

principle of a free economy. How we shall implement it will be a question to be determined by the authority that is handling the question at the time, in accordance with how it has analysed the position to ensure that there should be no - the thing should be done equitably. But 5 we haven't sat down, My Lord, at this stage to work out the details that we shall do so and so, we shall take up so many Africans and give them this particular piece of land. We haven't worked out those details, naturally. But what we are doing is merely to lay down the principle 10 that there should be an equitable distribution of land.

BY MR. KENTRIDGE :

You said a little earlier that you visualised that there might have to be some expropriation. Now how does that fit into your ideas on the subject? --- Well, 15 there is no conflict in that, because those people as I said a little earlier who own large tracts of land and who do not use it, I think the state will be justified in expropriating those interests and turning that land over to the masses of the people for an equitable distribution. 20

I think you said also that there might have to be state intervention. On principle, would you have any objection if for instance the state advances money to people to buy land? --- No, I think the state would have to do so. 25

Now in your article, still under the heading For All Classes, you dealing with question of breaking the monopolies, you say it is necessary to smash these monopolies and that the breaking up and democratization of these monopolies will open up fresh 30 fields for the development of a prosperous non-European

bourgeois class? --- That is so, M<sup>+</sup> Lord.

For the first time in the history of this country the non-European bourgeoisie will have the opportunity of owning in their own name and right mills and factories, and trade and private enterprise will boom 5 and flourish as never before. Now you said something about that a little earlier, but perhaps you can elucidate. From the point of view of the African in South Africa, is there free enterprise today? --- No, My Lord. There is no free enterprise today as I indicated a little 10 earlier. We are restricted and there is no free enterprise as far as Africans are concerned, and if the terms of the Freedom Charter are realised, then this field would be open to us for the first time, and that is why I say that capitalism amongst Africans would flourish as never before. 15

Y You have some some criticism here of what you call mining kings and land barons. Now without falling into the fallacy of interpreting terms in a document like this as though they were terms in a contract, could you possibly just give us some indication of what you mean 20 by the mining kings and land barons and why you are against them? --- Well, the mining industry in this country employs thousands of people. In other words, production in this industry is already of a social character and I think it is just logical that the state should intervene. 25

Intervene in what way? --- Intervene by socialising that industry and using that wealth in the interests of all the people of the country.

Now what do you mean by a "land baron"? --- A land baron means a man who owns such a vast estate, 30 such a large tract of land that he can never possibly use

that land.

And then you go on to say at the end of that section that that is why the Charter offers opportunity for all for an overall improvement in the material conditions of all classes and groups. Is that your view on it? -- 5  
That is my view.

And then you have a section Can It Come About?  
--- That is so, My Lord.

And you consider whether this can be achieved. The second paragraph under that heading, there you talk? 10  
about the democratic struggle in South Africa being conducted by an alliance of various classes and political groupings, and you refer to the days of protest and the Defiance Campaign? --- That is so, My Lord.

And then you have a section headed The 15  
Forces We Need. That starts that the striking feature about the population and its occupational distribution is the numerical preponderance of the non-Europeans over Europeans and the economic importance of the former group, that is the non-Europeans, in the key industries. Now there is 20  
then something left out in the record, - that is your analysis of the numbers of non-European population in certain key industries. I wonder if you can just briefly give those figures? ---"According to the 1951 population census, the population of the country consists of two 25  
million six hundred and forty three thousand Europeans as against ten million five thousand non-Europeans, a numerical disparity which is bound to have a decisive bearing on the final outcome of the present struggle to smash the colour bar. According to the official yearbook 30  
of the Union of South Africa, No. 27, 1952-1953, there

were forty-six thousand seven hundred Europeans employed by the Gold Mines and collieries at the end of 1952. The number of Africans and Coloureds employed on the mines for the same period was four hundred and fifty-two thousand seven hundred and two, a proportion of one European employee to nearly eight non-European employees. The racial composition of industrial employees in establishments with over ten employees during the period 1948-1949 was as follows : Europeans, 33%; Africans 51.5%, Asiatic 3% and Coloured 12.5%. According to the same yearbook during 1952 there were two hundred and ninety-seven thousand four hundred and seventy-six Europeans employed on farms occupied by Europeans and two million one hundred and eighty-eight thousand seven hundred and twelve Africans and six hundred and thirty-six thousand and sixty-five other non-Europeans."

You took the trouble there to show the preponderance of non-Europeans in the mines on the one hand, big industries on the other and also on the farms? --- That is so, My Lord.

Now what was the conclusion which you drew from these figures? What to you was the importance of this racial composition with regard to occupational distribution as you called it? --- The conclusion I came to was the importance of the African people in the economic structure of the country and that if we could organise efficiently and be able to rally the masses of the African people behind us, we could create a situation in this country whereby the government either would have to capitulate to our demands, as I have explained, or the electorate in their own interest would change the government.



We are in a position, because of our numerical preponderance, to use our economic power to bring the changes which we desire. That is the point I wanted to make.

And in the article you go on to stress the importance of the Congress - the South African Congress of Trade Unions and the importance of organising workers?

--- That is so, My Lord.

And then you end up with the hope that if the united front is strengthened, the Freedom Charter will become a dynamic living instrument and we shall vanquish all opposition and live in the South Africa of our dreams during our lifetime? --- That is so, My Lord.

A number of documents were taken from your possession by the police at various times were they not?

--- That is so, My Lord.

Some of them were produced as Exhibits in this Court? --- That is so.

Others were exhibits at the Magistrate's Court but have not been put in here? --- That is so.

And I understand there were other documents taken from you which weren't put in as Exhibits either in the Court below or here? --- That is so.

Now in addition, did you have other documents at home of a political character which were not taken by the police at all? --- That is so, My Lord.

For example, a number of books were taken from you by Lenin and I think Stalin. Did you have other political books by other authors? --- Yes, I had.

Those were not taken? --- No.

And apart from the journals and magazines which were taken from you by the police, did you have

others? --- Yes, I had, My Lord.

So what we have in Court here is a collection - a selection of the political reading matter which you had in your possession? --- That is so, My Lord.

