

raised in connection with Professor Matthews. My Lords, the Crown has investigated this matter, and My Lords, in the light of the information given to the Crown by the prison authorities, I wish to refute, My Lords, most emphatically any suggestion that there has at any time been any improper conduct on the part of the prison authorities in connection with Professor Matthews and the evidence which he is being called to give on behalf of the defence. My Lords, the position as far as Professor Matthews is concerned, is as follows. My Lords, he is himself a qualified legal man. When he arrived at the gaol, he immediately raised the question whether or not he was obliged to give evidence in this case. He is alleged to be a co-conspirator, the Emergency Regulations are in force, and Professor Matthews of his own accord raised with the prison authorities the question whether he was obliged to give evidence on behalf of the Defence. My Lords, Professor Matthews was informed that that was a matter which he had to decide for himself, the prison authorities told him that if he was subpoenaed to give evidence, the issue of a subpoena against him meant that he was obliged to come to Court and take his stand in the witness box and that the question of the consultation before giving evidence, that was a matter in respect of which he was free to decide himself. Professor Matthews was told that he could have the advice of a legal adviser in that connection, and he wrote a letter addressed to Mr. Nokwe. My Lords, before the letter could be delivered to Mr. Nokwe, the Accused Nokwe was brought to the office where Professor Matthews was, and the position was there discussed, and as a result of the doubts in the mind of Professor Matthews, and My Lords, without any intention of depriving Professor Matthews of any facilities at all,

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Professor Matthews was given the opportunity of spending the whole night with the Accused Nokwe, so as to give them the fullest opportunity to discuss the matter. For the rest of the weekend, My Lords, except for the times when Professor Matthews at night was in the hospital ward, for the rest of the weekend, he was given the fullest opportunity to spend all his time with the non-White Accused in this case.

BY MR. JUSTICE BEKKER :

What has happened to the letter?

BY MR. TRENGOVE :

My Lords, I don't know whether the letter was destroyed or whether it was still in possession of the prison authorities, but the reason, My Lords, for not delivering the letter to Mr. Nokwe, right or wrongly, the prison authorities assumed that it fell away because very shortly after the letter was written Nokwe and Professor Matthews came together and had an interview. So that My Lords, on the information of the Crown, there is no foundation at all for the fears of the Accused in this regard. My Lords, if Professor Matthews wants the advice of any other legal adviser, he could inform the prison authorities and that legal adviser would be given the opportunity of interviewing Professor Matthews immediately.

BY MR. JUSTICE RUMPF :

Well, I think that should be done. I think that Professor Matthews should be advised if he wishes to consult any other legal adviser, he will be put in a position to do so.

BY MR. JUSTICE KENNEDY :

And it should be done this morning.

BY MR. TRENGOVE :

My Lords, as regards the facilities, immediately after the adjournment of the Court on Friday, I communicated the remarks of Your Lordship to the gaol authorities, and My Lords, they undertook to provide all the facilities which they could. There was only one difficulty, My Lords, and that was the difficulty of bringing the female Accused onto the prison premises and having a consultation with all the Accused there. The Arrangement made with the prison authorities was that if all the Accused wanted to be together, including the female accused, if they all wanted to be together at the same time when Professor Matthews was interviewed or consulted over the weekend or at any other reasonable time, My Lords, they could be brought down to these premises and the consultation could take place here, and the prison authorities said - Your Lordships will appreciate, in the gaol the - in terms of the proper conduct of affairs, My Lord, gaol authorities should not be present when these consultations take place, and their regulations make it difficult My Lords, for different sexes to meet together in those circumstances.

BY MR. JUSTICE RUMPF :

Apart from that I take it it would be possible for the female Accused to have a consultation on their own.

BY MR. TRENGOVE :

My Lords, the prison authorities said that Professor Matthews could visit the female Accused and they could have a consultation. If they wanted a joint consultation, My Lords, at any reasonable time they could have it on these premises. My Lords, if there have been a lack of facilities....

BY MR. JUSTICE RUMPF :

In any event, this question that Mrs. Joseph raised, should be enquired into. She says that she was told that she could have no consultation with Professor Matthews - that might have been together with the Accused, I don't know, but the position should be made quite clear.

BY MR. TRENGOVE :

That will undoubtedly be done, My Lords. My Lords, as far as the question of the furniture is concerned, tables, chairs and so on, Your Lordship appreciates that it is rather unusual for these facilities to be provided at the gaol, and at short notice, My Lords, that just couldn't be done. But that position will be improved, My Lords. My Lords, the Accused Joseph has raised the question of the records. My Lords, we did at short notice start preparing these records. One copy was provided on Saturday. Unfortunately, My Lords, the Accused sent their own copy overseas. The other three copies, My Lords, would be ready today.

BY MR. MANDELA :

My Lords, I don't wish in any way to waste the time of the Court, but I feel I shall be failing in my duty if I did not comment on the remarks which were made by the learned prosecutor Mr. Trengove in regard to the allegations which I made against the gaol authorities in connection with Professor Matthews. Now My Lord, both Professor Matthews and Mr. Nokwe, in whose presence some of the remarks were made, are officers of this Court. They understand English very well, and we have not made here a general allegation of undue interference. I have referred My Lords, to specific things which were said by the officers, both to Professor Matthews and Mr. Nokwe.

BY MR. JUSTICE RUMPF :

The difficulty is that it is obvious that Professor Matthews was not in a position to say whether he was prepared to give evidence or not. He wanted to consult with a legal adviser. That is obvious, and it seems to be common cause. Apart from what has happened, he will be told, and he must be told, that he will have the right to consult with another legal adviser.

BY MR. MANDELA :

My Lord, with increasing respect, what I am concerned with now is the impression which is being given by the remarks of the learned prosecutor, because they necessarily suggest that the instructions which I was given by both Professor Matthews and Mr. Nokwe are in fact not correct. In view of the fact that we regarded the whole question of interfering with a witness who is being called by us as an extremely serious matter, I think that under the circumstances it is the duty of this Court to seek evidence in order either to substantiate these allegations or to refute them.

BY MR. JUSTICE RUMPF :

Yes, we will consider that, and proceed in the meantime. Mr. Trengove, my Brother Bekker put this suggestion - I don't know what the daily hours are going to be, but we may have to start a little earlier. Would it not be possible for the Accused to consult with any witness here, say after three o'clock?

BY MR. TRENGOVE :

Yes, My Lord. That is what we had in mind. While they are here, it is easier, My Lord.

