

Observer

2nd July, 1958.

I know that your sympathy is with us in what we are doing to raise the Defence and Aid Fund for the accused and their families in the South African Treason Trial. We have squeezed a good deal out of the readers of the Observer, through advertisements, but the flow of money is now drying up: and advertising is, of course, a costly business.

With the opening of the trial proper in August there will undoubtedly be more news; but August is not, I understand, regarded as an economic month for advertising. This difficulty could, I feel, be rectified if by some divine alchemy (or otherwise!) it should transpire that one of our advertisements should appear on the same Sunday that the Editorial decided to make comment on the news, with special reference to the importance of the Defence and Aid Fund!! Is there any chance that we could have some collusion in this matter? If so, I suggest that we have another meal together at the Savile. Indeed, I suggest we have this.

whatever happens, as I would love the opportunity of a
chat with you again.

Yours sincerely,

William Clark, Esq.,
c/o The Observer,
22, Tudor Street, E.C.4.

CHRISTIAN ACTION

CHAIRMAN:
THE REVEREND
CANON L. JOHN COLLINS
TELEPHONE: CITY 6869

SECRETARY
FREDA NUEL
2 AMEN COURT, LONDON, E.C.4

24th January, 1958.

Dear

Would you very kindly give your signature to the enclosed letter which I propose for The Times in answer to that published in today's issue from Air Marshal Sir Arthur Harris, in which he makes an attack upon all of us who are helping to raise the Christian Action Defence and Aid Fund for the accused in the South African Treason Trial.

Doubtless some of us who are sponsors of the Fund will wish to write to The Times. I propose to do so myself. But I felt that a short letter, as enclosed, signed by all of the sponsors of the Fund would in itself be an admirable reply.

It would be most helpful if you could let me have the signed letter by return of post, in the enclosed envelope.

Yours sincerely,

Cape Times: 18/12/57

NEW TURN TO TREASON ENQUIRY

Full List of 61 Freed Suspects

JOHANNESBURG: The Attorney-General yesterday notified Mr. N.E. Rosenberg Q.C., who has been appearing for several people in the treason inquiry being heard here that he was withdrawing proceedings against 61 of them.

Mr. Rosenberg said that he had been informed by the Attorney-General that he had arranged with the presiding magistrate at the enquiry, Mr. F.C. Wessels that, when the hearing was resumed on January 13, proceedings would be withdrawn against the 61 in their absence.

This means that it will not be necessary for them to appear and will spare them the expense of travelling from their homes. When the 61, with others, appeared originally before the court in January this year, the prosecutor, Mr. J.C. van Niekerk, said that the basis of the treason allegation would be "Incitement and preparation to overthrow the existing State by revolutionary methods, involving violence and the establishment of a so-called people's democracy on the basis of Eastern Europe communist satellite States and China."

THE LIST

The following is the full list of people against whom proceedings have been withdrawn:

Mahomed Asmal, Yetta Barenblatt, Isaac Bokala, Sulima Esakjee, Joseph M. Kumalo, Norman Levy, V. Make, Piet Makgofe, E. Malele, S. Masimuli, July Mpho, J.S.A. Mavuso, M.K. Mashaba, Ida Mitwana, William A. Ngwendu.
L. Nkosi, J. Poo, J. Hadebe, Mary Rantha, Mark W. Stope, Cleophas Sibande, O. Tambo, R. Tangi, J. Buza, Assa Dawood, C. Makbolisa, J. Morolong, Lionel Morison, J. Mphoza, J. Mtina, G. Ngotyana, H. Sibeko, R. September, H. Siliga, F. Baard.
Rev. J.H. Calata, S. Damons, D. Fugani, Rev. W.S. Gowe, C. Jason, P. Mashibane, F. Matombela, E. Mfana, S. Vanga, Mrs. J. Arenstein, A. Gumede, J. Hoogendyk, Chief A.J. Luthuli, P.G. Mel, Bertha Mkiye, H. Ngcobo, Dorothy Nembe, H.S.M. Pillay, E. Shanley, Dorothy Shanley, Debi Singh, Gabriel Dechaba, J. Mafura, Martha Moglakoane, Leslie Monanyane and Abraham Sechoaneng.

FOR CHRISTMAS

In Pretoria last night the Attorney-General, Mr. W.J. McKenzie, said that he had studied the evidence during the recess of the

preparatory examination and had decided not to proceed further against the 61.

He added: "We will notify them now so that they can make their own plans for the future and, incidentally, for Christmas."

Chief Luthuli, the President-General of the African National Congress, some years ago was ordered by the Government to either withdraw from the A.N.C. as head or forfeit his role as a chief of one of the Zulu tribes. He refused and was deposed as chief.

ELECTED HIM

Subsequently the Government issued an order restricting Chief Luthuli's movements to his home district of Stanger in Natal, thus preventing him from attending meetings as president-general. Nevertheless, congress continued from year to year to elect him to his position.

In Durban, while it was abundantly clear that the former suspects were excited and pleased at the news of their acquittal, their first thoughts were for those who still have to face the ordeal of the preparatory examination and possible trial.

"I cannot tell you how pleased I am that my husband and myself have been acquitted," said Mrs. Dorothy Shanley.

HAVE A HOME

"Now the children will have a home to live in and they can stop asking us when we are going off to Johannesburg again. I received this news with mixed feelings and I cannot help thinking of the others who still have to face the ordeal."

Mrs. J. Arenstein, who learnt of her discharge by telegram from Johannesburg, said: "This is a crack in the Government edifice and it will be an encouragement to the remainder that they may be found not guilty."

It is like being the front-line troops in an action - you are naturally pleased to hear that you are to be withdrawn, but your thoughts still go out to those who have to carry on the fight" she said.

"FOOLISH SLOWLY"

"It was a strange thing, but people just did not take the treason trial seriously and we have probably been released now - even before the end of the preparatory examination - so that the Government will only have to look foolish slowly, instead of having to release many people at once." ("Cape Times" Correspondent and Sapa).

