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from a witness about a speech. My - does my learned friend contend because that isn't in the Policy Schedule we are precluded from relying on that? Or if admissions are made by Defence witnesses during the course of their evidence, because it is not contained in the Policy Schedule, are we precluded from relying on it?

The next meeting, My Lords, is a meeting of the 9th of May, 1954.

COURT ADJOURNS.

COURT RESUMES.

MR. TRENGOVE :

My Lords, the next meeting I refer to is one of the 9th of May, 1954. My Lords, there was no cross-examination directed specifically at this meeting. My Lords, at this stage I invite Your Lordships' attention to speeches of Motsele, page 8848 to 8850, and there My Lords Motsele deals with the - with Indo-China, Korea, and Kenya and the way - in the way it is usually dealt with My Lords by African National Congress speakers, that they are prepared to fight for truth, even if they have to die. My Lords, he refers - I am just quoting this to show how this theme is repeated by Motsele, 8850, line 10, "be ready because your blood, sweat will flow and the tree of freedom will grow", "all those things will be manure, the tree of freedom has been watered from 1950, May Day, the oppressor shot these people only to frighten you not to come to meetings." That theme, My Lords, the May Day shootings, sacrificing with your lives for the struggle for freedom.

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Then My Lords, Sekepe, at 8850 to 8852, deals with Fascism, with the fact that it is dangerous if two million people rule eight million, that Carneson and Sam Kahn and Ray Alexander were kicked out, that the White man is not suitable for South Africa, the climate doesn't suit his skin, My Lords, that they have to struggle against White imperialism; he refers to India and the Gold Coast, Korea and Indo-China, the imperialist government must be driven out of Indo-China and that they will have to do the same here.

MR. JUSTICE BEKKER :

What capacity - what capacities did Motsele and Selepe occupy? Will that come later? Will you give us that later?

MR. TRENGOVE :

Selepe - yes, My Lords, as I say I am just mentioning these topics now, and I don't want to deal with them fully, they will have to be dealt with in any event My Lords when the position of Selepe himself is being dealt with.

MR. JUSTICE BEKKER :

Will that be the appropriate time to give us the offices held by these people?

MR. TRENGOVE :

Yes, My Lord. My Lord, the next is the meeting of the 26th June, 1954, reported at pages 8854/57, I refer Your Lordships particularly to the speech of Nene, the chairman, at pages 8854/55, and Madzunya's speech, 8855/57. Nene speaks of the Defiance Campaign and how the government trembled; he speaks of a resolution

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- the Sophiatown decision not to go, and he says at line 20, 8855 : "Sophiatown will be removed under the dead bodies of the Africans". He puts that to the public, and the reply according to the evidence is "Yes". Madzunya's speech, My Lord, there is a reference to the way Moshesh and Sekukuni fought the enemies who wanted their lands, and the fact that in Kenya the people also wanted land, they were called Mau-Mau. In South Africa those people have been called Communists, and he concludes his speech, My Lords, at 8857 by - with the warning to traitors. My Lords, there was also no cross-examination directed specifically at this speech, at this meeting and the speeches made at the meeting.

Then My Lords, 4.7.54 is the next meeting, also Maselele, there was some cross-examination My Lords at page 8919, in which the witness was asked to read into the record a portion of Madzunya's speech, which the Crown didn't rely on and which was then summarised by the Defence. Your Lordships will remember that this Madzunya and Motsele group, they were the group criticised by Sibande and they were the group he said that were always interfering. But nevertheless, My Lords, according to the Defence cross-examination, they were still asking the witness to read in speeches of Madzunya and Your Lordships will see that Motsele and Madzunya are still speaking from A.N.C. platforms. Now at this meeting, My Lords, Nene is the chairman, his speech is at 8859, and he refers to Luthuli's call for volunteers, the people to defend Sophiatown, he refers to Dr. Njongwe and Matji and their meetings that he attended with them in the

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Cape - 8860 - and to the fact that the volunteers will still be getting their instructions. And then My Lords, Madzunya's speech at 8861, to 8863 and the top of 8864, Madzunya talks of the liberatory struggle, he talks of the clash in Korea and the Gold Coast, he talks of Sophiatown which will be removed over the dead bodies of Africans, and My Lords the fact that Sisulu went overseas without his passport. The next My Lords is Selepe's speech at 8864, again this reference about the skin and the climate that doesn't suit it, and how they will have to face the Dutchman with the rifle in his hand. My Lords, I am sorry I gave Your Lordships the wrong name, 8861 to 8863 is Motsele's speech. Madzunya's speech, My Lords, is 8860 to 8861, where he tells the people that we must be prepared to die when the tanks of Verwoerd destroy Sophiatown. I am sorry, My Lords, I am making is mistake, that is Masimula's speech. Madzunya's speech was the one read in by the Defence at 8860, I am sorry, My Lords.

And then My Lords, there is a speech 18.7.1954, a meeting of the 18th July, 1954, at Alexandra on which there was no - as far as our note goes, My Lords, no direct cross-examination. My Lords, we rely firstly on Nene's speech at 8865 to 8866, in which he refers to the Defiance Campaign and the fact that the A.N.C. is at war with the government of South Africa, it is the real opposition. He refers to this order of Swart ordering the police that his guns will not stop the march of the A.N.C., and that they will have to get ready when the order comes because they have to beat the Dutch people. And then Selepe My Lords makes a speech, it is on the -

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against the Western Areas Removal, 8867, to 8869. And then there is a speech by Makiwane, 8870, in which he refers to the revolutions all over the world, Indo-China, Kenya, Malaya, Gold Coast, where the people are fighting, he refers to the preparations in the Western Areas of the Volunteer Corps, and My Lords, his speech goes on to 8872, sorry, 8871. And then My Lords there is a speech by Joseph Molife at 8871 to 8872, in which he refers to the fact that the Africans are the true owners of South Africa, van Riebeeck was thrown out of Holland because he was a gangster and at 8872 he refers to the struggle in Kenya, the liberatory struggle and the call of the President for Volunteers in Sophiatown. And then finally My Lords there is Molewa (?), 8873 to 8874, referring again to the liberatory struggle in the way in which it is usually referred to and calling upon volunteers to join.

My Lords, another factor in regard to Maselele's notes, is the fact My Lords that here is a man in Alexandra attending meetings at which the same speakers speak from the same platform, My Lords, over a period dealing more or less with the same topics. And although My Lords we cannot ask Your Lordships to hold that in these speeches he has in every respect noted down the ipsissima verba of the speeches, Your Lordships will find that the tenor of a particular speaker's speech and the topics of the speech if they are repeated time and again from meeting to meeting, Your Lordships would be able to place reliance on that type of reporting by the same man of the same speakers over a long period.

My Lords...

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MR. JUSTICE RUMPF :

Over this period February, 1953 to July, 1954, did he attend many other meetings?

MR. TRENGOVE :

He attended many other meetings too, M^t Lord.

MR. JUSTICE RUMPF :

And did he take down notes?