BY MR. JUSTICE BEKKER :

And whatever legal adviser they want to be present.

BY MR. TRENGOVE :

Yes, My Lord.

BY MR. JUSTICE BEKKER :

You see, the record is here, all the Accused can be present at the same time, and they can have their own legal adviser, and the police can be excluded from this Courtroom.

BY MR. TRENGOVE :

If I may say so, My Lord, with respect, that is exactly what the Crown had in mind when it suggested to the prison authorities that the consultations could very easily be held here.

BY MR. JUSTICE RUMPFER :

Yes, you will have to enquire into that and into the time by which they have to be back, in order to get their meals, and for that matter, Saturday mornings too, and if necessary the whole day on Saturday. It depends on when they have their visitors.

BY MR. TRENGOVE :

That is Friday afternoons and during the lunch-hour on Mondays, My Lord. It is very easy, My Lords, in this building, to look after the position without unduly interfering with the freedom of the witnesses to consult.

BY MR. JUSTICE KENNEDY :

And I suppose if an extra copy of the record is provided - is required, it could be made available. I have no objection to my copy being used, if necessary.

BY MR. TRENGOVE :

We have copies in the building, My Lord, and it is very easy.

BY MR. JUSTICE RUMPFER :

Mr. Mandela, you at the moment are the spokesman

on behalf of the majority of the Accused. We are now dealing with this particular difficulty. Would there be any objection to having the consultation here after three each afternoon, if you so desire.

BY MR. MANDELA :

I think it will be necessary to have a consultation amongst the Accused on this matter.

BY MR. JUSTICE RUMPF :

But we should like to know any reason why that shouldn't be arranged.

BY MR. MANDELA :

I can't think of any objection personally, but in this matter Your Lordship will realise that I speak purely for myself, and I think it is necessary for the Accused to have a consultation.

BY MR. JUSTICE RUMPF :

We will give you the opportunity to consult, and to see what the position is, but that seems to us at the moment, subject to any suggestions, a very reasonable suggestion.

BY MR. MANDELA :

I have no doubt, My Lords, that the Accused will make every effort to consider the matter.

BY MR. JUSTICE BEKKER :

And you will specially bear in mind that apparently the prison regulations preclude the female accused from being present in the gaol precincts, and this seems to me to be the only solution to get all the Accused together at the same time.

BY MR. JUSTICE RUMPF :

Mr. Mandela, you must also consider the position that apart from the difficulties of the witnesses, and the medical certificates and how they are able to stand up in

the witness box, apart from that, we might then propose to start earlier. We might start at nine o'clock.

ALBERT JOHN LJTHULI, under former oath;

CROSS-EXAMINATION BY MR. TRENGOVE CONTINUED :

You will remember we were dealing with this document C.M. 34 and with the portion of it which sets forth the Address of Dr. Mji. Now I just want to conclude this portion dealing with his address. Will you turn to page 6, the second paragraph there, which starts with "Now, friends, what of the future. Indeed there are dark clouds hanging over us. Never before has the future of the African looked so gloomy. South African today has become one big prison for the Black man. The government will spare no effort to inflict as many casualties as possible amongst our ranks before it gives in." Now was that also the view of the African National Congress? --- My Lords, I can only say that it generally was the view of the African National Congress.

How was the government going to inflict casualties, Mr. Luthuli? --- Whilst one, My Lord, cannot say exactly what was in the mind of the writer, but speaking on behalf of the African National Congress, casualties there should be interpreted to mean whatever will be done to people, burning, imprisonment, and suffering of that nature, My Lord.

Now I want you to turn to page 12 of that document, which is headed, "A Political Review presented to the Provincial Conference of the African National Congress, Cape, 14th February, 1953". Now this political review which is presented to a conference, is that done by somebody on behalf of the African National Congress, on behalf of the Executive? --- I wouldn't know exactly



what the procedure would be in the province. Generally of course at our Annual Conference that is the Annual Report. Now insofar as the Cape Province is concerned, My Lord, I cannot just say what the procedure is, I don't know.

Isn't it usual for the Executive of the Provincial 5  
 organisation to present a report on the political situation as it sees it? --- My Lords, as I have indicated, it is difficult to say what each province does, but in general I would assume that the Executive would prepare some kind of report. But I cannot vouch for the procedure 10  
 in the various provinces.

This report, also refers to the same state of mind of the African National Congress, that the white people in South Africa would endeavour to maintain their supremacy by armed force. I think you have agreed that that is the 15  
 position, that was the attitude of the African National Congress? --- My Lords, of course it is very difficult to remember all that one has said. I do not know whether I said "armed force" without embodying that in a context of explanation. 20

X BY MR. JUSTICE RUMPF :

I think that Counsel refers to the suggestion that maybe by the police, and perhaps in extreme cases by the army.

X BY MR. TRINGOV :

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 With that you would agree? --- With that I would agree.

And then I just want to refer you, Mr. Luthuli, to a portion of this political report at page 13. Now the second paragraph there, starting "This is true of 30  
 the entire ruling class, whether it is nominally represented by the Nationalists or the United Party." The report

says that there is really no difference between the two parties, except that the one group is worse than the other. They both have the policy of white domination. And then it refers to the elections to be held in 1953, and that second paragraph to which I have referred you, 5 reads as follows : "At this election the Whites are going to decidewhether the Africans should be chastised with whips or scorpions, whether there should be more or less apartheid, this is the issue", and the speaker says the African National Congress can't expect anything to turn in 10 its favour as a result of the 1953 elections. Now this language, "whips and scorpions", you remember that was mentioned in that document of the A.N.C.Y.L. in comparing the Labour Party and the Conservates, that the Labour Party hit the people with whips and the Conservatives 15 would hit them with scorpions. Now you getthat same language in this document. Do you remember that, Mr. Luthuli? --- I recall it generally, although not the context, but I remember.

That was J.D.M. 9, under the heading "British 20 Elections". Now I want to put it to you that it is quite clear that at this stage the African National Congress didn't hold out any hope of a sufficient change of heart on the part of the white electorate to enable the African National Congress to achieve its aims peacefully? --- My 25 Lords, I have already replied and I merely repeat, legislation was becoming difficult but that does not necessarily mean that the African National Congress would rule out the possibility of change of heart.