NAMES OF 61 RELEASED (corrected)

Mohamed Asmal	Mrs. F. Matomela
Mrs. Yetta Barenblatt	E.N. Mfana
Isaac Bokala	M.S. Vanqa
Suliman Esakjee	Mrs. J. Arenstein
Joseph Kumalo	A. Gumede
Norman Levy	J.H.H. Hoogendyk
V. Make	P.G. Mei
Piet Mogkofe	Mrs. Bertha Mkize
E. Malele	A.B. Ngcobo
B.S. Masemola	Miss Dobothe Nyembe
July Mashaba	V.S.M. Pillay
John Mavuso	Errol Shanley
M.K. Mpho	Mrs. D. Shanley
Ida Mntwana	Debi Singh
William Ngwendu	Gabriel Dichaba
L. Nkosi	Jacob B. Mafora
Jacob Poo	Mrs. Martha Mohlakoane
J.J. Hadebe	L.S.T. Monnanyane
Mrs. Mary Ranta	A.B.K. Secchoareng
M.J.M. Williams-Shope	Chief A. Luthuli
Cleopas Sibande	<i>Lee-warden</i>
Oliver Tambo	
Robert Tunisi	
J.P. Busa	
Miss Asha Dawood	
C. Makhohliso	
J. Morolong	
L.E. Morrison	
J. Mpoza	
John Mtini	
G.D. Ngotyana	
A. Sibeko	
Reginald September	
Mrs. Annie Silinga	
Mrs. F. Beard	
The Rev. James Calata	
Mrs. S.M. Damons	
D. Fuyani	
The Rev. W.S. Gawe	
Mrs. C. Jasson	
P. Mashibini	

Friend John

of backside... you... of...
if having... as... another...
not... to... of...
over... of... as... of...

Handwritten signature

6th March, 1959.

The Editor,
~~The Times.~~

Dear Sir,

Sir Roy Welensky and Sir Edgar Whitehead wish us to believe that they and their Governments do not wish to perpetuate white supremacy but seek to establish as quickly as possible a happy partnership within the Federation between black and white. I suggest that they now have an excellent opportunity to convince us of the sincerity of their assurances: let them see to it that the authorities in Southern Rhodesia at once release Mr. Guy Clutton Brock from prison and give him back his proper rights as a citizen.

Mr. Clutton Brock believes in racial tolerance and is opposed to the exercise of the colour bar. He believes in the application to the African peoples of the Charter of Human Rights. He seeks for the African in Southern Rhodesia and elsewhere the same political rights as those enjoyed by the white man, and he encourages Africans to strive by all non-violent means available to them for their full freedom and responsibility. And he has clearly demonstrated at St. Faith's that it is possible for black and white to live happily together in partnership, and that such a partnership can be highly rewarding to all concerned. Is it for all or any of these reasons that he has been arrested and detained? Or is it because he has incurred the displeasure of the white settlers by the success of his experiment at St. Faith's, by welcoming into his community the partners in a mixed marriage, and by gaining the privilege of being made a member of the African Congress.

His detention and the excuses made for it by official spokesmen remind us all too strikingly of the detentions of leading opponents of Apartheid in South Africa, and the excuses made for them by spokesmen of the South African Government.

Is it not up to Sir Roy Welensky and Sir Edgar Whitehead to satisfy us with better reasons than have so far been given if they are to convince us that the imprisonment of Guy Clutton Brock is anything other than an attempt to silence a brave champion of African rights.

Yours faithfully,

L. John Collins.

2 Amen Court, London, E.C.4.

Dr. H,

Sir Roy Welensky at the Edgar Whitehead visit is
 to believe that they at the Government ~~are~~ ^{are} ~~not~~ ^{not} ~~in~~ ⁱⁿ ~~favor~~ ⁱⁿ ~~of~~ ^{of} ~~forming~~ ^{forming} ~~an~~ ^{an} ~~alliance~~ ^{alliance} ~~with~~ ^{with} ~~the~~ ^{the} ~~South~~ ^{South} ~~African~~ ^{African} ~~Government~~ ^{Government} ~~and~~ ^{and} ~~the~~ ^{the} ~~British~~ ^{British} ~~Government~~ ^{Government} ~~is~~ ^{is} ~~not~~ ^{not} ~~in~~ ⁱⁿ ~~the~~ ^{the} ~~interest~~ ^{interest} ~~of~~ ^{of} ~~the~~ ^{the} ~~South~~ ^{South} ~~African~~ ^{African} ~~people~~ ^{people} ~~and~~ ^{and} ~~the~~ ^{the} ~~British~~ ^{British} ~~people~~ ^{people} ~~and~~ ^{and} ~~the~~ ^{the} ~~South~~ ^{South} ~~African~~ ^{African} ~~people~~ ^{people} ~~do~~ ^{do} ~~not~~ ^{not} ~~wish~~ ^{wish} ~~to~~ ^{to} ~~perpetrate~~ ^{perpetrate} ~~white~~ ^{white} ~~supremacy~~ ^{supremacy} ~~but~~ ^{but} ~~seek~~ ^{seek} ~~to~~ ^{to} ~~establish~~ ^{establish} ~~a~~ ^a ~~friendly~~ ^{friendly} ~~relationship~~ ^{relationship} ~~with~~ ^{with} ~~the~~ ^{the} ~~Federation~~ ^{Federation} ~~of~~ ^{of} ~~the~~ ^{the} ~~South~~ ^{South} ~~African~~ ^{African} ~~States~~ ^{States} ~~and~~ ^{and} ~~the~~ ^{the} ~~United~~ ^{United} ~~Kingdom~~ ^{Kingdom}. I suggest that they now have an excellent opportunity to convince us of the sincerity of their assurances: let us see to it that the authorities - Ants Khosana at one time the Guy Chittam Brock for instance - are given the full rights of a citizen.