MR. TRENGOVE :

He took down notes, My Lords, and of some other meetings we have also read into the record other meetings testified to by him over this period. Your Lordships will see that the meetings which we have quoted now, apart from the Colonial Youth Day one in 1953, we have relied on a number of meetings which give Your Lordships some idea of what was going on in Alexandra during this period February, 1954 to July, 1954, this preparatory period for the Western Areas and Congress of the People which at that time was a very important subject in that area. Now we don't say, My Lords, and the Defence quite rightly elicited under cross-examination from the witness that in a general way many other topics were discussed too. That may be, My Lords, one takes it that at these meetings - we haven't dealt with those at the moment - but other topics were also dealt with in a general way, at these public meetings, matters which interested the A.N.C. as an organisation in a particular area. Now My Lord, that may be, but we are not concerned with that. What we are concerned with My Lords, is to show that on certain topics the same speakers always say more or less the same thing over this period. We don't

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say My Lord that at every meeting every speaker of the African National Congress preached bloodshed and revolution, that is not our case.

My Lords, the next witness which one could perhaps approach in the same way is the witness Ngcai, he is on this list No. 8. Your Lordship will see in his case too that he reported mostly at meetings in the Sophiatown and Newclare areas. If one analyses the evidence of the meetings he attended, the speakers who spoke, one would also find, My Lords, that to a very large extent the same speakers have been reported by him at these various meetings. The same general observations that I made in connection with Maselele will also apply in Ngcai's case. The same tests have to be observed in deciding to what extent one can rely on what he said as having taken place at those meetings. My Lords, the cross-examination of Ngcai starts at page 9210 of the record. My Lords, in his cross-examination Ngcai admitted that he too could not take down everything that a speaker said, he admitted at 9310 that he got down what he calls only a fraction - I am sorry, - My Lords, the cross-examination itself - Your Lordship will remember that Ngcai was first called on the meeting of the 22nd November, 1956, that tape, to identify certain speakers, and then a kind of general cross-examination started, My Lords, but there was some understanding that he wouldn't be cross-examined at that stage. His cross-examination proper My Lords starts at 9293, and then at 9310, during the course of that cross-examination, he admits that he could only take down a fraction of what was actually said at these meetings. My Lords, he is tested during

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his cross-examination, he is tested on a comparison of his notes with the notes of shorthand writers, and we will be dealing with that too, My Lords. He says in his evidence that he took down what the speakers said, in the vernacular and he admits that during the course - he admits during the course of his cross-examination that speakers did refer to non-violence, their policy being non-violence, and that he didn't always record references of non-violence, and that he had made - that his notes may be incomplete. It is the same attack and the same criticism as one has in the case of Maselele. But My Lords, there is this difference in the effect of the cross-examination, and that is that the cross-examination was apparently, where it starts at 9293 - my learned friend Mr. Berrange referred to a large number of meetings to which this witness testified in chief, and in these meetings it is put to the witness Ngcai, extracts are quoted to him of speeches that he recorded in which speakers said that in order to achieve freedom, there must be a stream of tears and there must be a flow of blood, that theme was repeated by a large number of speakers, and these speeches were put to Ngcai by my learned friend Mr. Berrange. And then having put these speeches to him, my learned friend Mr. Berrange said at page 9297, "Now Sergeant you have heard these constant references by numbers of speakers to the fact that they say the police have been shooting them in various parts of the country and that their policy is one of non-violence. I want to put it to you that speakers at many meetings which you have

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attended appeared to believe, rightly or wrongly, I am not interested in that, rightly or wrongly they appeared to believe that in the past innocent Africans have been attacked and shot by the police in various parts of the country, is that not so? --- Yes, from what they say it appears so".

"And they have said on many occasions at these meetings that although their struggle is non-violent, on non-violent lines, they nevertheless expect violence to be used against them?".

My Lords, to that extent we submit that the Defence accept Ngcai's evidence, and that is part of their case that many speakers...

MR. JUSTICE BEKKER :

Why do you say accept, as opposed to testing a man? If he says, no, they didn't say that...

MR. TRENGOVE P

My Lord, the passages are put to him....

MR. JUSTICE BEKKER :

I don't see quite why it follows if cross-examining Counsel puts something to a witness, that the fact of putting that to a witness means that he accepts the testimony of the witness.

MR. TRENGOVE :

My Lord, I might have to refer Your Lordships to 9293. My learned friend starts off on the basis, "I want to refer you first of all to some meetings in regard to which you gave evidence last week. In doing so I will repeat some of the things that you read out for the purpose of putting a question to you later on. Now I want to refer to a meeting held on the 5th February, 1956,

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which is reported in G.211. You remember at this meeting you quoted Tshabalala as saying..." and then there is this reference to bloodshed. And then he referred him to another meeting, and My Lords, my learned friend goes on referring this witness to passages from a large number of meetings, at which these references are made, and then he concludes that part of his questioning by putting to this witness : "Now Sergeant, you have heard these constant references.." - that is his evidence, "You have heard these constant references by numbers of speakers to the fact that they say the police have been shooting them in various parts of the country and that their policy is one of non-violence. I want to put it to you that speakers at many meetings you attended appeared to believe, rightly or wrongly, I am not interested in that, appeared to believe rightly or wrongly that in the past/^{innocent} Africans have been attacked and shot by police in various parts of the country, is that not so?" Reply : "Yes, that appears from what they say".

"And they said on many occasions at these meetings that although their struggle is non-violent they nevertheless expect violence to be used against them? --- Yes".

Then My Lords, that part of the cross-examination is left there. It is not put to the witness that they deny that that was said. It is put to him that that is the position, that is the Defence attitude that that was said at meetings, that they did, although they were non-violent, they did expect violence to be used against them. That was the first part of the cross-examination

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of Ngcai. That is at page 9293 to 9297. Then My Lords, the cross-examination in another matter that I'll just deal with at this stage, and that is that during the evidence of the shorthand writer Coetzee, Coetzee was asked to compare shorthand notes that he made of a certain meeting of the 8th April, 1956, with the notes that Ngcai made at that meeting. That appears at page 7692 of the record, and this comparison between the notes made by Coetzee and Ngcai are - is then made by my learned friend Mr. Berrange, and that My Lords, continues, passages are read in, from 7692 of Coetzee's cross-examination to 7719. My Lords, those portions which are read in, it is not very easy to follow the way it was read into the record, but the notes were handed in, Exhibits G.226 being Ngcai's notes and G.225, and they are there for comparison. It appears, My Lords, that according to these notes that one finds for instance that an African woman, June Chabako spoke, Coetzee took down what the interpreter said, Ngcai made his own notes, so that apart from the fact that Ngcai's notes are not as complete as those of Coetzee, one does find My Lords that for instance "White people", "Whites" is used in Coetzee's translation, whereas "Boers" would be used by Ngcai. Those differences one gets. My Lords, one must make allowance for that. But we submit My Lords that if one compares the reports of these meetings that Ngcai's report is a very fair report of what was said if compared with that of Coetzee. My Lords, there are also other comparisons that could be made with the notes of Ngcai, to which I will still refer Your Lordships, but as far as this particular meeting was concerned, My Lords, Ngcai

himself is not asked by the Defence to explain discrepancies that might exist between his notes and those of Coetzee. He is merely referred to the fact that his report was made and that Coetzee also made a report.

MR. JUSTICE RUMPF :

If there are discrepancies shown as a result of cross-examination, must the cross-examiner go further and want the witness to explain them? Isn't that the task of the person who re-examines?