I also want to put it to you that at this 30 stage the African National Congress took up the attitude that there was no middle of the road policy, and that if

people were not prepared to ally themselves with the uncompromising attitude of the African National Congress, and the unconstitutional path which it was treading, such people were the allies of the white oppressor? ---  
 My Lords, I will say this, that one does not accept 5  
 the statement by the Crown that the African National Congress having made its demands clear, quite unequivocal was not amenable. I think, My Lords, with your permission it would be convenient for me at this point and in view 10  
 of the point raised by the Crown, to raise in fact the matter namely the atmosphere at the time, which the Crown does not seem to appreciate, and it seems to be very convenient at this point to comment on this. Firstly, My Lord...

Mr. Luthuli, subject to the Court allowing you 15  
 to do so, I must ask you to answer the question that I put to you, that the African National Congress at this stage held that there was no room for a middle of the road group. Is that so or is that not so? --- My Lords, that is so. Now one must add that in a political case it is 20  
 difficult to say that is so, without explanation. That is so. Now I have said, in fact if I may be allowed to say personally, I have personally said there is no room for the middle of the road.

And the second question which I want a categori-25  
 cal reply is, is that the African National Congress held the attitude that the people, any people who did not unreservedly support the African National Congress in its struggle, was either directly or indirectly assisting white oppression? --- My Lords, in general, one cannot 30  
 there say, a sharp line, because people in the struggle are in different degrees, so I would not accept the

proposition, My Lords, that anyone who did not support all of the demands of the African National Congress, was labelled as being with the White oppressor. On the other hand, My Lords, there are some groups 9 I recall for an example in my own province of Natal, maybe so in the Transvaal, one Denguhi(?) who specifically organised what he called the Bantu Congress, and to all intents and purposes she was co-operating with the government. Now, people like that we would take as co-operating with the government, but the African National Congress has never labelled all Africans who didn't support it as being with the Government.

Now, you made a speech at the African National Congress National Conference in December, 1953, T.T.80, N.R.M. 11, in December, 1953, at Queenstown. Do you remember? --- I was present at Queenstown, although of course I couldn't attend public sessions and it is likely that there was a speech I made, I do not really recall, I can't say that I remember making a speech.

Well, you gave evidence about it in your evidence in chief, about this speech, the Presidential Address to the 42nd Annual Conference held in December, 1953. Do you remember? --- Yes.

You made a Presidential Address there? --- Yes.

Now, dealing with page 7, dealing with the events in South Africa, you stated "that the campaign has so sharpened the political issues in this country, as to leave no room for middle of the road individuals or groups. Hence the dissention in the great Smuts' party, the United Party and also the Labour Party of South Africa. One has to accept the - hence also the silence of some leading people in our own communities. One has

to accept the justice of the claim of the non-Whites for freedom and work unreservedly and openly for its realisation, or be guilty of directly or indirectly assisting the Nationalist Party in its relentless and unmitigated oppression and suppression of the non-White peoples." 5

Now that was a statement of A.N.C. policy, was it not? -- That was a statement of A.N.C. views, My Lord.

X BY MR. JUSTICE RUMPF :

Do you draw a distinction between policy and views? The question was, "that is A.N.C. policy". You say that was "A.N.C. views". Is there a difference? --- My Lords, I have of course difficulty with language. To me policy would more or less represent a thing where there was a sort of discussion and definitely fix things. On the other hand you might have a view generally held, it does not necessarily mean that a thing was discussed at Conference and decided upon, but it was a view generally held. 10 15

Well, the question put to you was "Was this A.N.C. policy"? --- No, I wouldn't say "policy", I would say "view". 20

X BY MR. TRENGOVE :

It was in accordance with A.N.C. policy, that statement, was it not? --- I don't quite follow really.

BY MR. JUSTICE KENNEDY : 25

Well, did that represent the A.N.C. policy? Apparently it was made by you, you were the President-General, were you speaking individually or were you speaking for the A.N.C.? --- I was speaking for the A.N.C. officially, My difficulty My Lords, there again is this, that, I hesitate to say policy. I thought that the Crown would be satisfied. It was A.N.C. view. 30

BY MR. TENGVE :

Now, Mr. Luthuli, I want to refer to some other part of your address at page 10, under the heading "In the rest of Africa and the World", in which you say : "Our interest in freedom is not confined to ourselves only. 5 We are interested in the liberation of all oppressed people in the whole of Africa and in the world as a whole." Then you talk about a Pan-African Conference movement, and you continue : "Our active interest in the extension of freedom to all people denied it, makes us an ally - 10 makes us ally ourselves with the freedom forces in the world." Now that is a correct statement of the A.N.C. attitude towards the liberation struggle throughout the world, is it not? --- That is correct, My Lord.

Then you refer to the struggle of African 15 territories that are still under the grip of imperialism and at page 11 you say : "There are encouraging signs that the people in some of these territories are becoming politically conscious". Now what do you mean by that statement, Mr. Luthuli, that there are encouraging signs 20 that the people are becoming politicall conscious? How does one signify your political consciousness? --- Generally, My Lord, one signifies one's political consciousness by placing before the authorities concerned his desires and demands and then My Lords, taking steps to awaken 25 the people of the community in that connection to the best of his ability.

COURT ADJOURNS.

COURT RESUMES :

BY MR. MANDELA :

Your Lordship, in regard to the matter which

Your Lordship the Presiding Judge put to me this morning, that is in regard to the consultations in these premises, the Accused are prepared to give the matter a try and they will endeavour to co-operate with the Crown to consult on these premises.

ALBERT JOHN LUTHULI, under former oath;

CROSS-EXAMINATION BY MR. TRENGOVE CONTINUED :

We were talking about the signs in other territories of the people becoming politically conscious, and you said there were two factors, the one was that they were making their demands known to the imperialist governments in the territories, and the other was the fact that they were taking steps to achieve their demands? --- That is so, My Lord.

Now I just want to refer you to these encouraging signs that you had in mind when you made this speech. You say, "We condemn most strongly the imperialist powers controlling these territories from meeting the progressive move of the people by tyrannical suppression. I would cite here the indiscriminate shooting and bombing of the African people in Kenya on the pretext of restoring law and order when in fact it is to maintain their imperialistic hold on Africa. The revolt is no doubt prompted by the legitimate aspirations of the African people and so, the extension of freedom to the people of Kenya should be the reply of the British Government and not bombing and shooting". This represents the view of the African National Congress at the date when this speech was made? --- That is so, My Lord.

Now, you say there was a revolt in Kenya. Who was revolting? --- My Lords, I think at this time in Kenya

there was the Mau-Mau - the so-called Mau-Mau trouble, and My Lords, I am not so sure whether the Kenya African Union, I think a Labour body wasn't active, maybe some other groups, but I recall in particular..