The Chittam Brock ~~is~~ ^{is} ~~believed~~ ^{believed} ~~to~~ ^{to} ~~be~~ ^{be} ~~in~~ ⁱⁿ ~~the~~ ^{the} ~~interest~~ ^{interest} ~~of~~ ^{of} ~~the~~ ^{the} ~~South~~ ^{South} ~~African~~ ^{African} ~~people~~ ^{people} ~~and~~ ^{and} ~~the~~ ^{the} ~~British~~ ^{British} ~~people~~ ^{people} ~~and~~ ^{and} ~~the~~ ^{the} ~~South~~ ^{South} ~~African~~ ^{African} ~~people~~ ^{people} ~~do~~ ^{do} ~~not~~ ^{not} ~~wish~~ ^{wish} ~~to~~ ^{to} ~~perpetrate~~ ^{perpetrate} ~~white~~ ^{white} ~~supremacy~~ ^{supremacy} ~~but~~ ^{but} ~~seek~~ ^{seek} ~~to~~ ^{to} ~~establish~~ ^{establish} ~~a~~ ^a ~~friendly~~ ^{friendly} ~~relationship~~ ^{relationship} ~~with~~ ^{with} ~~the~~ ^{the} ~~Federation~~ ^{Federation} ~~of~~ ^{of} ~~the~~ ^{the} ~~South~~ ^{South} ~~African~~ ^{African} ~~States~~ ^{States} ~~and~~ ^{and} ~~the~~ ^{the} ~~United~~ ^{United} ~~Kingdom~~ ^{Kingdom}. I suggest that they now have an excellent opportunity to convince us of the sincerity of their assurances: let us see to it that the authorities - Ants Khosana at one time the Guy Chittam Brock for instance - are given the full rights of a citizen.

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the excess of his repairs at St Faiths, by entering into his
command the partners in a mixed manner, and by giving the principle
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His detention ^{reminds all too strikingly} the excess made for it by official oppression
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The Editor,
The Times.

Dear Sir,

The news of the withdrawal by the Prosecution of the indictment against the accused in the South African Treason Trial must be heartening to all who have subscribed to the Christian Action Defence and Aid Fund. It is to be hoped that the Attorney General of the Transvaal will not wish to proceed further with charges of High Treason.

We propose to continue with the Defence and Aid Fund, but on slightly widened terms of reference. A great deal of money will be required for the rehabilitation of all the accused and their families. And should the Attorney General decide to continue with the case on a fresh indictment, it will be necessary to provide further sums of money for legal defence. And we propose to provide legal aid in all similar cases in Southern Africa to safeguard freedom and human dignity whenever and wherever they may be endangered by or in legal proceedings brought under unjust legislation or at the suit of Governments or persons reasonably suspected of arbitrary or oppressive conduct; and to support, assist and comfort the families and dependants of those against whom such legal proceedings are brought.

The South African Government has objected to what it termed outside interference in "a domestic affair". It must now be clear that Christian Action and other bodies concerned about the situation in South Africa have been fully justified in insisting that this trial is of international importance, and providing money for the defence of those who otherwise might now be suffering undeserved penalties. I would like to add a word of tribute to the Defence in this trial and, indeed, to the integrity of the South African Bar.

Yours faithfully,

L. John Collins.

2, Amen Court,
London, E.C.4.

15th October, 1958.

TELEPHONE 34-1376/7/8
TELEGRAPHIC ADDRESS "INTRINSIC"

EDWARD JOSEPH
63 STOCK EXCHANGE BUILDINGS,
HOLLARD STREET,
JOHANNESBURG.

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G.C. Post 2, 2, 14
D Y (D-1)

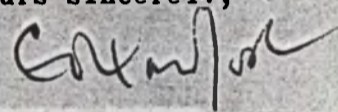
18th June, 1957.

Canon Collins,
2, Amen Court,
LONDON, E.C.3.

Dear Canon Collins,

The Right Reverend Bishop of Johannesburg, Ambrose Reeves,
has asked me to forward you an article from the "Golden City Post"
covering the Treason Trials Defence Fund, which the Bishop thought
was a very good one and would be of interest to you.

Yours sincerely,



EDWARD JOSEPH.

Encls:

FUND'S £200 000 AIM

Continued from Page 1.

The three defendants who were married were Mr. Oliver Tambo, Dr. Ronald Press and Mr. Sidney Shall, all of Johannesburg.

During the month's adjournment, all the defendants must comply with the terms and conditions of their bail, which calls on them to report every Thursday before 10 a.m. to the nearest police station.

Fares Paid

Any of the 156 men and women who plan to make any special visit during the adjournment must notify the police of the places they intend to visit before doing so.

Most of the defendants who live in parts of the country other than the Rand left for home on the same day as the hearings were adjourned—last Wednesday.

The Bishop's Fund provided all with train fares. The Fund Committee has also undertaken to find temporary jobs for those defendants who want — and in most cases need—the work.

Joseph said many contingencies have arisen which had not been anticipated.

LONG, LONG TRIAL - Families Need MORE HELP

TWO births . . . three marriages
| . . . two bereavements . . . Life
—like the Long, Long Trail—goes
on.

But life for the defendants in the treason trial preliminary hearing costs money, and this week, as the hearing began a month's adjournment, new targets were fixed for the Defence Fund, of which Bishop Ambrose Reeves, of Johannesburg, is the chairman.

Mr. Edward Joseph, spokesman for the Fund Committee, told "Post" that the new target in South Africa is £100,000.

The British contribution, originally set at £10,000, has been raised to £20,000. More than £13,000 has already been raised.

In the United States an appeal was made for 100,000 dollars, but it is expected that the American contribution may be nearly doubled.

£200,000 Is The Aim

If all the targets are reached, a world total of £200,000 will be raised.

The new targets are necessary because of the lengthy litigation which faces the 156 men and women and the increasing needs of their families, Mr. Joseph said.

The preparatory examination, which will enter its sixth month when the hearing is resumed on June 24, is expected to last until September.

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If the defendants are committed for trial, they may face another ten months or more of legal battle.

Almost all the defendants need money and the Fund provides a monthly allowance to each family, as well as meeting exceptional calls on the defendants' purses: funeral and lying-in expenses, fares to their homes, and so on.