MR. TRENGOVLE :

Yes, My Lord, that may be, I am just making this point that in Coetzee's evidence the matter was dealt with in detail, so that Your Lordships will not find anything in Ngcai's cross-examination on that aspect. The notes are just put to him. Now My Lords, I just want to refer - there were two other references to meetings taken by Coetzee which Ngcai also reported, and those were the meetings reported by Coetzee on the 9th January, 1955 and the meeting reported by Coetzee on the 30th of January, 1955. My Lords, I will be referring Your Lordships to that at a later stage. The comparisons were at 9308 and 9309 of the cross-examination. My Lords, there was a further reference to a meeting also reported by Coetzee but that was not used for the purpose of comparison, My Lords, that was merely to get from Ngcai a confirmation that two people spoke at that meeting, that is the meeting of the 20th March, 1955, and it was put to Ngcai at 9311. And then My Lords, he was also referred to a meeting which he attended together with Schoeman, the shorthand writer, on the 29th of

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April, 1956, and there he was referred to a speech that he recorded made by Modise at 9311. Now My Lords, this speech reported by Coetzee on the 9th January, 1955, it was read into the record, I dealt with it yesterday, page 7945, and Ngcai was cross-examined at 9308 and 9309 on this speech, and Your Lordships will remember that that is the speech at which - the meeting at which this lady Annie Karai spoke. It was put to Ngcai at 9308 is this his recording of Annie Karai's speech, and we submit, My Lord, that although it is a much shorter speech, in substance it is the same. 9308, there my learned friend Mr. Berrange says "Now I want to refer you to a meeting held on the 9th January, which is reported in G.1059. I want you to refer to the opening speaker, Mane (?), he discusses the question of education of African children,.." and he then refers him to that, and he says "I want to refer you to the speech of Karai, which is reported by you as having said 'The Bible says Thou shalt not kill, but they are killing us. This Commandment was created by , we are not afraid of death, we shall die like (?) the children of Israel". And then My Lords, he also refers him without comparing it to the speech of Resha at that meeting. Your Lordships heard the speech of Annie Karai yesterday, and it is confirmation of what Coetzee reported there. That is the only comparison that they make with that speech. And then My Lords there is this speech of the 30th January, which is put to Ngcai, at 9309 of Ngcai's evidence in cross-examination, in which Your Lordship will remember I said yesterday that the Crown omitted the speech of Mahilwe, because that was not

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interpreted by an official interpreter. Ngcai is asked to read that into the record, and then reference was made to a speech by Dr. Moosa and a speech of Miss Neville on that occasion, and also the speech of Vundhla. My Lord, we say that those comparisons do not effect the competence of Ngcai as a reporter. My Lords, there is another speech by Schoeman on the 29th - a meeting on the 29th of April, 1956. Your Lordships will remember that beerhall speech. Now in the cross-examination at 9312 they refer to the speech of Modise. Now My Lords, may I also invite Your Lordship's attention to the Schoeman recording of that speech by Resha, the beerhall speech, at 7825... a recording by Schoeman of Resha's speech, the beerhall speech, with Ngcai's version of that speech, which Your Lordships will find at 9342. Now Your Lordship will find that Schoeman, at page 7825/26 says "Mr. Resha started off by speaking in a Native language for about fifteen minutes, and then he changed over to English. I only recorded the English portion of the speech." Ngcai recorded the speech at 9242, and if one looks at it, one will find that there is a large portion of his speech at the beginning which Schoeman the shorthand writer never got. 9242, until the top of page 9343. But then, My Lords, Schoeman starts the speech as follows. He says: "Why is it today that the Afrikaners are afraid to give the African people education. Why is it that the Afrikaners who come from Holland, people who do not know who their ancestors are, who do not know their own forefathers, do not want to give us education. The Afrikaners are afraid to give the

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sons and daughters of this world education." Ngcai has reported that in a fairly long paragraph, he has reported that as follows : "Why is it the Afrikaners are afraid to give the Africans the right education. Why is it the Afrikaner people who come from Holland, people who do not know their ancestors." He then stops there. Then Schoeman goes on and says : "The Afrikaners are afraid to give sons and daughters of this world the correct education because they are lazy people, they do not want to live on Africans. They are no better than bugs. The Afrikaners are afraid that if the African people achieve their education they will remember Blood River". Now the corresponding portion of that is : "The Afrikaners are afraid if we get better education they will remember the day of Blood River", that is by Ngcai. And then Schoeman goes on, he says : "They know the Zulu blood which is inherent in every Zulu man, they will remember the day when Dingaan put his spears into the hearts of the Boers. They know that once the sons and daughters of this country are educated, they will remember when the great man Sekukuni..." and then Schoeman said he omitted something. That My Lords, - the version of that by Ngcai is : "They know that once the sons and daughters of Africans get educated, Africans will remember the day when the great Sekukuni, when he killed those bastards who are called ministers for lying (?)." Schoeman didn't get that in full. And then My Lords, there is a portion of Schoeman's evidence referring to Thaba Bosigo, which Ngcai hasn't got, but then Schoeman note says : "And of course if the African children are educated they will remember the day when the great gentleman Makana said

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to Afrikaans tomorrow (??)." And then he has omitted something, and he said something about Grahamstown. Ngcai has got that, he also indicates that he has an incomplete sentence, and he said "When Makana says tomorrow I will be eating breakfast with you in Grahams-town." And then My Lords, there are other corresponding passages, large portions of what Schoeman has recorded Ngcai has not been able to record, but there are portions My Lords which don't effect in our submission the tenor of the speech at all. I want to refer Your Lordships finally, by way of comparison, to the passage appearing at page 7828 of Schoeman's version, where he says :

"When the people of Sophiatown said to Dr. Verwoerd we don't want to be removed, Dr. Verwoerd did not listen, but two weeks ago at the beerhall the youth spoke the language." Your Lordship will remember that was reported by Ngcai as follows, at page 9244 : "When the people of Sophiatown said to Dr. Verwoerd, we do not want to be removed he would not listen to them, but two weeks ago the youth of Sophiatown, the youth of Western Native Township spoke another language and since then the police never went to the beerhall. When the people in the hostel said we do not want raw porridge, your horse meat, but the authorities didn't listen, they spoke in another language. Whether some of them are in gaol, the porridge and meat is no more cooked there." He refers to that instance, and then Schoeman refers to shooting of Africans at Port Elizabeth, he has got that, My Lords, and then finally the final part of Schoeman's notes, we have this note that Resha said : "We have run

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ourselves into a river, we have decided rather than drown ourselves it would be better for us to turn back and save (?) the men and women who live in this country". He got that : "We have now run ourselves into a river, but rather than die in the river we shall turn and face our enemies". My Lords, although the Crown cannot argue that the reports - we don't intend arguing that the reports of shorthand writers - those longhand writers give as clear a picture as the shorthand writers, obviously that can't be the case. We nevertheless say, My Lords, that these comparisons show that generally he has got the tenor of the speeches and the subjects dealt with, they are very reliable.

My Lord, just to have another comparison. The evidence of van Papendorp and Ngcai at the same meeting, - My Lords, there will be one meeting that I'll be dealing with, it is a meeting of the 7th November, 1954, which - about which both van Papendorp and Ngcai gave evidence. Ngcai's evidence is at 9233 in Volume 46, and that of van Papendorp on the same meeting is at 8363. My Lords, there too we will indicate that comparison shows that there is to a very large extent reliable and accurate reporting by Ngcai.

My Lords, may I just refer to some of the meetings that we have quoted in our Schedule before Your Lordships. First My Lord is the meeting of the 5th of September, 1954. That My Lords is at page 9146. There was no cross-examination directed specifically at this meeting. We rely on the speech of Madiba at 9147, it refers to the appeal for fifty thousand volunteers and their getting their freedom without - within five years.