And they were trying to overthrow the government of the day? --- Do they say that? 5

I am putting it to you. They were trying to overthrow the duly constituted government of the day? --- They were not, My Lord. They definitely were not.

What is a revolt in a country? --- My Lords, 10  
you can revolt against a situation. In other words, you can carry out certain actions, My Lord, which indicate that you don't like a particular situation. Now, revolt My Lords, need not necessarily always mean overthrow. You revolt against a situation, you carry out means 15  
to remedy that situation.

Do you agree that revolt implies the use of force to achieve your aims? --- It could, depending on the context, My Lord. I don't think you can say the word revolt, always when you use it, means force. A person 20  
can revolt against a situation, not necessarily because he is going to be forceful.

Well, in this context, where you talk about the revolt in Kenya, surely you had in mind a revolt by the use of force? --- There was use of force in Kenya by this 25  
particular group, My Lord. It was not nationwide, it was a particular group, I concede that.

And they revolted because they wanted freedom, as you understood it? --- Whilst My Lord, I do not know, the full history of the so-called Mau-Mau it was particu- 30  
larly concerned I think with the question of land in the Kenya highlands. I don't think this particular movement



was concerned generally with what you might call a liberation movement in Kenya

That is not how you saw it when you made this speech. You talk about the revolt which is no doubt prompted by the legitimate aspirations of the African people, and you suggest that the extension of freedom to the people of Kenya should be the reply of the British government, and not bombing and shooting. Now I want to put it to you that you know very well that you regarded this as one of the liberatory struggles in Africa, this struggle of the Kikuyu and the Mau-Mau in Kenya? --- My Lords, very definitely the struggle of the so-called Mau-Mau, I could never regard as a national struggle, but it was as I have said, as the Crown has put it to me, directed at a legitimate aspiration, I say so, and it is quite correct I hold the view that the duty of the British Government was to try and meet the aspirations of the Kikuyu people, that is correct. But I never regarded - I do not regard that particular struggle of a section of the people as being national in the sense of embracing the whole of the Kenya people. I do not at all depart from what I said in that statement.

This section of the people of Kenya were using force to achieve their aims? --- That is correct.

Was the Kenya government entitled to use force to restore law and order? --- They were quite entitled to do that.

Do you suggest on the meagre knowledge of the situation that you have there that the Kenya government resorted to indiscriminate bombing and shooting of African people? --- Whilst one, My Lords, cannot recall clear incidents that happened way back, and at that particular

movement - at that particular moment when there was bombing what happened, but My Lord, in general that must be taken in the context of what the Crown has read, namely whilst you attempt to keep law and order, yet you must take immediate steps to meet the demands of the people, 5 because that is a sure way to bring about peace, rather than bombing alone.

You haven't answered my question. You as a responsible leader make a statement that the Kenya Government were endeavouring to restore law and order by indis- 10 criminate shooting and bombing of African people?--My Lords, all I can say, I cannot carry it further, all I can say to end up is this that one cannot recall specifically at that particular time what bombing had taken place and the circumstances that brought it about which might have 15 occasioned that, but I have already stated my general point of view, and I cannot carry the point any further.

Why did you not condemn the use of force that this section of the Kenya population was using to achieve their aims? --- My Lords, I can only plead there to a 20 general human weakness if I may say, of sympathising generally with the underdog, with no intention of approving, of the methods used.

If this was only a section of the Kenya people who were dissatisfied with their position, why do you 25 suggest that the Government should have granted these people so-called freedom instead of restoring law and order by forceful means? --- My Lords, with regard to the first statement I do not like to create the impression that the Kenya people were satisfied. There was political 30 agitation in Kenya. But it had nothing to do with this particular issue. I think when the Crown says that people

were satisfied, I don't like to create that impression at all. But now coming to the specific issue, here people were making a specific claim with regard to more land, and it is freedom in relation to their demand.

But you don't say that, Mr. Luthuli, and you 5  
talk - and you don't talk about freedom to a section of  
the Kenya people in relation to land. You talk about the  
extension of freedom to the people of Kenya? --- My Lords,  
if I understand the Crown well, I really hope I do, I  
was speaking - the whole tone was about freedom, inasmuch 10  
as I am engaged in seeking freedom, I have said the  
Kenya people politically were agitating for freedom just  
as we are here. Now that is one aspect of the question.  
Then there was of course the so-called Mau-Mau. Now  
speaking as I was then, My Lord, I was speaking in a 15  
general way and also having particular reference of course  
to the demands of this particular section.

Alright, Mr. Luthuli, could we put it like this.  
You had the question of land in your mind when you spoke  
about this revolt. Is that correct? --- That is correct. 20

And you had in mind particularly that this  
section who were revolting were doing so because of  
insufficient land? --- My Lords, may I add, I thought  
the Crown was going on. I had in particular, this parti-  
cular section, and the general agitation for political 25  
rights in Kenya which had been going on.

Now you say that the section that was revolting  
were a portion of the Kikuyu, they were also called the  
Mau-Mau? --- Yes, they were generally referred to that  
way, My Lords. 30

Who was their leader? --- I do not know. Quite  
frankly, My Lords, I do not know. There is Jomo Kenyatta

for example who was associated, as you know there was a trial in that connection. Now I don't think that opinion associated Jomo Kenyatta who was the leader of the Kenya Africa Union - associated that with the Mau-Mau.

I want to put it to you that the African National Congress was at all times kept informed of the Kenya situation as these oppressed people saw it? --- My Lords, may I ask the Crown what it means by "kept informed"? Because that could mean (1), having a general understanding of the situation as you read it in the press, or it could mean you had direct contact with the people who kept on informing you. I would like to be clear on that. 5 10

BY MR. JUSTICE KENNEDY :

Or it might perhaps mean specific information, not necessarily direct from Kenya. 15

BY MR. TRINGOVE :

Wasn't it a prominent member of the African National Congress that was mainly responsible for setting up the Kenya Committee in London? --- I don't recall, it could be, I don't recall. 20

A man by the name of Walter Sisulu? --- He may have, I wouldn't deny that, it is quite possible, but I don't recall.

Don't you know anything about that? --- No. 25

You don't know about the Kenya Committee? --- My Lords, I may have forgotten, I may have known about it, but I don't recall at the present moment.