Help has thus been given to Mrs. Stella Damons and Mrs. Christina Jason, both of Port Elizabeth, who gave birth to babies; Mr. James Radebe, of Alexandra, who lost his father, and Tami Tshume, who lost his uncle.

Continued on Page 28.

**WILD 'MIXED'
PARTIES IN
RHODESIA ?**

—See page 22.

WITNESSES JULY 10th 1958.

Three-Judge Special Court.

Presiding judge over the Treason Court will be Mr. Justice Rumpff, who was called to the Bar in 1936, and appointed a judge of the Supreme Court in 1952, 16 months after taking silk.

Mr. Justice Rumpff defended Mr. Oswald Pirow Q.C. who leads the prosecuting team in the treason trial, when Mr. Pirow was charged with incitement to public violence in 1947, for inciting assaults against certain Africans. Mr. Justice Rumpff was chairman of the 1957 Delimitation Commission, the decisions of which the United Party said at the time had the effect of reducing the U.P.'s election chances.

Mr. Justice Ludorf was called to the Bar in 1936, appointed an acting judge in 1952 and raised to the Full Bench in 1955. He defended Robey Leibrandt in the famous treason trial in Pretoria during the war, after Leibrandt, who had served with the German army, landed as a German agent on the Namagualand coast in 1951. Leibrandt was convicted of aspiring to overthrow the government by unconstitutional means and to build a National-Socialist state in South Africa. He himself unsuccessfully contested General Smuts' Standerton seat in 1943. He also served on the executive of the Nationalist Party of the Transvaal for some years. He was a member of the 1957 Delimitation Commission.

Mr. Justice Kennedy the third member of the special criminal court was formerly a judge of the Native High Court in Natal. His most famous trial was the recent Bergville case, when he sentenced 22 Africans to death - the biggest mass hanging in the history of the Union. One of them was dramatically saved from the gallows at the last moment when the Appellate Division found that there was insufficient evidence to convict him.

THE AGE JULY 10th 1953.

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Dr Canon Collins.

File

Mr. Justice, F. Rumpff.

Born 5 June '12 in Standerton, son of Revd. D. Rumpff of Pretoria. Called to Pretoria bar 1936. Took silk 1951. Appointed Judge of the Supreme Court in August 1952.

He was one of the first Judges appointed by the Nationalist Government.

In 1947 he defended Mr. O. Pirow (now leading Q.C. for the prosecution in the Treason Trials case) on a charge of incitement to commit public violence, arising out of an article in Pirow's Newsletter.

In 1952 he found 20 Non-European leaders guilty of "Statutory Communism" giving them suspended sentences.

He was Chairman of the Delimitation Commission in 1957, before the 1958 general election at which the government was returned to power with much increased majorities.

Mr. Justice. J.F. Ludorf.

Born in Pretoria 14/11/1917. Admitted to the Bar in 1936. Made J.C. 1951
Promoted to the Bench 1955.

1950-1 was a member of the Johannesburg Delimitation Commission (before the
1952 general election)

From 1949 was Executive member of the Nationalist Party.

Was unsuccessful Nationalist candidate against Gen Smuts in Standerton
in the 1942 general election.

In 1942 defended Robey Leibrandt on a charge of treason , during the war.

~~He was also a member of the Nationalist Party.~~

Mr. Justice Kennedy

was a judge of the Natal Native Appeal Court until it was abolished.
25/11/54 was appointed J.C., after he had been a judge of Native Appeal Ct.
for five years. Was the only one of Native Appeal Court judges to be appointed
to Supreme Court. Last year he sentenced to death 21 Africans in a mass
murder trial arising from disturbances following a dagga raid in which ~~five~~
policemen were killed. Mother holds position in Natal Nationalist Party.

Order of precedence

Transvaal 5. Judge Kumpff 7 of 16
9. Judge Ludorf

Natal 6. Judge Kennedy of 10

THE TREASON TRIAL 24

(December 1956 to September 1957)

In December 1956, 156 persons were arrested on charges of High Treason throughout the width and breadth of South Africa. The accused include most of the national leaders of the Congress movement: 104 are Africans, 21 Indians, 23 Whites and 8 Coloureds. Amongst them are lawyers, doctors, clergymen, architects, journalists and many clerks, labourers, trade union organisers and housewives.

The Preparatory Examination of what has come to be known as the Treason Trial, started in December with three days hearing. Outside Johannesburg's Drill Hall, converted into a Court for the purpose of this Trial, thousands of people, predominantly non-whites, gathered. Police guarded the Hall and its entrances. Tension mounted. On the second day of the Trial the police fired on the crowd, and 14 people were injured.

During this period the accused were goaled in Johannesburg's Fort to be let out on bail on December 20 after some 16 days' detention. Conditions of bail amounted to virtual 'banning orders': none of the accused may attend any gathering other than of a social, educational (at a recognised educational institution), sporting or recreation/nature; none may address any gathering. The Rev. Douglas Thompson is the only one to have been given permission to speak (give sermons, provided these are first 'vetted' by the police).

On January 9, 1957, the Preparatory Examination was resumed. After some eight months it has gone into recess to start again early in 1958 when the Defence will present its case.

Outline of the Crown Case:

In December 1956 the Crown Prosecutor, Mr. van Niekerk in his opening address said he would prove, inter alia:

1. that the case arose out of the activities of certain associations which were commonly called the Liberation Movement; that this movement was composed mainly of the Congresses and that the accused were all office bearers or active members of the so-called Liberation Movement and the campaign known as the Congress of the People;
2. that plans had been made to co-ordinate the efforts of various non-European multi-racial organisations; that in 1954 a national congress had suggested a joint meeting of several of the organisations; that it was decided to set up a planning committee and to draw up a Freedom Charter and a plan of campaign;
3. that resolutions had been passed calling for a truly South African Government; the people to be mobilised for decisive action; the organisation of a national liberation movement and the realisation that the Nationalist Government could only be defeated by extra-parliamentary action;
4. that at meetings held all over the Union speakers "propagated and preached the Marxist-Leninist account of Society and the State"; advocated the establishment of a peoples' democratic state based on the principles of the system of the Soviet Union; advocated the methods and tactics used by communism to achieve their aims;
5. that on June 25 and 26, 1955, the Congress of the People was held at Kliptown near Johannesburg and a draft Freedom Charter accepted; that the steps set out in the Freedom Charter were steps in the direction of a Communist State and, if necessary, a prelude to revolu-