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And he says they don't want to fight the White people, they want to live peacefully with them. And then My Lords, reference is made to a speech by Ngwendu, 9148, in which he refers to the government as being fascist. The next is a meeting of the 3rd October, 1954, at 9158, the cross-examination My Lords on this meeting is at pages 9313 and 9329. Firstly My Lords, the cross-examination was directed to the length of the meeting, that the notes can't be accurate because these meetings last for a long time, and the notes are only a few pages. My Lord, on that score the criticism is correct, the notes are short, but My Lords, the mere fact that the meeting lasted three hours is no indication My Lords as to what was said during that time. Your Lordship has evidence of witnesses who said that meetings are interrupted by singing and collecting of money, speeches are interpreted sometimes into two or three languages, and that, My Lord, all takes up time. My Lords, we refer to the speech of Makiwane, at page 9161, and to the speech of Resha at 9163/64. My Lords, there was also a speech read into the record made by Nthithe, and there was some criticism of the recording of his speech, which Your Lordships will find at 9313 of the cross-examination. The passage read into the record was as follows: "Sons and daughters of Africa, when I speak about the removal of the Western Areas you must know as long as you fight for this country you must also fight for the removal of your homes. From time to time the White man has deceived himself that the Black man will never progress". The criticism was, My Lord, that the report should not read "you must fight

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for the removal of your homes", but "you must fight against it". Maselele said that is what the speaker said, and that is how he recorded it. My Lords, apart from that there was no criticism, and My Lords, we rely particularly in Resha's speech at this meeting on which - where he talks about traitors, traitors that are going to be rewarded, and My Lords, Makiwane's speech which he refers to Western Areas, resistance, Bantu Education.

My Lords, the next is 31st October, 1954, the cross-examination My Lords of this meeting was at page 9293. The cross-examination My Lord consisted of asking the Defence to read in a portion of Tyiki's speech, and the following portion was read in at page 9293 :

"We want to teach you Africans not to greet anybody who does not belong to this organisation. This organisation is a non-violent organisation. Today Sophiatown is being taken from their owners by force because they have guns, the Dutch only want to shoot the Africans, today people are being shot but when Congress is asking, they are named. Today they say 'as fir kaffers nie na Meadowlands gaan nie sal ons hulle doodskiet'." That is what the Defence wanted him to read in. We invite Your Lordship's attention to the speeches of Malupe at page 9170, to the speech of Tyiki, also at 9170 to 9171, in which he talks of the time for speaking being past, he talks of the killings in Kenya, and then My Lords he makes this reference at 9171 to Ngcai, and he says :

"Ngcai who is taking notes here of what I say, I say will die like Judas Iscariot". Then he refers to the fact that although they are non-violent, the Dutch want to

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shoot them. And then My Lords, I refer to the speech of Seitchiro at 9171 and My Lords the speech of Tunsi at 9172, where Tunsi warns the African detectives : "I warn my brothers, these notes they are taking will be records against them. When we take over this country in five years they will have to answer to the Court of the Africans." My Lords, that same theme one finds repeated not only at one meeting but at numerous meetings where Detectives are being warned as being traitors, and of possible retribution.

The next My Lords is 7.11.1954 which is the meeting which I said we want to compare the version of van Papendorp and Ngcai. In this case too My Lords, the Defence only asked Ngcai to read in a portion of the speeches made by Tyiki and Tunsi at 9307, and there was no cross-examination of Ngcai of this meeting at all, apart from that. My Lords, there was some cross-examination of van Papendorp, I'll deal with that when we get to van Papendorp's evidence.

The next My Lords is 5.2.56...

MR. JUSTICE BEKKER :

Are you relying on anything said at this meeting?

MR. TRINGOVE :

My Lords, as far as Ngcai is concerned, we are relying on the fact that it corresponds well with van Papendorp.

MR. JUSTICE BEKKER :

I know that, but as far as speeches are concerned at this meeting?

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MR. TRENGOVE :

Yes, My Lords, as I said we will deal with that when we get to van Papendorp, because on Your Lordship's Schedule he is showed as being.. My Lords, the next meeting is 5.2.56, the cross-examination is at page 9293, to 9300.

My Lords, this is one of the cases where the Defence cross-examining Ngcai put Tshabalala's speech to him, and said "Now Tshabalala said that before you achieve freedom there must be blood and tears, now isn't that a thing that speakers said at meetings", that was the effect of the cross-examination on this meeting. We rely, My Lords, on Tshabalala's speech at 9176, this theme, My Lords, of the White man coming to this country, and the bloodshed which will have to take place before there is freedom, and My Lords, we also rely on the speech of Modise at 9178, and a portion read in by the Defence too at 9300.

MR. FISCHER :

My Lords, I must interrupt my learned friend again. I don't know My Lords what my learned friend is asking, is inviting Your Lordships to rely upon, to examine in regard to what he relies upon. But Your Lordships will appreciate that this makes the preparation of a reply almost impossible, unless My Lords, I can do what can be done, and that is to prepare a reply on the entire speech of the person referred to. Unless my learned friend is more specific, the Defence will have no alternative but to take the entire speech referred to and deal with everything that may vaguely seem to be of some importance, bearing in mind the other things to

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which the Crown attaches importance.

MR. TRENGOVE :

My Lord, I fully understand the position of my learned friend. Our position at the moment is that these speeches will have to be dealt with if we get to specific accused in certain cases, where they have to be dealt with specifically. I am dealing now, My Lords, on the general basis of the effect of Ngcai's evidence generally, and My Lords my learned friend will be able to gauge his position as the individual accused are being dealt with. My Lords, unfortunately - and that is why, My Lords, Your Lordships have this list before Your Lordships, the Crown feel, having considered the position, we are holding up the time of the Court at the moment with matter which will in any event have to be canvassed when individual positions are being dealt with, but we are using My Lords these - there is one other case to which we will still refer, as illustrations of how in a certain area a particular type of propaganda is made over a particular period. I am not as much concerned, My Lord with the detail of the speeches as the topics that are being discussed and the recurrence of the topics in the notes of a particular speaker. My Lords, we have that difficulty that in proving our conspiracy, proving our adherence up to a certain point there is an overlapping matter, and we will have to try...

MR. JUSTICE RUMPF :

Well, you are dealing with these witnesses now generally, their credibility and the criticisms...

MR. TRENGOVE :

Yes, My Lords, pointing out certain features.

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MR. JUSTICE RUMPF :

You are quoting these meetings and the speeches to show how they have been cross-examined, and the topics they dealt with?

MR. TRENGOVE :

Yes, My Lord.

MR. FISCHER :

My Lord, if I might just make a suggestion. This after all is the crux of the case, these are the particulars which were ordered to be given, they are extracts to show why the African National Congress had a policy of - for the violent overthrow of the government. Now My Lord, that was - that policy was divided up in the violence particulars under a number of heads. My learned friend now takes a meeting which, as we see it, of great importance to the Crown case, and he says I rely on the speech of Modisi. My Lord, if he would just mention ...

MR. JUSTICE RUMPF :

He has explained, Mr. Fischer, that he mentions this broadly because he is coming back to this speech in detail. Should he rely on that at all against the accused here, he is mentioning this speech because it contains certain topics only in order to prove that Ngcai is a person who consistently attended a number of meetings and he wrote down certain topics that the speakers discussed.

MR. FISCHER :

My Lord, if he would say I rely on Modisi because he spoke of Kenya, or because he spoke of Western

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Areas...