We will come back to that, Mr. Luthuli. Now after referring to the situation in Kenya in your speech you also condemn the British action in regard to the Kabaka of Uganda, also the banishment of Seretse Khama and the 30

deposition of the - by the British Colonial Office of the Government of the people of British Guiana. Then at page 12 you come to the conclusion of your address and you talk about the position of the masses of the African people, who live you say in abject poverty in rural and urban areas. And then you say that "the basic cause of this deplorable state of affairs is due inter alia to the following (1) The inadequacy and crowdedness of the land allowed them" and you give particulars of this inadequacy of land. "(2), the uneconomic wages and (3) the economic and political restrictions placed on the African masses". And then you pose the question, Mr. Luthuli, "How will these disabilities be removed? Certainly not as some fondly and foolishly believe that it will be by the voluntary benevolence of the White man. These disabilities will only be removed as has happened with other people in other lands all through the ages to our day. By the united struggle of the oppressed people themselves, to exert pressure on the rulers to grant them freedom." Do you remember that statement? --- Well, it sounds like my statement. I mean if I just merely read it I wouldn't have said it is mine, but I think as you have read it, it is mine. I remember it and I abide by it.

You see, Mr. Luthuli, this disability in regard to land, inter alia, that would be removed in the way that people in other countries have removed that disability, I take it you had in mind there the means that the Kenya people were using to get more land and the form of pressure that they were exerting on the Government? --- My Lords, very, very definitely not. Because even in the context read by the Crown, I refer to a struggle, a general struggle and My Lords, no doubt when I said throughout the

ages, I was trying to impress the fact that people have had to struggle in order to get what they want. Freedom in general or a particular aspiration. I was not concerned My Lords, with methods. Nor do I make any reference whatsoever to method. 5

Why quote this entirely biased view of the situation in Kenya if it was not your intention to use that as an illustration of how the struggle is being conducted? --- My Lords, naturally I leave that to you. I think that the Crown here makes a connection which I certainly didn't have in mind. I don't even think the connection is there. The first portion which the Crown read dealing with Kenya and then also in the same section referring to Uganda (?) and so on, that was a general account of describing the situation in that part of the country. But here, My Lords, in pleading the case for the inadequacy of land here, the uneconomic wages received by our people here, the economic and political restrictions and then My Lords in a general way without referring particularly to Mau-Mau, the last paragraph read by the Crown, I then say you must struggle in order to have your disabilities removed. I think that to connect this concluding paragraph specifically with Mau-Mau in my own view, My Lords, is not justified, and certainly there is no particular mention in this concluding paragraph ending an address and calling upon the people to struggle for their disabilities, 10 15 20 25

In this connection, just two more questions, Mr. Luthuli. Why didn't you condemn the violent means that this section of the Kenya population was using to achieve their aims? --- My Lords, I think I have already replied to that. 30

Alright. You couldn't sympathise without condemning their actions, is it? You didn't feel that you could sympathise with them and condemn the means that they were using? --- My Lord, it depends upon a situation. In any given situation you may or you may not, but I think the fact that one does not condemn, does not necessarily mean that one approves of the method. That is what I am trying to convey to the Crown and the Court. 5

Now in this connection I want to refer again to this document Z.K.M. 6 which was the National Executive Report to this Conference, I showed it to you the other day, it is signed by Dr. Mji. 10

BY MR. JUSTICE BEKKER :

Mr. Luthuli, this reference to indiscriminate bombing and shooting in Kenya, is there any particular event that you can recall today which could have made you make that remark? What is it you had in mind? --- Quite frankly, My Lords, I cannot recall a particular event, except that I think at that time there was shooting and bombing, but I can't really definitely recall a particular incident now, my memory isn't too sharp, My Lords. I definitely don't recall a specific incident. 15 20

You have indicated you can't recall now what you then had in mind? --- That is so.

I am asking you at this juncture, can you recall any event or series of events which could have led you to have made the remark about indiscriminate bombing and shooting? --- My Lord, I cannot refer to a particular event, but at this time the British Government was in fact carrying out a policy of suppressing the Mau-Mau, through the army, which would involve shooting. 25 30

Yes, shooting and bombing. I am highlighting

the word "indiscriminate"? --- Well, My Lords, I cannot really at this juncture explain exactly what made one use the word "indiscriminate". It might have been possibly a strong expression of a situation. I do not recall.

I just wanted to know what the particular event 5  
or events were. The whole sentence is this, "I cite here the indiscriminate shooting and bombing of African people in Kenya on the pretext of restoring law and order". Now I would like to highlight the word "pretext" too. What is it you had in mind at the time? --- There again, I cannot 10  
say at the moment just what one had in mind when one said "pretext", but I would say My Lord, that uppermost in one's mind was the situation where the British Government was in fact using the army quite extensively.

Well, for the "pretext" of restoring law and 15  
order, or to restore law and order? --- My Lords, it was restoring law and order, that I must say. But ...

Yes you see, the phrase is this "I cite here, indiscriminate shooting and bombing of African people in Kenya on the pretext of restoring law and order, when in 20  
fact it is to maintain their imperialistic control in Kenya". What I would like to put to you is this, Mr. Luthuli, can you tell us what you had in mind, or what facts you had in mind which gave rise to this statement? --- My Lord, I do not recall any facts, and in fact My Lords I think 25  
that apart from the general situation, and what was happening there, I would not say there was any particular fact, but My Lords, when one describes a situation such as like I was describing there, My Lord, and having regard to the general situation of the British Government of 30  
course trying to maintain its hold in Kenya generally, one My Lord would use words which connect a particular



situation with a general incident, whilst I would not  
My Lords call the Kenya affair imperialistic war, but  
one would think of the whole situation as indirectly  
connected with keeping law and order, but also keeping a  
hold on Kenya, so that My Lord, I cannot say if there was 5  
a particular fact, except the general situation, made  
me use the word "indiscriminate", it is possible that at  
that particular moment there may have been some bombing  
where the general feeling was well, you shouldn't have  
bombed you could have used some other means, but My Lords 10  
I am afraid I couldn't recall. It is, however, possible  
that at that moment there might have been a certain bomb-  
ing which some of us might have felt well anyway bombing  
wasn't justified, some other means might have been used.

BY MR. TRENGOVE :

15

Will you just have a look at that document in  
front of you, Z.K.M. 6. You remember I put it to you the  
other day. It bears the signature of Dr. Mji, it is a  
report of the National Executive Committee to the A.N.C.  
Conference at Queenstown in December, 1953. I just want 20  
you to be satisfied that it is the same document that I  
showed you the other day? --- It is, My Lord.

Could I just have it, please. Your Programme  
of Action of 1949, you said the means set forth there were  
revolutionary because it was a break with deputations and 25  
supplication? --- That is so, My Lord.