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1. High Treason is a capital offence which consists of the impairment or endangering of the independence or safety of the state, with hostile intent. It is part of Roman Law and is not defined by statute.
 2. Includes the African National Congress, the South African Indian Congress, the South African Congress of Trade Unions, the South African Coloured Peoples Organisation and the South African Congress of Democrats.
 3. Bail was fixed at £250 for Whites, £100 for Indian and Coloureds and £50 for Africans.

tion; that what was aimed at was a change in the form of society and the abolition of the present state form; that the end of all discrimination and oppression was sought;

6. that in furthering these ends guidance and/or assistance would be sought from outside countries; and
7. that the accused, acting in common purpose, in advocating the establishment of a different and new form of government, encouraged hostility between the European and non-European races and incited members to revolt with the use of force and violence against the existing authority.

"THE CASE OF THE HIGH TREASON CHARGES WILL BE THE INCITEMENT AND PREPARATION FOR THE OVERTHROW OF THE EXISTING STATE BY REVOLUTIONARY METHODS INVOLVING VIOLENCE AND THE ESTABLISHMENT OF THE SO-CALLED PEOPLES' DEMOCRACY", the Prosecutor summed up.

In reply to Defence questions, the Prosecutor said that the resolutions and statements quoted by him as part of the conspiracy had been made public and not in private. He was not "in a position to say" whether he would allege that the contents of the Freedom Charter were themselves treasonable.

Outline of the Defence Case:

In January Mr. V. Berrange, for the Defence, made the following points, inter alia, in reply to the Prosecutor's address:

That the Congresses would not merely admit, but positively affirm that they adopted the Charter and that they aimed and aim at the realisation of its principles. "They do not apologise - they declare it".

But they would show that it had at no times been the policy of the Congresses to bring about the changes envisaged in the Charter by means of subversion or force and violence, and they would show the allegation that they had encouraged feelings of hostility between the Black and White races to be false.

On the contrary they would show that they stood for racial unity, and had "at all times done all that is in their power to draw the various racial groups together; to make each group understand that its interest cannot be furthered where a spirit of racial antagonism exists to make each group appreciate the needs of the other and not only its own needs - in short, to create race-harmony and mutual assistance and co-operation".

The Defence gave a "flat denial" to the charge that the Congress of the People and the Freedom Charter were steps towards the establishment of a Communist State.

In addition the Defence would attempt to show that the whole charge was politically motivated in an "attempt to stifle free speech, and criticism of the government".

The accused - a cross section of the South African population - held one thing in common, despite different political affiliations, and that was a belief in the brotherhood of man and a desire to work for his betterment.

"We will endeavour to show that what is on trial here are not just 156 individuals but the ideas which they and thousands of others in our land have openly espoused and expressed", said the Defence. "A battle of ideas has indeed been started in our country; a battle

4. The Freedom Charter demands for all in South Africa, regardless of race or colour, certain human rights resembling those in the United Nations Declaration on the same subject. It also speaks of the need for a better distribution of wealth, especially land.

in which on the one side - the accused will allege - are poised those ideas which seek equal opportunities for, and freedom of thought and expression by, all persons of all races and creeds, and, on the other side, those which deny to all but a few the riches of life, both material and spiritual, which the accused aver should be common to all".

The Progress of the Preparatory Examination:

A feature of the Preparatory Examination during its first nine months has been its extremely slow pace. Its progress may be conveniently divided into five parts, depending upon the types of evidence led by the Crown:

- (a) the handing in of some 12,000 documents against organisations and individual accused (6 weeks, January to end February).
- (b) reports by members of the "Security or Special Branch" of speeches made at some 500 meetings and conferences. Evidence handed in Province by Province (5 months - end February to mid-July).
- (c) expert evidence on Communism by Professor A.H. Murray of the Department of Philosophy at the University of Cape Town (a couple of days at the end of May).
- (d) evidence on violence as related to: campaigns against the Bantu Education Act; the Evaton Bus boycott; the 1952 Defiance Campaign and letters of the "Cheesa Cheesa army" (end July to mid-August).
- (e) tape recordings of speeches at meetings (end August).

Finally evidence on things such as the Mau Mau, the Drill Hall demonstrations in December 1956 and attendances at Soviet Consul parties.

(a) Documnetary Evidence:

The documents, totalling some 12,000, handed in and read by members of the "Security Branch" covered items such as the contents of Congress filing cabinets; posters; Xmas cards; correspondence; press statements; membership forms; invitations to socials; memos on subjects such as the Bantu Education Act, the Western Areas Removal Scheme, etc; copies of the United Nations Charter; the Freedom Charter and Call to the Congress of the People; periodicals and journals such as "Fighting Talk", "Liberation"; Conference reports; resolutions; collection tins; pamphlets printed here and abroad; and so on. All these had been collected during "raids" on Congress offices and homes of individual accused, covering the years 1953 to 1956.

In the first week only 1,500 documents were disposed of. The procedure adopted was extremely slow and tedious, each item being handed in separately as e.g. when all issues of "Fighting Talk" for the years 1954 to 1956 were handed in one by one. By the end of the fourth week an agreement between the Crown and the Defence was reached whereby all subsequent documents were handed in in bulk, certain selected passages being read. The Defence admitted "only the bare facts... that certain documents were taken from certain premises on a certain day by certain persons (detectives). The Defence would still reserve the right to cross examine the searcher in any case it thought fit; it would reserve the right to contest the admissibility of any document".

(b) Evidence on meetings and Conferences:

Starting at the end of February this proved to be the longest part of the Crown's evidence. For some five months members of the "Security Branch", Whites, Africans, Indians and Coloureds, gave reports of speeches made at public meetings over the period 1953/56. Some 600 meetings and conferences were covered.