MR. JUSTICE RUMPF :

You mean as he has been doing before?

MR. FISCHER :

Yes, My Lord.

MR. TRENGOVE :

My Lord, may I just explain our position in one further respect, My Lords. The Crown has been grateful for the opportunity of arguing this case through various Counsel My Lords on account of the scope of the case and we don't want to abuse that privilege. We felt, My Lords, that on the question of the credibility of a particular witness, that that could not be dealt with separately by each speaker or each Counsel who may be dealing with certain Accused when he comes to a particular witness. It is on that basis, My Lord, that we are really asking the Court to consider the credibility as being argued by one particular Counsel and the detail of the speeches by somebody else, when the need arises for that, My Lords.

The next meeting, My Lords, is a meeting of the 22nd April, 1956. My Lords, this was one of the meetings too that was referred to by my learned friend Mr. Berrange when he was pursuing that issue with - that the police shoot the people. It is referred to by my learned friend Mr. Berrange in that respect at 9294 of his cross-examination. Apart from that, My Lords, there was no further cross-examination directed specifically at this meeting. My Lords, we refer to the evidence relating to the speech of Seitchiro at 9182 where he says that our

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policy is non-violent, and he says that our policy is that the police will shed blood, and then he refers, My Lords, by way of example to the beerhall incident and Germiston, where people were shot by the police. My Lords, we also refer to a further speech by Seitchiro at 9183, in which he tells the people not to be frightened of Sten guns because it will not refuse you if you take it from the owner and point it to him. At 9183, My Lords, that idea that we are going to be shot at, turn the guns round onto him. And My Lords, we rely on the speech of Malupe at 9184, referring to the criminals in parliament and to the alleged order of the Minister to the police that they must shoot first, and My Lords to the fact that it was the ruling class that started the war. Finally My Lord there is a further speech by Seitchiro who was the chairman at 9185, referring to the women in Winburg and their conduct. My Lords, to assist my learned friend, it is also one of the speeches on which we rely when they say our policy is non-violent, but that is nullified during the course of the speech by a statement like that, My Lords, that the machine gun will be turned on the user of it.

The next meeting, My Lords, is 22.7.56, on which there was some cross-examination at 9302 of the record. It was directed My Lord at the same question of the co-operative attitude of the African National Congress and bringing the government to a round table. It is put to the witness that wasn't that often discussed, that they referred to the necessity of bringing the government to a round table to discuss things, and that is

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confirmed by the witness Ngcai. We rely My Lords - we refer Your Lordships to the speech of Seitchiro, where he refers to the White man as being their enemy, to the speech of Keitsing, at 9185, where he refers to the burning of passes and the removal to Meadowlands, the speech particularly of Malupe at 9187, where he says that they have accepted the challenge of the government, and that the time has come to meet force by force, and that they have tolerated the situation for three hundred and four years. We also rely on the speech of Mmusi at 9190, where Mmusi refers to the fact that they will meet Strijdom halfway, where he refers to the fact that they will deal with the police, and the time will come when we shall bring Verwoerd to a round table. And then he refers, My Lords, at 9190, lines 25 to 30, to the members of the Security Branch and their soldiers, they will charge them with high treason. This theme of undermining the confidence the people have in the police.

The next meeting, 5.8.56, the cross-examination is at page 9302, 9304. My Lords, in view of the cross-examination and a number of unintelligible sentences, we are not relying on this meeting.

The next is 18.11.56 My Lords...

MR. JUSTICE KENNEDY :

Why aren't you relying on the meeting of the 5th August?

MR. TRENGOVE :

For the present purposes I am not relying on it in connection with the A.N.C. In the cross-examination of the witness at 9302, they refer to a speech by the

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chairman, and My Lords, they say that the speech contains a number of unintelligible sentences, 9302. Their criticism My Lords of this speech is at page 9302, 7 7 5 the 5th of August. "At the request of the Crown you read x the chairman's address in full. In that speech there appears to be a number of highly unintelligible sentences", and then Seporo was the next speaker, and in an endeavour to summarise what he had to say, he said that they are meeting because of the permit system, and he referred to you men who were busy writing up the speeches and said you are not to fight us." That is the criticism of the speech. And then it refers to Makiwane's speech.

MR. JUSTICE KENNEDY :

Do you accept what the Defence has to say about it, this meeting?

MR. TRENGOVE :

I made a note here, if Your Lordship will just allow me one minute. My Lords, I have a note that I made here, which is misleading me at the moment, could Your Lordship just allow this matter to stand down?

MR. JUSTICE RUMPFER :

Yes, you may mention it later.

MR. TRENGOVE :

The next My Lord is 18.11.1956, and the cross-examination of this meeting is at 9294 and 9305. At 9204 My Lords, the Defence just repeat a certain passage in the speech of Matlou and My Lords at 9305 the suggestion was made that this meeting was called by the Anti-permit committee. My Lords, I just want to deal shortly with this meeting and point out My Lords that this meeting

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was held three days before that meeting of the 22nd of November, 1956, of which Your Lordships have a tape recording. Your Lordship will remember that at that meeting inter alia, on the 22nd of November, 1956, there were also Malaoa who was present at this meeting, and there was also Tshabalala who acted as interpreter, also at the meeting of November, 1956, Matlou also interpreted here. I am sorry, My Loteds, Molaoa was not at the meeting of the 22nd of November. At 9299 there is a reference to the speech of Tyiki, he refers to the co-operation between the Indians and the A.N.C., and the C.P.O., and then he is followed My Lord by Kathrada. The speech by Kathrada is at 9230, to which I made some reference yesterday. This was an Anti-Permit Committee meeting Kathrada says, and he refers to the fact that he was banned and could not be with you, he says at 9230, "My blood gets boiled when I see the Black man taking our words, but I want to say to them the day is coming, they must remember what happened to the traitors of Rumania and he traitors of Hungary". The same reference that one gets at many meetings, that police attending are traitors. "We want to tell President Nasser that we the people of South Africa are with them. I want to say to you and I hope you will agree with me, when they want volunteers to fight in Egypt the people of South Africa will respond, because what is now fought is for freedom against imperialism", he wants the support of South Africa to fight with the Egyptians against imperialism. "Let us come to Hungary. It is said that the soldiers of Russia are fighting the Hungarians. That is lies. The

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soldiers are there - the Russian soldiers are there because of the treaty which was signed by the people of Russia and Hungary." The attitude which is adopted by the Congress movement. And then he refers to the fact that he lived in Hungary, and then he says "What shall we do to people like those", and the audience said "We shall kill them", and he concludes by saying "Let us say at this meeting here in Sophiatown we support President Nasser and the Soviet Army and let us say Long live President Nasser, Long live the Soviet Army, down with American and English imperialists", the type of attitude that one gets throughout. And then Matlou, he makes a speech in which he says at page 9231, he refers to the Western Powers who fight in Egypt, he refers to the fact that the "impipis (?)" and "fogise" was the root of oppression, and he says "We have been informed that African people are being recruited to join war. We do not know whether they will be stretcher bearers, we do not know which war they are going to fight. I want to remind you I told you on this platform about four months ago that the government is determined to arrest two thousand leaders of the A.N.C. It is because this government was informed that there are people who are committing high treason, yet the people were talking about freedom. Friends, when your leaders have been arrested, I want you to do something. I don't care what you will do, but please do it. You must be prepared to shed blood for your freedom. If you are not prepared to shed blood, you must know that your - that no freedom. When you want to buy freedom for your children you must shed blood. The African people will never