One of the means that you have in that programme,  
is passive resistance, is that correct? --- That is so.

But you also have other means, like strike  
action? --- That is so, My Lord. 30

Now Mr. Luthuli, this report refers to the -  
at page 2, to the fact that the leaders have to - in the

liberatory struggle have to be prepared to make the  
supreme sacrifice. You have already explained what you  
mean by that. The report also states, at page 5, that  
with the return of the Nationalist Party to power, there  
is no middle course for the country, the choice is either 5  
with the Nationalist Party and its fascist policy or to  
join the non-White people in their freedom struggle.  
Then Mr. Luthuli, this report in dealing with events in  
Africa as a whole, has a paragraph "Kenya". Now you  
made your address at this Conference, and you would also 10  
in the ordinary course of events have been party to this  
National Executive Report, would you not? --- That is so,  
My Lord.

Now the A.N.C. report says "The British  
are engaged in cold-blooded murder in Kenya. They are 15  
intent upon exterminating the Kikuyu. They have brought  
into action the military might of the United Kingdom.  
Innocent Kikuyu men, women and children are being wiped  
out in one of the most barbaric punitive expeditions  
the British have been engaged in, including precision 20  
bombing against defenceless people". Do you agree with  
that statement? --- It is generally so, My Lords.

Do you agree that it is entirely a one-  
sided representation of the struggle in Kenya? --- I  
agree My Lords, that it is one sided in the sense that 25  
it condemns British action.

And you agree that this was a "cold  
blooded murder of people by the British Government"?  
--- My Lords, as viewed by us it was quite a bloody  
struggle. 30

x BY MR. JUSTICE RUMPF :

That is not the question, Mr. Luthuli.

We all know by now that it was a bloody struggle. The question by Counsel is "Do you regard it as cold blooded murder"? --- My Lords, I do not regard it as cold blooded murder, in the sense that I would just take a gun and shoot at a person. But I think My Lords, in the use of words, allowance must be made for the situation, the intensity of it not just the mere isolated word so and so. 5

X BY MR. JUSTICE KENNEDY :

I wonder, Mr. Luthuli, if you would answer questions. The question is, do you - did you agree that it was cold-blooded murder? In which the British used barbaric punitive methods against defenceless people? --- My Lords, in the sense that at this time the British people did bring the full force of the army onto these people of Kikuyu who were defenceless, in that sense, My Lords, yes. 15

Now I accept that as your private view. Did the A.N.C. believe that it was cold blooded murder? --- My Lords, my own interpretation would be that the A.N.C. held the view that I am expressing now. 20

BY MR. TRENKOVE :

You said a little earlier that it was right and proper that the British Government was using strong measures to maintain or restore law and order in Kenya against the group that were in revolt? --- I did, My Lord. 25

If that is so, why does the A.N.C. towards its own people hold out such action by a responsible government as cold-blooded murder of innocent and defenceless people? --- I do not know that I can add any more to this than what I have said, save to say this, it might be regarded as foolishness, extremeness, but My Lords, in a tense situation when one describes a tense situation, 30

one does use very strong superlatives, but I don't know My Lords that one would then say in fact that person meant precisely, if you analyse maybe the dictionary meaning, of a word, he meant exactly precisely what that - in a certain mood you do use very hard words, My Lord. I cannot really carry it any more than that. But I must quite frankly say, My Lords, the intention was not to highlight and glorify the action of the Kukuyu, and in using those words, "bloodthirsty", "indiscriminate" insofar as the British are concerned, I think the stress is more on emphasis My Lords, and the mood of the people at the time, and after all, My Lord, it must be realised that it was a tense situation.

Where was it tense, here or in Kenya? ---  
It was tense in Kenya, My Lord.

Did you know the details of the case in which Kenyatta was sentenced to seven years imprisonment?  
--- No, My Lord.

Did the African National Congress have those details? --- Not to my knowledge. There may have been at the time, I do not recall really, My Lords, one can't remember all things, but quite frankly I don't recall, the details.

In the next paragraph the sentence of Jomo Kenyatta for his participation in Mau-Mau activities is stated by the African National Congress to be a "definite travesty of justice". Why does the A.N.C. make a statement like that in an official report? --- My Lords, I think I have already indicated that insofar as Mr. Jomo Kenyatta was concerned, our general view was that he was not connected with the so-called Mau-Mau activity, and that report, My Lords, expresses that point of view.

Now I'll just put the report in front of you at that page, just look at that paragraph dealing with Kenya, after setting forth the matter which we have just dealt with, the portion of the report under "Kenya" concludes as follows : "It is becoming clear to the Colonial people that they will gain their freedom not by constitutional methods, but through the hard fight by revolutionary tactics". Do you agree with that statement? --- I agree with that statement in the light of the interpretation which I have already given more than once in this Court.

Interpretation that you have given to what? --- To the expression, they will gain their freedom not by constitutional methods, for an example our own Programme of Action, it is described as unconstitutional and it is unconstitutional from the point of view of legality, but through hard fight by revolutionary tactics. I have already indicated that such methods as are cited in our Programme of Action, are in fact revolutionary. I agree with it in that light.

COURT ADJOURNS.

COURT RESUMES :

ALBERT JOHN LUTHULI, under former oath;

CROSS-EXAMINATION BY MR. TRENGOVE RESUMED :

You will remember that this statement that the Colonial people will not gain their freedom by constitutional methods but through the hard fight by revolutionary tactics, now that is - that phrase is used in connection with the example of the struggle in Kenya - do you agree? My Lords, -this passage first appears at page 4457 of the Record, Volume 23. --- That

is so, My Lords, in connection with the sentencing of Jomo Kenyatta.

Now I want to put it to you that in that context, "revolutionary tactics" referred to tactics which would inevitably result in armed conflict with the state? 5  
--- My Lords, I have already expressed my view and I hold by it, that need not be so, it depends upon interpretation, My Lords.

I say in this context "revolutionary tactics" refers to that type of tactics which result in a violent 10  
clash between the people employing those tactics and the state? --- I have already said, My Lords, that I have expressed my view, it depends on interpretation, My Lord.

And the interpretation that you place on this is that it means nothing more than a statement to 15  
the effect that the struggle will not be one by deputations and supplications? --- That is so, My Lords, and it comes in the context too where it was a general statement, a critical appraisal of the judgment on Kenyatta, My Lord.

I put it to you that even generally 20  
speaking, revolutionary tactics mean tactics which in the end, if persisted in, result in an armed clash? --- I cannot carry the matter any further than the views I have already expressed.