Only 10 meetings were handled in the first four days of this type of evidence. Later some 6 meetings were being handled on an average

pe: day. Evidence on Transvaal meetings alone (the first Province to be handled) carried through to mid-April.

The Defence made a series of objections to the slow procedure, the type of evidence and certain implications: Among these were:

- (a) To presenting speeches made at meetings as evidence against all the accused before a foundation showing common purpose had been established.
- (b) To the leading of evidence of speeches made by the people who are not among the accused, and who have been shown by the Crown evidence to be in conflict with the Congresses.
- (c) To the leading of evidence of speeches recorded by detectives who, the Defence claims, are too illiterate to make a proper recording or who are unversed in the language in which the speeches were made.
- (d) To the protracted evidence of speeches and acts which the Defence claimed "do not even show the contravention of a municipal regulation".

After four months, a survey of the evidence showed that of the 29 detectives called 12 had stated that the non-violent character of Congress policy was stressed at all the meetings of the A.N.C. they had attended. E.G.

Detective Eric Monyamangene: "I will not deny that a speaker said that they must at all times be orderly and disciplined. At every meeting that is said, and also it is said at every meeting that the people will not resort to force and violence. There is no talk about the people using force against the Government. At some meetings I heard it said "Anybody who looks for help outside the country is no good to Congress".

Detective Sgt. Helberg: "I have been to a large number of Congress meetings. I have heard the speakers there say "This is a non-violent movement". I have also heard at many meetings the exhortation by speakers not to use violence".

Many of the detectives, particularly Africans, were put through severe memory tests, the Defence alleging that their reporting of speeches at meetings, particularly if written down after attendance at such meetings, was far from reliable. In its cross examination of such witnesses the Defence argued repeatedly that such evidence was worthless, irrelevant, unreliable and a "mass of illiterate nonsense".

Cross-examination examples:

1. A question of spelling:

Berrange: You say a speaker said 'It is time to shoot Malan'?
Mosilele: Yes.
Berrange: How do you spell shoot ?
Mosilele: S-H-O-O-T.
Berrange: Now read the letters you have written down in your notes. Is it not C-H-A-C-K ? - Yes.
Does that spell 'shoot'?
In fact your notes show that the speaker said 'It is time to check Malan'. - Yes
Then why did you say 'shoot'?
Mosilele: It was a mistake.

2. Illiteracy and interpretation:

Slovo: Do you understand english ?
Mollson: Not so well.
Slovo: Do you mean to say that you reported these speeches in English but you do not understand english well ?
Mollson: Yes your worship.
Slovo: Do you agree that your notes are a lot of rubbish ?
Mollson: I dont know.

and:

Detective Majuta gave evidence throwing light on extracts from speeches in which it is alleged an appeal was made to "give us money for guns". He said that when collections were held at meetings the Sesutho word meaning "spears" or "weapons" was the same word as that used for money. "Give us weapons" would therefore be a colloquial way of saying "give us money".

3. Memory test:

The test begins:

Berrange (orating): Afrika ! Sons and Daughters of Africa, just as the sun rises in the east

Magistrate: Does Tabata understand ? He mustn't sit there and gape. He must try and take it down.

Tabata continues to sit, expression unchanged.

Magistrate: It may not be a fair test. He has just been through a severe cross examination.

Tabata: The speech was translated both into Sutho and Zulu.

Berrange: Very well. We'll have my speech interpreted twice to give you until after the tea interval to recover from cross-examination.

Magistrate: Is the witness satisfied.

Tabata: There were three interpreters.

Berrange: Three !

Tabata: Also the speaker does not read from a paper.

Berrange: What difference does that make ?

Tabata: A great difference.

Magistrate: Tabata are you ready to begin now or would you like to wait until after the tea break ?

Tabata: I am ready.

The test begins again:

Berrange: Afrika ! Sons and Daughters

Magistrate: Tabata seems to be agitated.

Berrange: I think he is worried.

Magistrate: I know you think it is simulated.

Berrange: No. No. Not at all. I'm sure it's genuine.

Tabata: I would like another interpreter.

After considerable further discussion, during which Mr. Berrange reassures the witness that he will attempt to keep conditions as similar to those at a meeting as possible, the test begins once more:

Berrange: Afrika ! Sons and Daughters of Africa. Just as the sun rises in the east it is sure that through all our vicissitudes we will achieve the aims of the Freedom Charter (a pause here for applause).

Joining in the spirit and trying to create the right atmosphere, the accused and spectators joined in giving the opening words a round of applause and from the back came a deep call "Afrika ! Mayibuye". But everyone appears quickly to have remembered where they were, and there were no further interruptions, Mr. Berrange simply pausing frequently and saying into the microphone: "cheers, boos, interjections, applause".

After each sentence he stopped and the interpreter translated. On the third sentence Tabata stood up: "Counsel is going too fast". "Do the best you can. Dont stand up again" said the Magistrate.

Mr. Berrange took 12 minutes over his 533 word speech. In the 12 minutes Tabata was able to record 144 words. His notes were materially different from the speech.

Summing up the evidence thus far it might be said that all documents and speeches showed that the organisations and individuals concerned have been strongly opposed to the Nationalist Government and to racial discrimination in general. Throughout they have advocated complete racial equality and its attainment by non-violent means.

. 6 .

(c) Expert Evidence on Communism⁵:

Interrupting the evidence on meetings, Professor A.H. Murray was called upon by the Crown to lead expert evidence on Communism, at the end of May. Defence withheld cross-examination of this evidence until the end of July. At this stage the Prosecutor just led the evidence, e.g.:

The Prosecutor: What is the future of capitalism ?
Prof. Murray: It will disappear. The workers will control the state and the means of production.....
The Prosecutor: How is the change brought about ?
Prof. Murray: Only by revolution. The capitalists will refuse to surrender peacefully, though Marx mentions one or two exceptions.
The Prosecutor: Can there be change without revolution ?
Prof. Murray: Marx said there could be. But Lenin and Stalin and writers today maintain that only with violence is change ever possible.