I would just like to talk to you about some 5  
of the documents which you had in your possession. There  
is a document N.R.M. 10 which is Comments on Draft Consti-  
tution of the A.N.C., it is a handwritten document. Indeed,  
also found in your possession were a number of draft  
constitutions of the African National Congress or consti- 10  
tutions. How did you have to come - how did you come to  
have these documents in your possession? --- My Lord,  
these documents were given to me for the purpose of advising  
on them on legal grounds.

You mean as constitutions? --- Yes. 15

Now in this document N.R.M. 10 parts of  
which were put into the record at page 2967, there was a  
criticism of one of the drafts on the grounds that it  
contained irrelevant references to ideology and that  
things seemed to be put into it with a view to currying 20  
favour with Left elements and socialist forces and there  
are similar criticisms. Do you remember the document? ---  
I remember the document, My Lord.

Is it your own document? --- No, it was a  
document that was handed to me at the same time when the 25  
draft constitutions were handed to me.

However, as far as that criticism of the  
draft concerned goes, did you agree with it? --- I think  
it is a fair criticism, My Lord.

Now also found in your was a document which 30  
in your possession was called N.R.M. 16, we have had it

under various other numbers, it is a Symposium on the National Question, the contributors are said to be L. Forman, K.A. Jordaan (?), P. Ngwenya (?), and Dr. H.J. Symons? --- That is so, My Lord.

Where did you get this? --- That document 5  
was sent to me by post.

It is said to be published by the Liason Committee of the South Africa Club and the Forum Club. Do you know those Clubs? --- Not very well, My Lord.

Are you a member of any of those? --- No. 10

As far as you know are they in Johannesburg?  
--- As far as I know both bodies are in Cape Town.

Now on page 3 of this document, paragraph 21, in the article said to be written by Forman, there is the following : "The basis certainly exists for the national 15  
liberatory movement to be truly a peoples' movement, one which will not allow the mere transfer of - from national oppression to economic oppression as in the case of Nehru's India but will push forward the people's democracy as in China". Let us take the position when you were, before 20  
you were banned, in the A.N.C. Does that criticism of Nehru's India follow the general approach of the African National Congress? --- No. The African National Congress as I have indicated several times in my evidence, is  
struggling against racial inequality, and we have derived 25  
a tremendous inspiration from the fact that Nejr<sup>u</sup>'s India has successfully consummated<sup>??</sup> the struggle against racial inequality.

In general, as far as you can remember, this Symposium, what do you think about the discussion 30  
in it? --- The discussion is a very interesting one, My

Word, a very interesting one indeed. I do not agree with the theme of Lionel Forman, but the propositions put forward by Jordaan, Ngwenya and Dr. Symons I found them intensely interesting.

You had in your possession also N.R.M. 28, 5  
a magazine or journal called The Africanist, a number of  
them have been put in. Do you remember? --- Yes.

In general as you recall the journal The Africanist, would you find in it a true reflection of the policy of the A.N.C.? --- No, My Lord. 10

What in general was the policy expressed in The Africanist insofar as it had a policy? --- They had - in my view the nationalism which they advocated was of a narrow type, which I do not altogether subscribe to.

You also had in your possession some lectures, 15  
one of them for instance N.R.M. 38, is called Political Organisation? --- That is so.

The one which starts "Every political struggle is a long drawn out war". Do you know when this lecture was issued? --- As far as I can remember, these lectures 20  
were issued in 1952, possibly early in 1953, but I think it was in 1952.

And what was the object of this lecture? --- These lectures were intended to provide political education to the members of the African National Congress, and 25  
to stimulate discussion.

This particular one is also B.75, and it is found at page 2874 of the record. It deals with political leadership and then with forms of struggle - My Lord, it was actually read in at page 1175. It has 30  
got the heading Forms of Struggle? --- That is so, My Lord.



The first one it deals with, it says,  
 "Let us consider some of the forms of struggle people  
 have used in other parts of the world." This particular  
 passage is on page 1176, My Lord, line 6. This article  
 deals with forms of struggle, and it deals with passive 5  
 resistance. Now would you look at paragraph D. It says  
 that passive resistance is only an effective weapon  
 when it is used to build up the movement and prepare the  
 people for other forms of mass action and mass struggle.  
 Do you agree with that? --- Well, My Lord, it is certainly 10  
 an effective weapon when used to build up the movement.  
 But I do not agree that it is only an effective weapon  
 when it is used to build up a movement and prepare the  
 people for other forms of mass action and mass struggle.  
 As we have seen in India, passive resistance has been 15  
 used as the sole weapon for winning emancipation for the  
 Indian masses.

However, in the African National Congress I  
 take it that according to the evidence given, you are  
 prepared to combine it with other forms of struggle such 20  
 as economic forms? --- We are prepared to use it as the  
 sole weapon for bringing about these changes, we are  
 prepared to use it in combination with other forms of  
 political struggle.

BY MR. JUSTICE BEKKER : 25

Do you know the origin of these lectures?  
 --- My Lord, as far as I can remember there were five  
 sets of lectures issued at the same time. There was  
 this one, Political Organisation, then there was How  
 South Africa is Governed and there was one on Land, and 30  
 there was one on the People of South Africa.

Who prepared them and where do they come from? ---My Lord, these lectures were drawn up by various individuals. I drew up for example the one on How South Africa is governed, and I think Mr. Walter Sisulu drew up the set dealing with Land. 5

Where did this one come from? --- I can't remember now who drew this particular one, but it was some individual in Congress who we assigned this task.

BY MR. KENTRIDGE :

Now this goes on to talk about boycotts. 10  
That is the sense of boycott of institutions, non-participation. Then it deals with agitation? --- That is so.

Then it deals with strike action? --- Yes.

And it gives examples in paragraph 1(b)  
of successful strike action. In Finland, it says, univer- 15  
sal franchise secured by a general strike in 1921? --- Yes.

And so on. Then in sub-paragraph (iv) it says "Strike action representing direct clashes between working class and ruling class for mastery can and often does lead to rebellion, revolution and armed clashes, 20  
since the ruling class will resort to violence if it thinks its rule is threatened." As a historical statement would it seem to you to be correct? --- Yes, it is correct, My Lord, but of course as far as we are concerned, we have taken precautions by dopting the policy of non- 25  
violence to ensure that these dangers do not arise at least as far as our own side is concerned.