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see freedom unless you are prepared to shed blood. Once you are prepared to do that you will see your freedom, that is the only security. I want to emphasise this when I speak of blood. I do not speak of any red thing, I mean the blood in your veins. When the White people come to this country they bought the country with blood. Go and organise the African people who are in numbers, then you must be prepared to shed your blood. I want to tell you you will never get freedom unless you are prepared to shed your blood. Friends as we move..." and then a portion at the end of the speech is read in : "People have died at Lichtenburg, people have died at Vlakfontein, people are dying everywhere in South Africa. People have been prosecuted at Rustenburg. My people there is nothing that will set the African people free rather than to shed blood". My Lords, that speech concludes with these references to Lichtenburg, Vlakfontein, people dying elsewhere. We will refer Your Lordships to a circular sent out by the African National Congress, found in possession of Nokwe, where this very subject was being dealt with, that they are asking the African people, what are you doing, wake up, people are being killed at these places. My Lords, we will use that to show how that type of circular is used and what effect it has when people make speeches and speak from public platforms. It confirms, My Lord, at this time this type of propaganda was being sent forth, and it confirms My Lords up to a point the evidence of Ngcai that speakers would be speaking of these topics from public platforms.

MR. JUSTICE BEKKER :

What point do you make of the fact that this

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speech is three days before the meeting of the 22nd
November?

MR. TRENGOVE :

My Lords, I mention that to show what the spirit of the speakers of the African National Congress was at that point of time, when you get this speech, My Lords, which says that we must only get - we can only get our freedom, this preparedness to 'shed blood, and about telling the people that your leaders are going to be arrested, and we want you to do something, "friends, when your leaders have been arrested I want you to do something, I don't care what you will do, but please do it. You must be prepared to shed your blood for freedom." Your Lordship will remember that three days later that same type of speech is made by Resha, who talks of the arrest of the leaders and what will happen when Swart takes the two hundred people, that will cost him South Africa.

COURT ADJOURNS.

COURT RESUMES.

MR. TRENGOVE :

My Lords, in the speech that I was referring to of the 18th November, 1956, the meeting - the speech that was made there by Matlou, I made a reference to a document published by the African National Congress, the date that I gave Your Lordships is wrong, it is not before that speech, the date on the one document we have is the 22nd November, 1956, it is P.D.N. 90, which is a circular sent out by the Secretary-General. This was read into the record, My Lords, at 2811 and 2812.

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Although My Lords it is four days after that speech, it does set forth those topics in the same way. It talks, 2812, it says : "The Working Committee has decided to review the extent of Congress activity in relation to recent and present political events in this country and abroad. This reveals a most disturbing state of affairs to which I now draw your personal attention". Then there are a number of points, that passes for women, mass arrests, banishing of leaders, ruthless removal of people from their properties, suffering of workers under the Industrial Conciliation Act, rent increases, persecution of people under the Urban Areas Act, and then "8. The government is preparing to frame up and arrest two hundred leaders of the Congress movement." The Bantu Education Act being applied on an all-embracing scale, university apartheid, and then "11. People are being shot and killed by the police in places such as Vlakfontein, Lichtenburg, Klerksdorp - Maquassi, Klerksdorp and other places. 12. Fellow Africans have been the victims of bombing and killing in Egypt. What have your provinces and local branches done about any of these issues?" And then My Lords, another circular dealing with the same topic is P.D.N. 70, which is undated, but it is 2808, it is the Congress that calls the people to action. "Africans why are you sleeping. Here in South Africa life is becoming harder every day." It refers to passes, it refers to Police at Vlakfontein, Lichtenburg and elsewhere who opened fire, killing and wounding Africans. It refers to rents and permit raids and in "egypt our brother Africans are suffering under invasion, Why are your sleeping? Wake up and join

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the struggle of the African National Congress for freedom."

Now My Lords, there were a number of meetings by Ngcai which were not referred to by the Crown, but which were referred to by the Defence in their cross-examination. Ngcai was asked whether or not certain topics mentioned at those meetings were discussed. My Lords, that is contained on page 9317 to 9324. My Lords, the passages put deal with a variety of topics, such as the Western Areas, the achieving of freedom without the shedding of blood, intimidation of police at meetings, representation in parliament, Bantu Education, the Defiance Campaign, the government oppressing the people and enforced removals to Meadowlands, a number of topics of that nature. My Lords, we do not propose to deal with those at this stage.

My Lords, then there was the meeting which I said I was not relying on, but it was a meeting relied on by the Crown, 5856, and My Lords, the Crown in spite of the cross-examination at page 9302, which deals with a portion of the speech by the chairman, there are other portions read into the record by the Defence, and My Lord the Crown does not - I ask leave to withdraw what I said about this meeting, My Lords. We rely on certain parts of Malupe's speech at 9219, particularly the reference to Ngcai at line 30, the speech of Malupe telling the people not to fear the police, the reference to Ngcai, the day when the people will give judgment against him, and the references to the Mau-Mau and Jomo Kenyatta at page 9220 and the reference to the war in Evaton and the police being responsible, which he deals

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with at line 25, of page 9220.

My Lords, I propose now to deal with another witness who took longhand notes, and that was the witness Wessels at Evaton. My Lords, we deal with the Evaton situation and Wessels' evidence on it My Lords in order to show how the African National Congress uses and exploits a local issue for its own purposes and participates in an issue like that for the purposes of furthering the liberatory struggle. My Lords, that will emerge very clearly from the evidence of the witness Wessels. He gave his evidence, My Lords, at - of a large number of meetings at page 8280, where he was asked, My Lords, about the situation in Evaton at the time, and he describes how the situation there culminated in a riot. And Your Lordship will remember that the Crown stated specifically that it was not relying - it was not part of its case that the African National Congress was responsible for the riots there, but we do rely on the fact that the African National Congress referred to the struggle of the people there in a certain way in their Annual Reports, and we do rely on the fact My Lords that from the platform supported by the African National Congress certain types of speeches were made at this time of crisis in the Evaton area. Your Lordships will remember I referred to the fact that Moretsele in his Presidential Address, B.259, a portion read into the record at page 1336, refers to the fact that all over the country the people are, and vital battles against exploitation are being fought and important victories won. "In this connection I think it is proper to refer to the wellknown and famous Evaton bus boycott

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where the people have successfully carried on a stubborn and militant struggle for more than a year. This event has extremely significant lessons for us, for it shows that important victories will be won by the movement once the people are united and determined. On your behalf I wish to congratulate the people of Evaton and wish them ever more success in their future struggles against injustice". My Lords, we will illustrate from the evidence of Wessels that the African National Congress knew exactly how that campaign was being conducted by the people whom they praise, what was being said from the public platforms in which leading A.N.C. officials participated, and that in fact My Lords they regarded the struggle in Evaton as part and parcel of the struggle for liberation. Now My Lord, Resha was questioned on this, Your Lordship will remember on one occasion he made one of the speeches at Evaton, and he was questioned on the connection between the Evaton struggle and the liberatory struggle carried on by the African National Congress, and in his cross-examination My Lord in Volume 81 at page 17153 this question is dealt with. He was asked about the people that participated in many of the meetings at Evaton, he himself addressed a meeting on the 28th of August, 1955, and he admitted that he spoke on that occasion. Then he is asked about the struggle and the people who participated, and at 17153 the question is put : "Mr. Resha, in Evaton who were the most important members of the African National Congress who were conducting that campaign?" and then he gives the names of Molife, Make, Khumalo, and then the question is put to him : "As far as their campaign

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was concerned against the bus boycott, it had the full support of the African National Congress? --- That is so". "And the African National Congress regarded that campaign as part of the struggle for liberation? --- We regarded that as the legitimate struggle of the people fighting against increased fares". And at line 22, the question is put : "Also that the struggle was not one merely against the increase in fares, but it was part and parcel of the whole liberatory struggle which the Africans were waging? --- The struggle in Evaton My Lords was no more than a struggle against increased fares". It is then put to him that the speeches disclose the contrary, and he says there was not a single Congress leader who looked at the struggle against the increase of fares as being the liberatory struggle, as meaning more than that. And then the question is put at 17154 "As being part of the struggle for liberation? --- It is the everyday work of African people to struggle for better conditions". So My Lords, he tends to associate that with the liberatory struggle, and on the evidence, My Lords, we submit that - the evidence of Wessels shows, one issue that we propose investigating, a point that we propose making, is that in fact it was part and parcel of their liberatory struggle.