Professor Murray tried to establish that Communism by its very nature is violent. Then by applying a set of four tests to the documents before the Court, to establish that these were communist: The four tests were:

- (a) do they preach direct communism by quotation from the communist masters ?
- (b) do they do so by paraphrasing the masters ?
- (c) Non-deviation: i.e. do they support Soviet policy internationally ?
- (d) Aesopism: Is the superficial meaning intended to mean more ?

Using these tests he was able to show that certain articles by some of the accused, the A.N.C. constitution, "Lodestar" the A.N.C. Youth League official organ and many other documents before the Court were in fact communist.

During the short cross-examination which followed in July, Professor Murray was made to agree that by using his own four tests, prominent members of the present Government could be said to support fascism. Numerous quotations were read which, he agreed, were "sorts of statements that communists make". These were later revealed by Defence to have been made by persons such as Presidents Roosevelt and Wilson of the U.S.A., Dr. van Rensburg former leader of the Ossewa Brandwag, Heine, William Pitt, Luther, Voltaire, Milton, Jefferson, etc., and by Prof. Murray himself.

The Defence, however, have withheld major challenging of the expert evidence for a later stage in the Trial.

(d) Evidence on Violence⁶:

Towards the middle of July the Crown started leading the most startling evidence on violence. It attempted to link the accused with many acts perpetrated during the schools' boycott in 1955, the Evaton bus boycott, the 1952 Defiance Campaign which it alleged had been violent, and the "Cheesa Cheesa army". In order to do this it subpoenaed witnesses from all parts of the Union.

5. Under the Suppression of Communism Act introduced and passed by the Nationalist Government in 1950, "communism" is given an extremely wide interpretation. It includes any scheme to bring about any political, industrial, social or economic change by the promotion of disturbance or disorder, by unlawful acts or omissions, or any scheme which aims at the encouragement of hostility between Whites and Non-Whites; the consequence of which are calculated to further the establishment of a despot system of government or to bring about political, industrial, social or economic change.

6. South African courts have held that the use or the threat of force and violence is an essential element of the offence of High Treason.

Defence took the strongest exception to this evidence. Mr. V. Berrange for the Defence, cross-examining a Crown witness on the schools' boycott and the burning of school buildings, said:

"It is ludicrous to suggest that because a member of the A.N.C. uttered words to this witness, everything he said is evidence against everyone else in the A.N.C. - not to mention non-members. That is a proposition that strikes me as absurd. If some member of the A.N.C. gets drunk and says 'Up the Reds !' does it become evidence against all the accused.

The Magistrate: That is the position the Prosecutor adopts, as I understand him.

The Prosecutor: As your worshippleases. All the Crown needs show is that this man is a member of the A.N.C. and spoke on behalf of the A.N.C. to be admissible against all the accused.

And later during the argument Mr. Berrange said:

"That would lead to ludicrous results. We know that Sgt. von Papendorf joined the Friends of the Soviet Union (a Crown witness at an earlier stage in the Trial, Sgt. von Papendorf had revealed that he had joined many of the organisations now under scrutiny). All he would have to do is go and say 'Let's hoist the red flag and shoot the Cabinet' and the Crown has its case against all the accused."

Some of the Crown witnesses' credentials came under heavy Defence fire. Notable amongst them were Rantube, a convicted killer and leader of a criminal gang, and one Ngubase described by the Defence as a rogue and a thief, a man who had lived a life of deception in a world of hallucinations.

Angry Defence declared: "The Crown is scraping out the dregs of the barrel bringing witnesses of this kind to testify to anything whether it is relevant to the case or not. The Crown may have all the time in the world but the accused have not !"

Through Ngubase e.g. the Crown tried to show "evidence of actual outbreaks of violence during the Defiance campaign; and that bloodshed and incendiarism were engineered by the African National Congress and its organising members, some of whom are before the Court".

Now serving his fourth jail sentence and facing another charge of cheque frauds in Kimberley, Ngubase admitted after prolonged cross-examination that he would never have given evidence in the Treason Trial but for the pending fraud prosecution in which Mrs. Letele (wife of one of the accused) is a key Crown witness. He admitted to being a criminal. Defence submitted that he was suffering from hallucinations and that it would allege "and witness will be called to show that everything Ngubase said... was a fabrication". Defence also pointed out that though the accused were arrested on warrants alleging High Treason committed between the years 1953 to 1956, evidence was now being led covering events prior to and after these dates.

In leading evidence on the "Cheesa Cheesa army" the Crown alleged that a certain letter sent out by that body had been typed on one of the accused's typewriter. This led to acrimonious exchanges between the Prosecution and the Defence during which Defence declared: "It is as foul a conspiracy as ever disgraced our courts". The "Cheesa Cheesa army" is a body alleged to call on the people to burn European property, particularly that of the Nationalist supporters.

Summing up this evidence it may be said that the Crown having not previously established (1) the common purpose of all the accused, and (2) the use of force and violence, tried to establish in fact "that all (i.e. the 156 accused) are implicated in the conspiracy" which, it alleges, is violent in character. Defence has challenged this proposition and proposes at the end of the Preparatory Examination to bring witnesses to show that such evidence is but mere fabrication.

The Final Stages before Recess:

In the closing stages of the Preparatory Examination before the recess, the Crown led as evidence tape recordings of speeches made at meetings. These were covered by two affidavits from the Minister of Justice prohibiting cross-examination on, either the methods used, or the places where such meetings or conferences were held. Defence was however able to establish that such recordings can be falsified by the simple methods of using magnets or cutting the tape and splicing it together again. It was unable to go beyond that.

Then came further Crown evidence on the Drill Hall demonstrations in December 1956. It was alleged that Congress had been responsible for these demonstrations and that these could be regarded as "part of the conspiracy".

Lists of names of persons attending Soviet Consul parties were also read out.

Finally, resulting from a statement made by Ngubase to the effect that a certain A.N.C. speaker at a Conference in 1951 had advocated Mau Mau measures, Colonel E.Lloyd-Parker (a police officer in Kenya from 1927 to 1955) was called by the Crown to lead evidence on the methods and character of the Mau Mau.