This lecture goes on to mention the African miners' strike in 1946 and it says "This situation was seen in the African miners' strike of 1946, the whole apparatus of the state, the police force, Native Affairs

Department, press and radio ranged itself on the side of the government (?) trying to make the strike out to be an armed rebellion....." As far as your own knowledge of the 1946 strike goes, do you know or have you any idea whether violence was used? --- According to the reports, violence came from the police and not from the African miners. It was the police who forced the workers by batoning them to go underground and work. 5

BY MR. JUSTICE RUMPF :

What violence then occurred? --- That was violence, to beat up workers and force them to go underground. 10

Was that the only violence that occurred? --- Well, there was shooting, My Lord, miners were killed, again by the police. 15

What I want to know, according to your knowledge, when the miners baton charged, did they go over to the counter attack, did they attack the police? --- No, my own knowledge is that there was no counter attack, but that in certain areas there were demonstrations by the miners, and people were shot. 20

BY MR. KENTRIDGE :

Then it goes on to mention the situation on the Rand in 1922 when European workers organised a general strike and armed forces were used against them and the strikers in turn organised arms and ? to defend themselves and prevent the smashing of the strike. It says there the strike turned into a civil war which the government won. Now, that may or may not be historically correct. Was it ever your policy to encourage armed clashes as a result of strikes? --- 25 30

Definitely not, My Lord.

What sort of strikes did the African National Congress favour? --- The African National Congress have inclined more on stay at homes. That is a form of strike where people are called upon to stay in their homes, where 5 there is no picketing, in order to avoid the necessity of these clashes. I do not say that the Congress will not resort to strikes where there is picketing, but up to now we have concentrated on stayings at home, because amongst other things of the fear that there might be 10 violence.

This lectures goes on to deal with the press and other forms of struggle? --- Yes.

BY MR. JUSTICE BEKKER :

If I understood you correctly, is it this 15 lecture that you say was intended to provide material for the political education of members of the African National Congress? --- Yes, that is so, My Lord, and to stimulate discussion, political discussion.

Do you know whether it was used for that 20 purpose? --- It was used, My Lord.

BY MR. KENTRIDGE :

Now I have here a copy of the lecture How South Africa is Governed. It was put in as N.R.M. 35, that is in the Court below, but it has not been put in 25 in this Court, and I want to put it in through you. I don't think, as this is quite a long lecture, that I want to read it in, it is five pages, but I think I can summarise it and hand it to my learned friends to check the summary. The first heading is Parliament, and it 30 says the highest authority in the land is parliament, it consists of two houses, and then it deals with the



composition of the House of Assembly, pointing out in particular the position of Native Representatives and how they are elected and it points out that there are six members elected by South West Africa, and it says "South West Africa's population should entitle it only to two 5 representatives, but six have been allotted because there is a Nationalist majority in the area"? --- That is so.

I don't want to give the impression that it is purely factual, there is certain comment. And then you deal with the Senate and the system of indirect election 10 of Native Representatives, and then you deal with a heading The Powers of Parliament. You say, "A majority vote in parliament can pass any new law and repeal any existing law. There are no limits on the power of parliament except those contained in the entrenched clauses" which 15 you then describe. Then there is a heading How Parliament works in Practice and your thesis in that section is that although parliament is the supreme authority, in practice it is merely the instrument by which the will of a few men is carried into effect and you describe the party system 20 and the caucus system and the cabinet system? --- That is so.

And you go on to say the cabinet is in fact - are in fact the rulers of the country. Then you deal with the Native Administration Act of 1927 in which your main point is that the Governor-General under that 25 Act may make laws affecting Africans without even discussion in parliament? --- That is so.

And then you deal with the powers of the Governor-General as Supreme Chief and you deal with provincial councils and town councils and making the 30 point that they are usually elected only by Europeans,

but in some cases Coloured inhabitants have the vote. Then you have a heading Discriminatory Laws, in which you say "Discriminatory legislation has been a feature of the activities of all South African law making bodies", and you say there was previously before Union a difference between 5 the Cape and other colonies. You deal with the situation in Natal and you say "Since Union a series of laws have been passed to consolidate White supremacy and to bring the Cape into line with the rest of the Union" and you name the most important of these laws, which you list as 10 the Land Act of 1913, the Colour Bar Act of 1927, the Native Labour - I don't know what you mean by the Colour Bar Act of 1927. Was that the Mines and Works (?) Amendment Act, that is the Act which gave legal authority for the exclusion of non-Europeans from skilled occupations? 15  
-- Yes, My Lord.

Then the Native Labour Regulation Act, 1911, and the Native Urban Areas Act and the Native Administration Act, the Representation of Natives Act and the Native Trust and Land Act and you shortly describe their provisions, which you describe as discriminatory? --- That is 20 so.

Then you deal with the Industrial Conciliation Act of 1937 and the fact that pass bearing Natives are excluded from its provisions. You deal with 25 various War Measures originally passed by the Smuts government which have since become permanent laws. You deal in particular with the Proclamation which forbids meetings of more than twenty people on proclaimed land. You say that was passed in order to hamper the 30 African mine workers? --- That is so.

You deal with the Group Areas Act, Bantu Authorities Act, Suppression of Communism Act, Seperate Representation of Voters' Act and you deal briefly with some of the Court cases connected therewith? --- That is so.

5

And then you deal with the enforcement of laws, their whole machinery exists to enforce these laws, a whole army of civil servants, police, magistrates and Native Commissioners and soldiers, none of these people are ever elected by the voters nor do they change with changes of government. Behind parliament then stands this body of men, armed with force, to see that the laws are carried out. None of these bodies is impartial, none of them act against the ruling class because they are hired to enforce the rule of the ruling class. For Africans there is a special body to enforce the laws, the Native Affairs Department, standing as a weapon of the ruling class to impose its will on the African people in the same way as the police force. All these bodies of men who enforce the laws, together with the government, its cabinet, its Ministers, make up the machinery of oppression of the people which we call the state? --- That is so, My Lord.

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Would you just identify this document and I'll hand it in? --- Yes, My Lord.