Do you agree with that statement or don't 25  
you? --- I don't agree.

Mr. Luthuli, in the document that was handed in in your evidence in chief, A.J.L. 45, this pamphlet "Our Chief speaks" you explained why you support the passive resistance, and in that statement you say 30  
that passive resistance is non-revolutionary. Do you remember? --- It is possible I said so, I don't remember.

Well, you regarded this as very important in your evidence in chief, and your statement then - will you just have a look at your statement here on page 3, the last four lines of the paragraph "A New Spirit"? --- I have got it. 5

In what sense do you say there passive resistance is non-revolutionary? --- In the sense, My Lords, that it is not a violent one.

There you use it in the sense that it is a non-violent method? --- That is so. 10

You don't use it in the sense that it is a method which had been applied before 1949 and is therefore not revolutionary in the sense that it is new? --- No, I was merely referring to the fact that it is non-violent. 15

You said this morning that passive resistance was one of the forms of struggle set forth in the Programme of Action? --- That is correct, My Lord.

You see, Mr. Luthuli, that at page 5 of this same document, Our Chief Speaks, you make this statement under the heading "Even Death". You say : "I have embraced the non-violent passive resistance technique in fighting for freedom, because I am convinced it is the only non-revolutionary, legitimate and humane way that could be used by people, denied as we are effective constitutional means to further aspirations", and you say that the future might hold in even death. Now is it your view that passive resistance is the only non-revolutionary technique in this sense? --- No, My Lords. There may be other tactics. I cite the passive resistance. 20 25 30

Why do you then make this statement, that it is the only non-revolutionary, legitimate and humane

way that your people can use? The only non-revolutionary means? --- I had in mind there, I am sure, at the time, specifically the Defiance Campaign. I was not thinking generally of our Programme of Action, and directing my mind specifically to the Defiance Campaign, trying to show its nature and stressing the non-violent aspect of our struggle. I used those words, My Lords, that did not mean that one was excluding other tactics, but at that moment, because it was the time of the Defiance Campaign, my mind was concentrating on this particular form of struggle, My Lord.

Is that your explanation of the statement that it is the only non-revolutionary means? --- That is so, My Lord.

I am going to put it to you that you knew very well at the time when you made that statement that the means envisaged by your Programme of Action are revolutionary in the sense that they could be expected to lead to a violent clash with the state? --- Very definitely not, My Lord. My Lords, most emphatically not. One cannot recall past things, but the atmosphere in which I wrote that was very, very far from the statement and conclusion of the Crown - very, very far.

If your explanation of this is correct, then language doesn't mean anything to the African National Congress. Mr. Luthuli, did you know a man by the name of H. G. Makgothi? Henry Makgothi? Henry Gordon Makgothi? He was a co-Accused with you at the Preparatory Examination? --- I remember the name, I don't have a mental picture of him, but I remember the name.

Who was the President of the African National Congress Youth League during the period 1953 to



1955? --- There was Joe Matthews, Mandela - I don't know who followed after Mandela.

You don't remember that H.G. Makgothi was President of the A.N.C.Y.L.? --- I don't dispute it. I say that after Mandela I just don't recall. I don't dispute it. 5

Did you know any Makgothi who was active in the African National Congress? --- I do, but as I say one doesn't have a mental picture of the people you meet always, but I think Makgothi is a name that I recall. 10

Now I want to refer to a document marked A.M.K. 66, an African Lodestar, organ of the African National Congress Youth League in the Transvaal. It is dated July, 1954 - I am sorry. My Lords, it is October, 1954. You know this bulletin, you have said so already? --- Yes, I know it. 15

There is an article on page 2, "Facing Kenya" under the name H. G. Makgothi? --- Would he be a National or Provincial President? I don't recall his status. 20

According to my information he was the Provincial President in the Transvaal, and he was also a member of the National Executive of the African National Congress Youth League. Now he refers to the situation in Kenya in much the same language as the other documents that we have already referred to, and I'll leave that for the moment. But I want to refer you to a question which is put at the end of the article, "What is the significance of the struggle of the people of Kenya for the youth and liberation movement in South Africa?", and then the author makes two points: "The struggle of the Kikuyu is our struggle. Everyone of the 25 30

demands of the Kenya African Union is the demand of the democratic people of our country". Would you agree with that statement? --- My Lords, I would agree with the sentiments expressed in that statement.

Also representing the view of the African National Congress at that time? --- That would be so. 5

And then this part of the paragraph continues : "This correct analysis was made by W.M. Sisulu who was instrumental in the creation of the Kenya Committee to arouse public opinion in Britain against the crimes being committed in Kenya against innocent Africans". Now does that refresh your memory in any way? Do you know that W.M. Sisulu was instrumental in the creation of this Committee? Did you ever hear of it before? --- It doesn't refresh my memory to the extent of remembering that he did form a Committee, but it does refresh it to the extent that Mr. Sisulu was overseas and he was in England for that time. I cannot say that I recall specifically that a Committee was formed. 10 15

That would have been while Sisulu was Secretary-General? --- That would be so. I know that he was quite active when he was in England, but that a committee was formed I cannot specifically recall, My Lord, it could have been. 20

This writer says that the struggle is significant for a second reason. He says "A National Liberation Movement is a long and protracted struggle for in the age of imperialism, murder and violence becomes the order of the day". Do you agree with that? --- My Lords, I wouldn't say that believe in the words - I believe in an interpretation that I could put to those words. 25 30

The interpretation is this : As the struggle of the people

becomes intense, experience shows that the oppressor to suppress it takes strong measures which grow in intensity with the strength of the struggle. It is in that light, I need not expand, My Lords, that I accept that.

And the writer goes on to say in this 5  
respect in referring to Kenya that because of the attitude of the oppressor, he says "The people must wage the struggle in methods which the oppressor forces upon them". Do you agree that in the liberatory struggle the oppressed people are forced into the position of having to employ 10  
the methods which the oppressor forces upon them? --- I agree my Lords, within their policies they are - for an example to illustrate, My Lord, in our own situation here there was a Defiance Campaign. Now with the intensity of the struggle wishing to meet pressure we have moved on 15  
My Lords, in specific instances, for an example to have stayed at home. Now that is a development of the tactics induced by the attitude of the government and the adamancy (?) shown in not responding to the demands of the people, so to that extent I agree, My Lord. 20

And Mr. Luthuli, if the oppressor forces the African National Congress to adopt violent means, the African National Congress would regard that as being justified? --- It would not, My Lords, unless My Lords the African National Congress changes its policy, it would not, 25  
and one must speak with the mind of the African National Congress as he knows it and as it has been made clear from time to time, and so I would say it would not.