My Lords, as far as Wessels himself is concerned, during this period he took notes at a large number of meetings, they were called Residents Meetings or Bus Boycott Meetings, and he says they were really the same thing, and he says if speakers spoke in English he took down the speech in English. If it was spoken in the

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vernacular, he relied on the translator translating for the meeting. That is at 8288, 8289 of his notes, of his evidence. My Lords, he says that he took down as much as he could, and he agrees that it is not a very large proportion of what was said, and My Lords he says he cannot stand in for the correctness of the interpreter interpreting, and there are times when he can't hear what is being said. That is at 8290 and 8291. And then My Lords he was cross-examined at length on the trouble at Evaton, 8292 to 8297, and on the difficulty there and the intimidation of people and the struggle between the two groups. My Lords, we say that is not relevant for our purposes, and My Lords in re-examination at 8310 he explains that although his notes may indicate that the meeting lasted quite a long period, it was interrupted by singing, collecting of money, interpreting and that must be taken into account in considering whether his notes were accurate and what he did take down was the words of the speaker as he got them from the platform, and he says, My Lords, at 8310 that his notes give a reliable picture of what actually happened at those meetings. The Defence in cross-examination adopted in a general way the line that these were not African National Congress meetings as such, and they also adopted the line, My Lords, that the references to people who are prepared to be shot is a reference to making sacrifices for the struggle, and at 8305 and 8299 My Lords, and the Defence also made the point at 8202 that this was also a political struggle, which we accept.

My Lords, the first meeting that I ask Your Lordships to refer to is a meeting of the 28th August, 1955.

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My Lords, the cross-examination of this meeting is at 8297 to 8299, in which certain passages are read in by the Defence which does ^{not} effect the acceptability or the credibility of the witness at all. There is no other cross-examination that effects the position. My Lords, we rely, as far as this meeting is concerned, we rely on - it is an Evaton People's Transport Committee meeting, at which Makwe, one of the leaders of the A.N.C. in that area, one of the leading members according to Resha, was the chairman, 8211, and we refer particularly to the speech of Molife, the Accused, at 8213. There Molife refers to the exploitation of their people. We also refer to the speech of Motsele at 8214/15, in which he refers My Lords, to the invitation to speak, and he refers to Morocco and the French people that were killed, he warns the Italians and the gang of loafers - those were the group on the other side - at 8214, he warns them that the road to victory means bloodshed and tears, and in that connection, My Lords, he refers to victory being near and expecting to be killed, 8215, and he refers to the whole Africa struggle, Kenya, French Morocco, Gold Coast and Sudan, where the people are fighting for liberation, and that they are prepared to fight to the bitter end. We also rely on the speech of Dr. Press, at 8216, who linked up this with the oppression of the government and he says if they overthrow the bus company they will also be able to overthrow the government. At 8217 he says that the Europeans are behind them in their fight for freedom. My Lords, we also rely on Resha's speech at this meeting, 8218, in which he says that he is glad to be with the people of Evaton in their struggle and they

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are not alone, we are showing the White man today that this land is the land of Chaka and Moshesh. He talks My Lords of this struggle being the road to victory, he comments on what - on Dr. Press' presence, and he refers to the Basutus and to the government scabs and loafers who are being paid for their dirty work, and he says that when victory is ours they will deal with them, and he concludes his speech by saying "When you have won this struggle you have won not only against the bus company, but also against the government." We say My Lords that this type of meeting shows clearly that they were linking the struggle in Evaton with the general struggle for liberation.

The next My Lord is the 18th of September, 1955, the cross-examination is at page 8300, in which the Defence pointed out that in Molife's speech he said that he had a dangerous message which he would give later, and the dangerous message which Molife referred to was that they were considering terms offered by the bus company. My Lords, we rely on the speech of Make, page 8224, in which he refers to the struggle of the working class, he refers to the capitalists, he refers to Molife's speech and My Lords Molife at 8226 said "I will announce my message later this morning, but I consider this message really dangerous"1 That is the message which he quoted later on. According to Wessels he says : "We have tolerated sellouts in Evaton for a very long time. We are not going to tolerate it any longer. We will cricify them as indicated there". And then Wessels shows in his notes that at that stage Molife pointed to a cross erected on the square, on which there was a dummy fastened

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onto that cross, and that at a later stage they put fire to that dummy, according to Wessels. We also refer My Lords to Motsele's speech at 8226/7, he refers to the preparedness to sacrifice blood tears and sweat to get freedom, and the walls of Babylon are cracking, and then again My Lords Molife makes a speech, which is reported at the bottom of 8227, in which he says "We are going to hunt up all the people who are against us, they will be dealt with as criminals of war are dealt with. The pimps writing down everything we say here is also a man to be watched. We tell the government and the government tells everything to the Italians," and Wessels says that reference to the pimp is a reference to him.

13.5.1956 is the next meeting, My Lords, the cross-examination is at page 8309, and it is directed to a speech of Sibande. It was put to him that Sibande was speaking in a "ative language, and that his speech was being interpreted, and Wessels says that although Sibande might have spoken in a Native language, he took down correctly what the interpreter says. Sibande himself deals with this in his evidence in chief, at page 17380 and 17395. My Lords, we rely on the speech of the speaker at 8259, Alfred Sechube (?), this same theme, My Lords, not being afraid, one has to give one's life in the fight for your rights. We rely on Sibande's speech at 8259/61, this will be dealt with when Sibande's personal position is considered, and My Lords the speech of Motsele at 8261. He says because blood has been shed we shall win this boycott in Evaton and all the other troubles in Africa.

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The next is a meeting of the 20th May, 1956, there was no cross-examination directed specifically to this meeting. We rely on Make's speech, reported at 8262/63 in which he refers to the struggle in Evaton and to the fact that the oppressed people all over the world are fighting for liberation and that no nation has ever obtained liberation without bloodshed, what is happening in Evaton can be when a revolution in Evaton - when a revolution breaks out in Evaton, we shall show the oppressors that we, the Africans will rule. Also My Lords to the speech of Asmal at 8263, on the same theme, My Lords.