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BY MR. JUSTICE BEKKER :

Could you tell me how you used this lecture and the last lecture for instance in educating the members of the African National Congress? How did you set about it? --- All that you did was merely to comment....

30

I mean did you have a gathering say in a

house or in a hall, and then lecture to them? Was that the idea? --- No, what happened was this. I was at the time on the Provincial Executive of the Transvaal. Firstly we discuss<sup>d</sup> the lectures amongst the members of the Executive Committee of the Transvaal. Then we divided 5 the Transvaal into about eleven zones, so that each member of the Executive should be in charge of an area. Now a zone would comprise a number of branches, and it will be the function of that member of the Executive who was given a particular zone to see to it that he starts the machinery 10 in that particular zone for the purpose of conducting these classes. Now what would happen is that there would be somebody from each branch in that zone, he would lecture to those people. They in turn would then go...

Did they take notes or were they presented 15 with a copy of the lecture? --- They were issued with these lectures.

Then they would go back and ....? --- And in turn give them over to the members of the branch.

And could you tell me, how long, as far as 20 you were concerned, from when till when were these lectures given? --- My Lord, I am not exactly sure of the period, but it was during 1952 and as I say possibly at the beginning of 1953, but I am almost certain it was in 1952.

MR. KENTRIDGE: Mr. Mandela, found in your possession was 25 another set of lectures, headed What Every Congress Member Should Know. The preamble says that there are eight lectures in all, but there are four found in your possession, that is N.R.M. 39? --- Yes.

Now that is an Exhibit which is the same 30 as W.S.56, and parts of that which I will refer to later



was read into the record at page 929 onwards. When did this set of lectures come into your possession as far as you can recall? --- My Lords, if I remember correctly they came into my possession sometime in 1956.

How did they come into your possession? --- 5  
They were sent to me by post, I think.

Who sent them or what body? --- From the Congress office.

BY MR. JUSTICE BEKKER :

At this stage we have got the alliance 10  
operating, was it the....? --- It was the African National Congress.

BY MR. KENTRIDGE :

Now this heading, this next set of lectures starts off with an introductory lecture, Introduction. 15  
Then there is lecture II, which is called like your previous lecture, How South Africa is Governed. The third one is called Unfair Laws, and the fourth one is called What Happened in History. On page 930 the second one or part of the second one was written - was read in, that is How 20  
South Africa is Governed. I would just like to go briefly through the nature of the other lectures. Now the first one which is called Introduction starts, "When we look around South Africa we see many things that make us angry". Then examples, and the first thing is that all the best 25  
land is owned by White farmers, a few words on the reserves, and then it goes on to deal with the colour bar and pass laws. "Skilled jobs in factories are kept for Europeans only, an African cannot move without the Native Affairs stamping his reference book. Thus he is forced 30  
into badly paid, hard and dangerous jobs on the mines

or else to work from dawn to sunset for mieliepap and a few shillings on a White man's farm". Then it speaks of insults and barriers to non-Europeans, the sign "Europeans Only", petty restrictions. It says it is impossible for most non-Whites to become business men or professional 5 men or anything but manual labourers. It speaks of the difficulty which non-Whites find in getting good education for their children, the schools are too few, the teachers are not sufficiently trained, the classrooms are overcrowded. The syllabuses, especially under Bantu Education, are not 10 meant to develop the children but to make them into willing inferiors. And then it says the police are forever bullying, raiding and searching non-Europeans for passes, permits, tax receipts, beer and so on. They are almost always rude and violent towards Africans. Now in 15 general, on what I have read so far, would it appear to you to be a reasonable summary of fact as seen by an African in this country? --- That is to, My Lord.

And then it goes on to say that non-Whites have no say in making the laws and it goes on to say that 20 the wealthy owners of the mines, factories, large farms want to extract the maximum profit for themselves with no regard to the wellbeing of the people. This they are able to do by enforcing and retaining a cheap, docile and easily exploited labour force. Now I want to ask you 25 something as far as your knowledge of the African National Congress goes, as you knew it at any rate up to the time you were banned. On matters like this, on questions of cheap and exploited labour or the education system, is a member of the African National Congress expected necessarily 30 to agree with the views expressed in lectures like this? ---

No, My Lord, the whole intention of the lectures, apart from giving information, is to stimulate political discussion, and what is stated there is not necessarily the view of the African National Congress. It is the view of the person who has prepared the lectures, and a member 5 of the African National Congress is free either to adopt that view for himself or to reject it.

BY MR. JUSTICE RUMPF :

Would the African National Congress circulate a lecture containing statements contrary to its policy? --- 10 My Lord, the African National Congress is an organisation where a number of schools of political thought are found. I may have a view on a political situation which may not be shared by a colleague of mine in the Congress. We are a democratic organisation, and we allow free discussions 15 of views, even though we may not subscribe to those views. We are democratic.

BY MR. JUSTICE KENNEDY :

Have you answered My Lord's question? Would the African National Congress send out, even for purposes 20 of discussion pamphlets, or lectures, which may be in conflict with the official view of the subject held by the Congress? --- My Lord, it is a question of what subject a particular person designated to prepare a set of lectures discusses. Obviously the African National Congress doesn't 25 ask people to prepare lectures and say let these lectures be checked up, censored by the official leadership before they are distributed. They say, prepare this lecture, and when the lecture is prepared it is then distributed administratively for discussion. In other words, the 30 Congress could distribute lectures which contain statements

in conflict with policy.

I presume that this set of lectures, what the heading intends to convey, What Every Congressman Should Know, - it is purely supposition - supposing one of the members was asked to prepare a lecture on 5 imperialism and colonialism and he did so and said I hold a view contrary to what most Congressmen hold, that they are not at the root of a large number of the world's evils. Would that be sent out by the office? --- Probably not, My Lord. But what happens, when you prepare lectures 10 like How South Africa is Governed, you would describe there an existing situation as best as you can. Sometimes a person preparing a lecture will prepare it in such a way as to accord accurately with the views of the Congress. Sometimes there may be statements which are not subscribed 15 to by the Congress. The Congress will not stop a lecture merely because one school of thought does not agree with that lecture. It will circulate a lecture to stimulate discussion, to let people say I do not agree with this formulation, I don't agree with that formulation. 20

Would that come under the heading What Every Congressman should Know, wouldn't it be What Every Congressman Should Not Know? --- Well, presumably this type of lecture, this particular one is merely analysing the situation as it exists, and to that extent it fairly 25 accords with the views of the African National Congress, and that is the reason why it has that heading. It is things which in the view of the Congress should be known by every member of Congress.