By mid-September the interminable length of the proceedings, the tensions, the uncertainty regarding a prolonged recess were beginning to tell heavily on all concerned - accused, Defence and Crown. An altercation between the Magistrate and Mr. Slovo (for the Defence) led to the latter being charged with contempt of Court. Immediately many accused rose to their feet in shocked demonstration. Sixteen were told by the Magistrate that they would be summarily tried by him for contempt.

At this stage Mr. Rosenberg, Q.C., for the Defence, called for a recess of five months on the grounds that the Defence would present its case in early 1958; that for this purpose it would need time to look through the documents before the Court, call for numerous witnesses both here and overseas, etc. He also stated that Mr. Berrange planned to go overseas to collect evidence subject to his obtaining his passport from the Government. (He has since been refused his passport). The Magistrate granted a 4½ months recess.

TREASON TRIAL.

7th February, 1961

When the Crown began its final address to the Court, we were told that this would take about a month. It has now been going for eight weeks, and the latest estimate is another three. Much of the time up to now has been wasted. Seven Crown counsel have addressed the Court, of whom three have been sent back to prepare their arguments over again because they had done such a bad job. Two of them were J. de Vos, Q.C., and J.C. van Niekerk, Q.C. Both had had a full year in which to prepare their arguments, since neither took any part in the cross-examination of defence witnesses. Yet their arguments were so full of irrelevant matters, distorted quotations from the evidence, inaccurate references to the record etc., that the Court just refused to listen.

Another remarkable feature of the argument has been the Crown's attempt to go back on the questions of law which were argued right at the beginning of the case. At that stage, we argued that violence is an essential element of treason. The Crown did not reply, but amended their indictment so as to allege that the A.N.C. had a policy of violence. On this basis, the case was fought. Now, Trengrove pops up and calmly says that violence is not an essential element after all. So the argument on the law has to be done over again.

It is very difficult to say how long the defence argument will take. We hope that the court will consider it unnecessary to hear us in reply to some of the stuff that has been argued. If this hope is realised, we could finish inside a month. Otherwise, it could easily be two months.

The Trial should, therefore, be over some time between the last week in March and the end of April. What happens then depends entirely on the verdict. If it is against us, we will naturally want to appeal, if funds can be found. There is also the possibility (I hope I am right in putting it no higher than that) of another Trial against the remaining 60 accused.

TT Ailing
Admin

21st December, 1959.

Dear Mr. Editor,

A Christmas Declaration

I enclose a writers' declaration on race discrimination, specially prepared for this Christmas season, together with a list of signatories. I would be extremely grateful if you could make use of this.

Yours sincerely,

The Editor,
Exchange Telegraph
Extel House,
East Harding Street,
London, E.C. 4.

Also to:
Press Assn.

21st December, 1959.

Dear Mr. Editor,

A Christmas Declaration

I enclose a writers' declaration on race discrimination, specially prepared for this Christmas season, together with a list of signatories. I would be extremely grateful if you could make use of this, and for any editorial comment which you might care to make.

Yours sincerely,

The Editor,
The New Statesman,
10, Great Turnstile,
London, W.C. 1.

Sent also to:-
Time and Tide
Spectator
The Times
Telegraph
Guardian
Times Literary Supplement.

COPY

Nov. 1957

The Editor,
The Observer.

Sir,

The Defence and Aid Fund established by Christian Action has played a magnificent part in the task of relieving the hardship inflicted upon a growing number of people by acts of the present government in South Africa.

The Treason Trials drag on interminably. We are glad to report that we in this country have raised approximately half of the £100,000 that has so far been spent on the defence and maintenance of the accused, but we do not know what we would have done without the most generous support of men and women in Britain.

Unhappily, indications are that the need for that support will grow, not diminish, as time goes on.

We seem in South Africa to be living through a period in which our rulers tend more and more to regard opposition to apartheid as treasonable. More and more people are being charged with offences of an anti-apartheid nature; they are being charged more hastily, and punished more heavily. The need for adequate legal defence will, therefore, be even greater in the future than it is today. Swift administrative action against African men and women (invariably of a kind which denies those affected any recourse whatsoever to a Court of Law) leaving families without means and children without care, is being resorted to more frequently.

Your readers may know, for example, that African women are now compelled to carry passes, euphemistically termed "reference books". Many South Africans fear that African women will now be liable to an evil which has for so long afflicted African men, namely to be stopped in the streets, and to be hauled off to police stations, sometimes to be absent for many days. This is bad enough for men, but it is much more to be feared for wives and mothers. It is expected that many women will be involved in such offences, and in demonstrations against the law.

The operation of the apartheid laws create almost daily new demands for the relief and rehabilitation of its growing

number of victims; demands that cannot, in the name of ordinary humanity, be denied.

For these reasons we call upon your readers to support the Defence and Aid Fund so that it may continue, in the future, to enlist the aid of British generosity for one of the most deserving causes to be found in the Western World today.

Yours faithfully,

JOOST CAPETOWN
AMBROSE JOHANNESBURG
A.J. LUTULI
G.M. NAIKER
ALAN PATON
LESLIE RUBIN

c/o Christian Action
2 Amen Court,
London, E.C.4.

17th November, 1959.

The Daily Telegraph
and
Morning Post

TELEPHONE
FLEET STREET 4242.

TELEGRAMS:
TELENEWS, LONDON.

FLEET STREET, LONDON, E. C. 4.

20th November, 1959.

Dear Canon Collins,

Thank you for sending us the letter on the Defence and Aid Fund. We should certainly have liked to publish this, but, since it has appeared in more than one place elsewhere, I am afraid we cannot now do so.

Yours sincerely,

Nicholas Bayne

Acting Correspondence Editor.

The Rev. Canon L. John Collins,
Christian Action,
2, Amen Court,
London, E.C. 4.

T.T. Admin.

16th November, 1959.

The Editor,
The New Statesman,
Great Turnstile,
London, W.C. 1.

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C/O Christian Action,
2, Amen Court,
London, E.C. 4.

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