My Lords, the next 3. 6.1956, the cross-examination on this meeting is at page 8309. My Lords we are relying on the speeches of Molife at 8265 and on the speech of Motsele at 8266. Molife deals with oppression and in fighting they must be prepared to sacrifice. We are fighting the domination of White over Black. Then Motsele, My Lords, at 8266, in connection with this speech there was some cross-examination at 8309, Wesels had an incomplete sentence in which Motsele said "Fellow men, Evaton is the beginning of the..." and then a word was left out, "... struggle in South Africa". He couldn't decipher it. At the suggestion of the Defence he agreed that it meant "Evaton was the beginning of the economical struggle in South Africa". He said that that was probably the word. He says at 8267, My Lords, that he is the leader of the A.N.C., he leads the people through their struggles, and he says "History has shown us that revolutions were fought and won" and that prison won't keep them from their rights.

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Make at 8267, lines 15 to 20 says that you cannot stand against the will of the people, there are a lot of obstacles, death and arrest. The oppressed people will follow out example - if the oppressed people will follow our example they will - they would have gained freedom for which we all long long ago."

And then 17.6.1956, My Lords there was no cross-examination effecting the contents of the speeches as testified to by Wessels, we rely on the speech of ^{Nathi (?)} Make (?), at page 8275, in which Nathi refers to people who are called agitators if they take up the struggle for the people, he refers to the pass laws and he says that freedom will not come from overseas, it lies with them. The speech of Make at 8276, in which he says that the bus boycott is subsidiary to the revolution, in our lifetime we must get liberation. He refers to the oppression and to the struggle against passes.

MR. JUSTICE BEKKER :

I assume these are all A.N.C. people?

MR. TRENGOVE :

My Lords Nathi (?) is not A.N.C., he is Indian Congress, but he is making it from a platform with A.N.C. people in Evaton.

MR. FISCHER :

My Lords, this of course is subject to the evidence on Motsele, and the whole story of his expulsion.

MR. TRENGOVE :

My Lords, the point that we are making is that notwithstanding the trouble early in 1954 when Sibande was upset about Motsele, notwithstanding that he continued to

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speak on A.N.C. platforms. Now My Lords, Wessels also testified to a number of other meetings which have not been dealt with now, and which we don't propose dealing with at this stage. We submit My Lord that on the evidence of Wessels, there was no real attack on his ability as - to take down notes in the area, and we submit My Lords that Your Lordships will accept his notes as reliable, which he says they were.

My Lords, there is one other person that I want to deal with at this stage, and that is van Papendorp. He is shown on Your Lordship's list as No. 7. My Lords, his cross-examination, the portions that I deal with are at 8392 of the record. My Lords, he said in his cross-examination that he took down the speeches in English, that he took down the main theme of the speakers, he summarised the main theme, 8393, line 5 to 10, and he was dealing with certain meetings and he said he summarised the main theme, he did not get down the exact words, but in re-examination, My Lords, at page 8422 to 8428, van Papendorp demonstrates from his notes how he indicated where he summarised and which portions of his notes contained the words of the speaker as he took them down. My Lords, apart from the general criticism that one can direct to all people who take down longhand notes, there was no real attack on his ability as a reporter of meetings. My Lords, one has one or two instances where one can compare his notes, although My Lord he was at the meeting of the 18th September, 1955, where Sejake made that speech, although he was there merely to observe who were present, he made certain notes of Sejake's speech which compare very well, My Lords, with the notes of Coetzee, and Your Lordships

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also have the other comparison with his notes, those of Ngcai to which I will be referring. My Lords, we say that he is only subject to the care that one must exercise on a general basis of people who take down longhand notes, otherwise there can be no real attack on his ability to report accurately what happened at meetings. There are only two meetings that I refer to specifically, and that is, the first is the meeting of August, 1953, it is the Peace Council Meeting, which was the opening Conference of the Peace Council, which Your Lordships will find at 8324 of his evidence at Volume 42. My Lords, this will be dealt with when the Peace Council itself is considered. As far as this specific meeting is concerned, he admitted that in reporting Resha's speech, 8393, he admitted that something might have been left out in between sentences, he also concedes that Resha's theme was that if you have equality illfeeling between Europeans and Africans will disappear, but My Lords, there was no other attack on his report of this meeting apart from that. My Lords, Resha himself didn't comment on this meeting in the course of his evidence. My Lords, at 8332, where Resha speaks, and is introduced as the President of the African National Congress Youth League, and he speaks on the fight for national liberation. And then My Lords, 8332 to 8334, it is the oft repeated theme, My Lords, of the struggle throughout the world of the colonial people against imperialist and capitalist countries, of Kenya and Korea and their struggle being part of our struggle, and My Lords stating that they stand not with the imperialists and capitalists, but that they stand with the forces of peace.

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And then My Lords there was this meeting of the 7th of November, 1954, which is an A.N.C. meeting in Sophiatown, reported by van Papendorp at 8363. The cross-examination on this meeting was mainly at pages 8366 to 8367, and 8407 to 8408. Here van Papendorp said that what he has recorded is - he has recorded the actual words spoken by Resha. He admits that he might have omitted something that the speaker said, but he says that happens because speakers often repeat a certain theme, but apart from omissions of that nature, he says he has recorded accurately. Certain suggestions were also made to him at 8410, My Lords, of what Resha meant when - of what was meant by certain phrases occurring in his evidence, to which I will be referring, My Lords. My Lords, we rely in regard to this meeting, on the speech of Vundhla, - I am sorry, My Lords, the first one is the speech of Resha at the bottom of 8366 to 8368. He is dealing with the Western Areas which will bring about the forces of action in the country, and that African people have to decide whether to die like men or to fight, - die like men in a fight for their people. "It is for our Africans to decide whether they will die in a fight for our people". And then he has this note "Vaar uit teen naturelle speurders". Now that My Lord is a summary, he didn't take down the words there. And then he refers to the removal of the Western Areas, bringing about the major clash, and that the motto of the people should be to resist and to die like a man for the struggle. Then we rely on Vundhla's speech in which Vundhla says no sacrifices are going to be too great. It is the same

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theme as that of Chief Luthuli in his call to the people of the Western Areas. Now My Lords, we say if Your Lordships compare that speech of Resha with the version recorded by Ngcai, at page 9235, to 9236, one finds very much the same recording of that speech of Resha's. We say My Lords, that having regard to the cross-examination of van Papendorp and his evidence in general, we say Your Lordship will find, subject to the safeguards that I have mentioned, his recordings are accurate and reliable.

My Lords, there are a large number of other meetings to which van Papendorp testified, most of them being meetings of identification which we don't propose dealing with at this stage.

My Lords, may I just ask Your Lordship or tell the Court, Your Lordships have this Schedule of speeches, and we have up to the present time indicated on a general basis the way that witnesses are being dealt with. My Lord the Crown has found that it is taking up a lot of the Court's time, we have dealt with a large number of witnesses on the Rand dealing with a large number of meetings. We propose not continuing with that, but to deal with specific witnesses and their credibility whenever that witness or his meeting occurs for the first time, because it does seem as if there will still be a large measure of repetition. That will apply to witnesses mentioned in the Schedule.

CASE REMANDED TO THE 24TH NOVEMBER, 1960.

COURT ADJOURNS.

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COURT RESUMES ON THE 24TH NOVEMBER, 1960.

MR. JUSTICE KENNEDY ILL.

COURT ADJOURNED.

COURT RESUMES ON THE 28TH NOVEMBER, 1960.

CASE REMANDED TO THE 5TH DECEMBER, 1960.

Collection: 1956 Treason Trial
Collection number: AD1812

PUBLISHER:

Publisher:- Historical Papers, The Library, University of the Witwatersrand

Location:- Johannesburg

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