BY MR. KENTRIDGE :

Taking up what His Lordship says, if someone



wrote a lecture in praise of apartheid and against self government for Africans, is the African National Congress likely to send it out? --- Well, I don't know if that has ever been discussed by the African National Congress.

BY MR. JUSTICE RUMPF :

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Well, speaking normally and with common sense, no organisation would do it, would it? --- I don't expect the Congress to do a thing like that, but that is my personal opinion, I am not speaking for the Congress.

BY MR. KENTRIDGE :

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Now I come to some of the other matters dealt with in this lecture. For instance, there is a lecture here in which the statement is made that most of the arts of modern civilisation were taken from the Egyptians by the Greeks. Is that a matter on which Congress had a policy? 15  
--- No, My Lord.

Now let me just continue with this Introductory Lecture. There is a heading Colour and Race, and it says "We have got used to and grown up in a South Africa where a man is judged by the colour of his skin. Children 20 are brought up to believe that people with fair skins are more intelligent, civilised and superior to those with dark skins", and the lecture then proceeds to criticise and attack that point of view, saying that skin colour is due to melanin in the skin and the amount of melanin in the 25 epidermis has nothing at all to do with intelligence, strength or any other measurable human quality. It says that where Africans and other non-Whites are given equal opportunity they can do just as well as Whites in every field and it says in South Africa the colour bar has 30 prevented non-Whites from getting equal opportunities, it

attacks the idea of superior and inferior races and it says that South Africa will only be free when all people enjoy equal rights, and it refers to the Freedom Charter, and it ends "If we want to be good, useful Congressmen and women, we must do more than just pay our subs and come to meetings, 5 we must all be leaders, that means we must study and learn more. Knowledge is power"? --- Yes.

Then the second lecture is the one that was in part read into the record at page 930. The first part is read in, but then at the end of what is read in there 10 is a further heading on Democracy, saying that it comes from two Greek words, demos the people and to rule. It says "democracy or democratic government can mean rule by the people", it gives the pitso as an example 15 of democracy and it gives the ideal, it says "that persons in each area can choose individuals to represent them, send them to parliament, then laws are made which are likely to express the wants and moods of the people". Then it says "All people must vote or the laws will not be fair. If only rich people vote the laws will not be 20 fair to the poor. If only educated people vote the laws will be unfair to the uneducated people. If only men vote, the laws will be unfair to women". Now that sentence, as far as you know, does that represent Congress franchise policy? --- That is Congress view. 25

Now this paragraph rejects educational qualifications, is that the Congress view? --- Yes, that is the Congress view.

BY MR. JUSTICE BEKKER :

On the question of general franchise, the 30 Congress policy is no qualifications whatsoever? --- That

is so.

BY MR. KENTRIDGE :

Would there possibly be an age qualification?

--- There would be an age qualification of course.

BY MR. JUSTICE RUMPF :

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Why would you have that? --- Because we don't want children, people who are not mature to decide the fate and future of the country. We want to give the franchise to people whom we think will be in a position to exercise their vote judiciously.

10

As a matter of criticism in regard to unqualified democracy generally, isn't it much on the same basis? --- No....

If you have children who know nothing and people who know nothing? --- No....

15

Including Whites, apart from racialism or on racial lines? --- Well, My Lord, quite apart from that, a person should have the right to take part in the Councils of State, that are going to fight - that are going to decide his destiny, whether he has got an education or whether he has never been to school. A man should know, should be given the right to participate in the government of his country. It has nothing to do with education, My Lord. The most educated people have got about ? policies, and people who have never been to school, are some of them who have upheld enlightened views.

20

25

What is the value of the participation in the government of a state of people who know nothing? --- My Lord, what happens when you vote....

Aren't they subject as much to the influence and direction of leaders as children would be? --- No, My

30

Lord. This is what happens, This is what happened in practice. A man stands up to contest a seat in a particular area. He draws a manifesto and he says these are the ideas for which I stand. If it is in a rural area, he says I am against stock limitation, and men listening to the policy of this person decide whether this man will advance my interests if I return him to parliament, and on that basis he votes for a candidate. It has nothing to do with education. 5

He looks only at his own interests? --- No, 10 I am being practical. A man looks at a man who will be able to best present his point of view and he votes for that man.

BY MR. KENTRIDGE :

While we are on this question, take a person 15 to illustrate it, take Mr. Nkalipi who gave evidence here. He told us that he had only reached standard four? --- That is so, My Lord.

Do you consider that he is fit to exercise the vote? --- Absolutely. 20

I respectfully agree, but our views are irrelevant. Does this mean that you are not in favour of education? --- No, by all means, I am in favour of education.

Now this lecture, How South Africa is governed goes on to talk about the South African parliament 25 and it also again makes the point that only White people can stand as candidates for parliament and only White people can vote and it mentions the representation of non-Whites by four White senators and three White M.P.'s, and it says "Think what this means, three million Whites 30 vote for a hundred and ninety representatives, nine million



Africans vote for seven white representatives." It deals with the Cape franchise, and then it says "that this means that only a minority of the population has a share in the government, therefore South Africa is not a democratic country at all", and it makes the point that for most of the people in it it is a tyranny and it then deals with Advisory Boards and Bantu Authorities and comes to the conclusion that they are dummy bodies and have nothing in common with democratic government. It then ends, "However, Advisory Boards can be used to spread and propagate Congress policy". The third lecture is called Unfair Laws and it deals with the fact as it alleges that the - only Whites can vote, that even among Whites only a few really have the say, that is the rich. It says the Nationalist Party is bossed by rich farmers and business men and that the United Party is bossed by rich mine owners. It says that is why nearly all the laws enacted by parliament since 1910 have been cruelly unfair. It gives examples, the Native Land Act, the Urban Areas Act, it refers to the pass laws, the laws governing Trade Unions, and then it makes the point that since 1948 things have become worse, it refers to apartheid and it lists a few laws which it calls bad and unfair, such as the Group Areas Act, Mixed Marriages Act, Criminal Laws Amendment Act which in brackets is called the Flogging Act, the Bantu Authorities Act, the Suppression of Communism Act, Riotous Assemblies Act and Public Safety Act. It refers to the banning of newspapers and the banning of books under the Customs Act and it deals with the Bantu Education, the Abolition of the Coloured Vote by the Senate Act and the Coloured Franchise Act and alterations in the