Your attitude of change of tactics having been forced upon the African National Congress is untrue, 30  
because all the tactics employed by you had already been decided upon in 1949? --- I don't quite follow, My Lord.

Your policy of first employing the Defiance of laws and then embarking on campaigns such as strike action, they were not forced upon you, they were all agreed upon in 1949? --- That is correct, My Lord. What I was trying to say and what I am saying is this, the use of any of those tactics at any time would be determined by circumstances. It is in that light that I made that statement, My Lord. 5

Those methods were not forced upon you one by one, they were all agreed upon in 1949? --- That is correct, My Lord. I mean what the Crown is referring to there is a plan. It is true in fact that even that plan was forced on the African National Congress by the attitude of the government prior to that date, as I have already explained in my evidence in chief and already in cross-examination, so that even arriving at that plan, My Lord, is an example of how you may be forced into a situation. Now the employment of any specific item in that plan may further be determined by circumstances. 15

And in view of the possibility that the specific tactics set forth in your Programme of Action might not be sufficient, and that you might be forced to use other methods not specifically provided for, the Programme of Action provides that the African National Congress would also be entitled to use such other means as may bring about the accomplishment and realisation of its aspirations? --- My Lords, I am sure that I wasn't the draftsman and probably wasn't even present at the time, but personally I feel quite certain that the insertion of that last phrase is a customary thing to say now you have thought of this and that and that, well, at the moment there may be other tactics you may not have 20 25 30

thought of, you would be covered. But then the overall picture and the context within which we must think, we cannot think outside that context, it is the policy of the African National Congress, and until that policy is achieved, I don't know that we are entitled to think outside that policy and interpret within that policy. I cannot interpret outside that policy. The Crown may have its interpretation, but I can't interpret, so that even that other and et cetera as it were, My Lord, people drafting and saying now we will mention these, it is possible there may come other later as we think, but within that context, and I cannot go beyond that, My Lord. 5 10

Well, that is far enough at the moment, because I now want to come to the publication, "No Easy Walk to Freedom". It is N.R.M. 17, A. 309. You have a copy in front of you, Mr. Luthuli. Now you referred to this in your evidence in chief, and I want to put it to you that this document was published with the purpose of setting forth the views of the African National Congress in regard to the liberatory struggle in this country. You accept that? --- My Lord, one must always accept a statement like that, with a qualification, and the qualification is this, that it is true that this document was written by Mr. Mandela who is an important member of the African National Congress and so on, and yet in the end, My Lord, individual utterances attempting to put forward views which they might think are views of the African National Congress, using their words, that one cannot say yes, I accept everything in there, I accept all the words that are in there, I accept all the ideas expressed there. It is true that in general the document attempts to put forward the views of the African National Congress in 15 20 25 30

connection with the struggle in some way.

Mr. Mandela when he wrote this, he prepared this as a Presidential Address to the African National Congress, Transvaal, is that correct? --- I think that is correct. 5

He was the President? That appears from the introduction? --- I don't know whether at the time when it was delivered he was President, I am not so sure.

Yes, he was, just before he was banned. He was also a member of the National Executive? --- Yes. 10

At that time? --- Yes.

And the introduction is written by Resha in his capacity as President of the African National Congress Youth League? --- That is so, My Lord.

He was also at the time a member of the National Executive? --- That is so, My Lord. 15

And this was released for publication by the African National Congress in the Transvaal? --- That is so, My Lord.

And at that time many of the members of the Transvaal Executive were also members of the Working Committee of the National Organisation? --- It would be so, My Lord, because generally by the very nature of things, most members of the Working Committee are Transvaal. 20

And this was published with the specific purpose of providing the African National Congress members with some literature in connection with the struggle in which they were being engaged? This was part of their education? --- The purpose stated there, My Lord, is that, and it is a publication of the African National Congress in the Transvaal. 25 30

Now, Mr. Luthuli, the Defiance Campaign

was regarded by the African National Congress as being a means of exerting pressure on the government and as being something which was extremely dangerous to the stability and security of the state? --- Not the last part, My Lords. 5

Have a look at this document, page 1(b) of that document, where the writer in the middle of the second paragraph deals with the Defiance campaign, makes this statement, just after referring to 8,000 people that had defied and so on, he makes the statement : "Defiance was a step of great political significance . It was an effective way of getting the masses to function politically, a powerful method of voicing our indignation against the reactionary policies of the government. It was one of the best ways of exerting pressure on the government, and extremely dangerous to the stability and security of the state". You see that statement is made there? --- Yes, I have read it. 10 15

If that statement is correct, then the Defiance Campaign was a subversive campaign? Do you agree with that? --- My Lord, if the statement as made there and has that interpretation, it would have my condemnation, unreserved condemnation. I must say this, My Lords, especially regarding the first aspect of that phrase, "stability", without prefacing it, obviously if you are engaged in a defiance campaign to a certain extent there will be instability, but insofar as an interpretation will be put to this that it intended to - the insecurity of the state, then My Lord, I would say it would not express the mind of the African National Congress. It would not have mattered who would have uttered that, My Lord. For that matter it might be the 20 25 30

President-General himself uttering it. He would be giving a wrong interpretation.

X BY MR. JUSTICE RUMPF :

"e have got a long answer, but it is not the answer to the question. You know what you could do is if you could answer the question, just answer it first and then explain. If you can answer the question. Sometimes you won't be able to without an explanation, but this is an explanation, but it was not an answer to the question as it was put. If you could listen to the question, and answer the question if you can and then give your explanation, because we may come back to this explanation later, and then we have got to hear it again? --- Thank you, My Lord. Well, my reply My Lord, is that the statement as indicated there...

If Counsel could just put the question again, and then you can answer it if you can and explain.

X BY MR. TRENGOVE :

The question was this, Mr. Luthuli. If that statement is correct, then the Defiance Campaign was a subversive campaign? --- My Lords, my reply there is this that if the statement is interpreted to mean that, then it is not in accord with the purpose of the Defiance Campaign.

You are still evading the question. This statement says that the Defiance campaign was extremely dangerous to the stability and security of the state. Now I put it to you...? --- Let me put it this way. The writer there was definitely not expressing the purpose of the Defiance Campaign.

I am just trying to get a reply to this question. If the Defiance Campaign was dangerous to the



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