary pressure as well as parliamentary pressure. My Lords, I do not propose reading her evidence, I submit it is quite correct, that is what she said. Now according to the Accused Helen Joseph, it has been shown that the non-Europeans could no longer make use of deputations and supplications because this had proved to be without

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any real concrete effect. That is contained at page 13923 line 2 to 13924 line 4 of her evidence. She also stated that the 1949 Programme of Action laid down the method of struggle not only for the African National Congress, but for all the other Congresses allied to the African National Congress. I submit My Lord that the SACOD was one of these. That is contained in her evidence at page 13925 line 6 to line 20. She also stated that the Congresses were committed to the following methods namely, boycott, strikes, civil disobedience, non-collaboration and industrial action. And they were compelled to resort to this type of action, following on My Lords that deputations and supplications had not been without any real concrete effect. That is contained in her evidence at page 13923 line 2 to line 18.

Now it is submitted, My Lord, that this is in conformity with the attitude of the South African Congress in regard to the <sup>liberation</sup> // struggle, even in cases where the oppressed used violence, namely that they are compelled by the oppressor to take the action which they do take. I have made that submission before, My Lord, that that is their justification for any type of action the oppressed people may resort to.

Then (6) I say My Lord, that this extra-parliamentary activity of the SACOD also included unconstitutional activity, and for this SACOD gave two reasons 1. The present government had entrenched itself in parliament to such an extent that it could see no possibility of the government being removed by the electorate or by any constitutional methods of

struggle. 2. The vast bulk of the people could not campaign by constitutional means. This, My Lord, is according to the document C.247, which is the National Executive Committee's statement on the Political Implications of the Hillbrow By-Election. Now My Lord, this document was also found in the office of the South African Congress of Democrats, and in my submission is clearly admissible against SACOD. It states, My Lord, dealing with the situation and the salient factors in the situation, it says in paragraph (b) that the Nationalist Party, referring to it, has entrenched itself in parliament by devious constitutional means to the extent where it can scarcely be removed by the electorate at a general election or by any constitutional methods of struggle. (c) The European electorate as a whole was still orientated to conventional and orthodox methods of struggle and is incapable therefore of arresting the process. My Lord, then the second reason, I rely for that on C. 284, which I have conceded. My Lords - I cannot argue that it is admissible, and I therefore ask that 2 be struck out.

The South African Congress of Democrats intended that the masses should indulge in these extra-parliamentary and unconstitutional activities. For that I rely on C.268, The Threatened People. This document was read in as F.A.22. My Lords, this was a booklet which was issued by the South African Congress of Democrats, and it was found in their possession and therefore in my submission it is admissible. It says, My Lords, "Here in the Congress of

Democrats is an organisation offering a home to all those who have broken with these illusions. We believe that South African needs for her very survival the abolition of racially discriminatory practices which are the cancer within the body politic. Working closely together with the African and Indian Congresses, the Congress of Democrats is helping to forge a mighty united people's alliance against fascism. And then C.281, with which I have already dealt says that the Nationalist government can only be defeated by extra-parliamentary action involving the masses of the people. In my submission this clearly shows that it was mass action, the masses which had to take part in this unconstitutional and extra-parliamentary action according to the plans of the South African Congress of Democrats. The same document repeats this in other words. Although the use of this type of method in the struggle against fascism, the government or the state, is admitted to a certain extent - My Lords, that is rather an involved sentence that - the witness Helen Joseph stated that by their actions they intended to exert pressure in order to bring about a change of mind, because they did not believe in a change of heart or a sudden spontaneous change of heart, and this pressure was to be extra-parliamentary as well as parliamentary. I have dealt with that portion of her evidence, My Lord. My Lord, this is also taken from a document D.C.T.5, Counter Attack, to which I have already referred, My Lord.

The 9, My Lords, it is submitted that this statement about exerting parliamentary pressure is not

correct, because the SACOD never had any intention in that direction. Then - When SACOD was formed, it was stated, I say in no uncertain terms, and it was also admitted by the witness Helen Joseph, that they were not forming a political party. SACOD never aimed at becoming a political party and going to the White electorate and asking it to entrust the South African Congress of Democrats with government office. Now My Lords, it was admitted that they were not forming a political party, and two is that they were not going to the electorate and asking them to be entrusted with government office. Now My Lords, those latter portions are covered by C.52, the Road to Liberty, the document by L. Bernstein at the inaugural meeting, and there it shows that they were not going to form a political party, and this has been their attitude right through as admitted by Helen Joseph too. My Lords, then if that is so, it is difficult to understand what parliamentary pressure they wanted to exert, because they were not going to the electorate to put their point of view to the electorate in order to achieve anything in parliament.

MR. JUSTICE KENNEDY :

Well, I suppose you can achieve parliamentary pressure by other means than having a political party representing your views. I suppose you can get people in parliament to put forward your views, who aren't members of your actual party?

MR. TERBLANCHE :

My Lord, not if one takes into consideration their attitude towards all political parties at that time.



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