Constitution, which it says, have been made to make sure that whatever happens the Nationalist Party will carry on in the government. Then it deals with passes for women and the Native Labour Settlement of Disputes Act, and it concludes, "These are only a few of the unjust laws of 5 South Africa. Everybody from his own experience knows of others from which he or she has suffered"? --- Yes.

The next lecture is called What Happened in History. The first sub-heading is Western Civilisation. It says, "White South Africa justified the suppression of 10 the rest of the people by claiming that only the White people are civilised." And then it deals with Western civilisation and it claims that civilisation, the culture of people living in cities did not originate in Europe, the earliest civilisations were in Africa, that is Egypt 15 and Asia, the Middle East and China. It deals with the ancient Egyptians and makes the point that they were civilised at a time when Western European people were not yet civilised. It says "Most of the arts of modern civilisation were taken from the Egyptians by the Greeks 20 and from the Greeks by the Romans, and the Romans brought these arts with them to Western Europe", and it says "Christianity did not begin in Europe", it says that "printing and gunpowder and many other inventions were first made by the Chinese" and "modern mathematics began 25 with the Arabs". "It is a fraud to contend that modern civilisation began in Europe". As far as that is concerned that was a view put forward. Are these matters matters of policy to the African National Congress? --- No. 30

And then it deals with African history

and it says "European history books generally tell us there was no history in Africa before the White man arrived. They say that Vasco Da Gama discovered the Cape, Livingstone discovered the Victoria Falls". And then it deals with the fact that most of the African people south of Abyssinia couldn't write, but it deals with the results of archeological research and claims that the ancestors of the present African peoples had a developed culture. They mined and extracted wrought metals including iron and gold. They made many tools, implements and objects of art. They lived sometimes in large and elaborate cities such as ancient Zimbabwe. They traded extensively with Asia and as far away as China. And then it says that much of ancient civilisation was destroyed, uprooted by foreign invaders, its remains are still there. They give the lie to those who claim that all Africans were savages before the coming of the Whites. Just as the ancient Asian and African civilisation gives the lie to the propaganda that the White people are the superior people and have the monopoly of civilisation. Now the idea underlying this lecture then, if I can sum it up, appears to be that White people don't have the monopoly of civilisation and that there have been valuable African civilisations? --- That is so.

In general, in the African National Congress as you know it, did members tend to inculcate in Africans a pride in their descent and their past? --- Yes.

BY R. JUSTICE BEKKER :

Mr. Mandela, on this question of the qualified vote being extended to all persons subject to the age limit. You stated that it was the policy on the

part of the African National Congress to have general franchise irrespective of any qualifications? --- That is so, My Lord.

What I would like to know, did the African National Congress as such consider the advisability or otherwise of any form of qualification and reject it? Did they ever bring their minds to bear on this question of qualification, before deciding what we want is an unqualified vote? --- Well, My Lord, I can't remember if there was any meeting that discussed the question, but I know that views - if Congress ever formally discussed the matter, I know that views have been expressed that a qualified franchise would cut out a large number of Africans by virtue of the fact that large percentage of Africans have in fact no educational qualifications and that therefore it would be unfair to accept or to advocate a qualified franchise. These views have been widely discussed.

Discussed where? At the Congress meetings or...? --- They have been discussed at Congress meetings, they have been discussed at Conferences, but My Lord, I don't know if there was a formal discussion in the sense of a memorandum...

I am not on that. I just wanted to know whether the Congress did consider at any stage the question of a qualification? --- Oh yes, that has been considered, that has been widely discussed.

It was generally accepted, no qualification?  
--- Yes.

BY MR. KENTRIDGE :

While I am dealing with documents in the



15870.

(N. MANDELA)

the form of lectures at the present moment.....

CASE REMANDED TO THE 5TH AUGUST, 1960.

COURT ADJOURNS.

5/8/1960

N.R. MANDELA

NELSON ROLINHLANHLA MANDELA (Contd.under former oath): 1

XD. BY MR. KENTRIDGE (CONTD.) Mr. Mandela, there have  
been references in various speeches and documents that  
you've heard sitting in this Court to the possibility  
that the police will use violence against passive resist-  
ance, or against A.N.C. men although they themselves are 5  
peaceful. Did you yourself believe that?-- Yes, I did.

Now, Mr. Mandela, you have told us, you were  
arrested in 1952?-- That is so.

When you were arrested where were you taken?--  
I was taken together with about fifty others to Marshall 10  
Square..

What occurred at Marshall Square?-- We were put  
in the cells and as we were walking into the cells a  
police officer pushed one of the defiers down the steps;  
I think his name was Sam Mkai. He pushed him down the 15  
steps and he fell and broke an ankle. I was walking next  
to him at the time and I immediately turned to the officer  
and I protested, and demanded to see senior officers in  
order to report the matter. He was very angry with me and  
he immediately kicked me and ordered me to keep quiet. 20  
I would not keep quiet and I pushed him aside and banged  
at the door, in order to draw attention to this matter.  
Eventually some senior police officers including Col.  
Prinsloo, who is now the head of the Special Branch in 25  
the Union, came and I made a report to him. I made a  
report both about the assault on Sam Mkai and on the  
assault on me. Col. Prinsloo then asked me to show him  
the marks where I was kicked and I did so. We were  
locked in and for the whole night groaning in pain Sam  
Mkai slept with us. He was only removed to hospital 30  
the afternoon of the following day. That was an ex-

perience of violence which I had personally, and which I  
witnessed on a colleague of mine.

From your own personal knowledge is rough handling  
of Africans by the police unusual?-- It's a very common  
occurrence.

If I can pass to another small point, Mr.Mandela;  
you come from Tembuland?-- I do.

What is your home language?-- My home language is  
is Xosa.

Now in the course of translations of speeches one  
has had various words used, for instance the word revo-  
lutionary. If one had to express that in Xosa what would  
the Xosa expression be, literally?-- Well, a revolutionary  
may be . . . .

BEKKER J: Revolutionary in what sense?

MR. KENTRIDGE: The word 'revolutionary', my  
lord.

BEKKER J: It's susceptible to various shades.

MR. KENTRIDGE: Perhaps I can put it this way:  
sometimes in speeches made in Xosa one finds the trans-  
lation of 'revolutionary'; is there an exact word in  
Xosa?-- No, my lords. The best way I can think of of  
translating the word revolutionary would be just to mean  
big - - revolutionary changes for example - - big changes.

BEKKER J: And revolutionary in the sense of  
violence?-- Well, it may mean to fight.

To fight?-- Yes, to fight, my lord.

MR. KENTRIDGE: Now in the re-examination of  
the last witness, it was put to him that the Xosa ex-  
pression concerning an elephant - - did you hear that  
?-- I did.

What is that expression literally?-- Well, it's indlovu ayipatwa, an elephant that cannot be touched.

1

Now when that expression has been used at political meetings, or in political speeches, do you know how it is sometimes translated into English?-- It can mean Fascist...

Fascist?-- Yes.

5

Why would it be translated in that way? What is the significance of an elephant that nobody can touch?-- Well, an elephant is supposed to be a very powerful animal which can intimidate every other animal by virtue of his weight and so on.

10

Mr. Mandela, evidence has been given in this case which you have heard of certain lectures which were issued in connection with the Congress of the People. One of them was called "The World we Live in"; one was called "The Country we live in" and one was called "Change is Needed". Before this case did you see those lectures?-- Yes, I did.

15

Did you read them?-- I read them, my lords.

Was that in about 1955?-- That is so.

And did you enquire from someone then by whom they had been written?-- I did.

20

And were you told?-- I was told.

By whom? I mean who told you?-- I enquired from my partner, Mr. Tambo.

Now, have you recently re-read these lectures?-- I have.

25

In connection with the first two I mentioned, that is "The World we Live in" and "The Country we Live in", have you any comments to make on them?-- Well, I have no comment except to say that I find nothing in

30



them which is inconsistent with the policy of the Congress. 1

Insofar as they give a historical outline of the world, or of South Africa, or an economic and political analysis, do you find them in any way objectionable?-- I am in entire agreement with them.

Now as far as the third lecture is concerned, that is the one that was put in as A.86, and appears at page 660 of the record, "Change is Needed", I think you recently re-read it at my request?-- I did. 5

There is no need for me to read it out to you; there are just one or two points in it which I want to put to you to get your opinion. It is said for instance in one section which appears on page 162 of the record that 'the present type of Parliament must disappear and a new type of parliament must replace it'. Is that your view?-- That is my view. 10 15

In what way do you envisage that a new parliament would differ from the old parliament?-- The present parliament, my lords, is confined to one section of the population, that is the Europeans. I want that position changed, so that all sections of the population can become members, and to that extent I want a different parliament from this one. 20

Now this lecture also goes on to say 'that the new parliament must be freed from the South Africa Act which enshrines the principle of white supremacy, that it must start off with a basic law that all race discrimination should be illegal and all existing laws which contain racial discrimination should be null and void'. Do you agree with that?-- I agree fully with that, my lords. 25 30

Nov, as far as you know from your knowledge of  
the A.N.C. has the A.N.C. ever discussed in detail just  
what its exact Legislative programme would be if it formed  
a majority in parliament?— No, my lords.

But as you understand it, if there were an  
A.N.C. majority in parliament, would existing laws which  
provide for racial discrimination remain on the Statute  
book?— They would most undoubtedly disappear.

Altogether?— Altogether.

Now this lecture also goes on to talk of the  
question of small concessions with the idea of race equa-  
lity, and indicates that the Congress movement cannot be  
satisfied with small concessions to the idea of racial  
equality; do you agree with that?— I agree with that.

Now what do you have in mind by 'small con-  
cessions'?— We think one of the most important points  
we make is the extension of the universal franchise to  
all Africans, with, of course, an age limit. Now, if  
the Government were to say 'Gentlemen, we have had up to  
now, or during the period of the Indictment - we had  
three Europeans to represent Africans in the House of  
Assembly. Instead of three we'll make it six.' That  
we would regard as a minor concession and we would  
never accept that type of thing, my lords.

You think that sort of concession is of any  
importance?— It's out of the question, we would never  
have accepted it.

This lecture, Mr. Mandela, goes on to deal  
with the basic changes which are considered necessary;  
equal rights to vote, the mines becoming the property  
of the people, the farming lands being shared, equality

of all races, the right to form trade unions, freedom of movement and so on, and it says that - - it describes that situation as a new kind of State, a newkind of rule and a new kind of State. Now, as far as the African National Congress is concerned, did it have any policy about whether a State embodying these reforms was to be called a New Kind of State, or merely a change of State... ?— No, my lords. There was no policy of Congress on that.

In this lecture the author describes the kind of State which would embody those reforms as a Peoples Democracy; now, do you yourself consider that an appropriate term?— I do, my lords.

Why do you consider it an appropriate term?-- Because South Africa calls itself a democracy, but that is a democracy, if at all, which is limited only to Europeans. Now, we want a democracy, but a different type of democracy. We want a democracy which embraces all the people of South Africa, and we call it a Peoples Democracy. It's a descriptive term.

There again, was it the policy of the African National Congress to use that term?-- No, Congress never discussed the terminology of the type of State they were fighting for; it's purely a descriptive term.

As you understand the African National Congress as a member of the African National Congress, are you entitled to reject that particular description and say that you would rather call it something else, such as a true democracy?-- One would be perfectly entitled to do so, my lords.

Are you aware of certain countries in the world which call themselves Peoples Democracies?-- I am.

Such as?-- Such as China.

Yes?-- Hungary, Czechoslovakia, Poland . . .

Now, irrespective of what the author had in mind, which may be something different, I don't know, but do you regard the use of the term 'Peoples Democracy' in a lecture like this as implying that they are seeking the same sort of system such as they have in those countries?-- Not at all, my lords. As I say, it's purely a descriptive term.

BEKKER J: Well, I think in that lecture he defines what a Peoples Democracy is, doesn't he?

MR. FENTRIDGE: What is a Peoples Democracy, . . . and then it says that for South Africa it is suggested... and then follow eight points, my lord.

BEKKER J: The author does say what he has in mind when he talks about a Peoples Democracy?

MR. FENTRIDGE: Yes, my lord.. Now, Mr. Mandela, I'd just like to take you through those points briefly. This author suggests that by a Peoples Democracy for South Africa he means a State which has the following characteristics: Firstly, everyone must have an equal right, to vote for and be elected to all official positions in the State. Do you agree with that?-- I agree with that.

And then 'The Police Force and Army must be replaced by a genuine peoples armed guard to uphold the rights of the people'; do you agree with that?-- I agree with that.

How do you understand that?-- Well, I merely



understand that to mean that the Police Force, the Army  
 should not be confined to members of one racial group;  
 I understand by that that a Defence Force, an Army which  
 represents all sections of the population. I think at  
 present there is quite a great deal of dissatisfaction in  
 regard to the Union Defence Force. There is a view that  
 the Army has become a Nationalist organisation; it's com-  
 posed of people who support the Nationalist Party. That,  
 of course, would not exist in a State which we visualise.  
 We visualise an Army which is drawn from all sections of  
 the population.

Now the next items are about monopolies of mines  
 and farming lands - . I think you dealt with that yester-  
 day . .

RUMPF J: Before you go on to the next point,  
 there is a term "A Peoples Armed Guard to uphold the  
 rights of the people" - No.2. "A genuine Peoples armed  
 Guard to uphold the rights of the people". Now if you  
 had a Parliament as you envisage, and giving effect to  
 a parliament's desire to have the army and the police  
 a representative corps of the people, why is this term  
 used, a 'Peoples Guard'?— I think it's purely descrip-  
 tive, my lord, because of the political set-up in the  
 country generally. The Army is a guard for those sec-  
 tions of the population that are in power. It's not an  
 army that is there to safeguard the interests of all  
 sections of the population. It's an army that can be  
 used in order to suppress the aspirations of the African  
 people for example., and to that extent it is not a  
 Peoples Guard, my lord.

MR. KENTRIDGE:

I think, Mr. Mandela, his lordship is asking  
about the particular phrase 'Armed Guard'. 1

RUMPF J: I thought it says "Peoples Armed  
Guard". I'm not worried about the armed guard - - it  
includes, according to the witness, the Defence Force,

"Peoples Armed Guard to uphold the rights of  
the people"?-- To uphold the rights, to protect their  
interests. 5

Would it then in a similar way, in a similar  
manner but in a different way, or for a different pur- 10  
pose, be employed as it is presently employed? I take  
it in your opinion the police and the army at present  
is inter alia employed to suppress the Africans' claims  
and to uphold white supremacy?-- Yes, my lord.

Now that is therefore apart from the defence  
of the country by the army - - that is a political use 15  
?-- Yes, my lord.

Would the object of the Peoples Guard also  
be, inter alia, to uphold the peoples' rights inter-  
nally?--Yes; oh yes, my lord.

A political use?-- Well, it would be there 20  
not to suppress any section of the population; it  
would be there to uphold the rights of all sections  
of the population in the country, my lord. It would  
be a multi-racial army.

Well, it would then be required to suppress 25  
those people who try in the new State to deprive the  
people of their rights?-- It might well be, my lord.  
Quite clearly it might well be, my lord.

Yes.

(Witness): But, of course, here there would be no question of one racial group suppressing another; one class suppressing another, my lord. We visualise a different State altogether, a State where there would be no racialism . . . .

Yes, I know; that we have heard quite often. I'm only on the use of the term, "A Peoples Guard to uphold the rights of the people"-- Well, my lord, if there is a group of people who have planned an uprising against the government of that State, and that cannot be dealt with by the ordinary police force, that uprising must then be suppressed by the army.

Well, that happens everywhere?-- I know, my lord. Whether rightly or wrongly is a different matter, but in any State that happens?-- Yes, my lord.

MR. KENTRIDGE: I take it, Mr. Mandela, that you would visualise a police force and the army, or the police force at any rate carrying out the normal police functions of maintaining law and order?-- That is so.

Now, are you particularly wedded to this phrase about a "Genuine Peoples Armed Guard"?-- No, my lord.

Is it your own phrase?-- No, it's not my phrase; it's the idea of an army comprising all sections of the population, that I support.

And this particular phrase about a "Genuine Peoples Armed Guard" is it a matter of A.N.C. policy, to use that phrase?-- No, my lords.

Then there is also reference to "Equality of all races and sexes" which I think we have dealt with. Then "There is the right to form trade unions, to be guaranteed by Law"; are you in favour of that?-- I am in favour of that, yes.

And "The right of all citizens to speak, move, assemble and organise freely"; are you in favour of that?-- I am in favour of that.

And then there is the question of housing. "Housing must be provided for all the homeless by a re-distribution of present housing". Now, as far as that is concerned, this re-distribution of the present housing, is that a phrase that you are particularly wedded to?-- Well, I haven't understood it very clearly; perhaps the writer may be able to explain it fully; personally I don't understand it clearly.

This principle of housing must be provided for all the homeless; do you agree with that?— Oh, yes, that I agree with.

"And schools and hospitals to be equally open to all without discrimination"?— That is so.

And then the lecture ends by saying "This programme can only be achieved if the control and power of the State is taken out of the hands of the old ruling class of exploiters and held firmly by the workers and peasants allied with all others who see that South Africa's future happiness cannot be won while the State is the property of the exploiters and the oppressors". Is that particular formulation a matter of policy for the African National Congress?-- No, my lords.

Do you know precisely what the writer means here?— It's a little vague to me, my lords.

RUMPF J: Isn't it typically Communist basic formula; the power to be in the hands of the workers and the peasants.



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