

MR. v.d. WALT: May it please your lordships, I 15
will now deal with the evidence against accused Moosa Moola,
that is accused No.11, and I ask leave to hand in copies
of the written argument.

Section A, my lords, again sets out the Overt
Acts alleged against the accused, and section B deals with 20
his membership of organisations, and firstly I deal with
the evidence of the witness Cachalia. He stated that the
accused 11 was a prominent member of the Transvaal Indian
Congress; he took part in its activities. Accused 11
might have been the secretary of the Transvaal Indian Youth 25
Congress. It is possible that accused 11 was a member of
the South African Peace Council, and he stated that the
accused was a volunteer.

KENNEDY J: He might have been a member. . .

MR. v.d. WALT

MR. v.d. WALT: It's not proof of the fact, my lord. 1

KENNEDY J: Well, if it's not proved, then should we be bothered about it?

MR. v.d. WALT: No, my lords, strike it out. I would like to point out . . . 5

KENNEDY J: Is that your only evidence on these points, - if so they should come out of your argument.

MR.v.d. WALT: Yes, my lord. I'd like to refer to sub-paragraph (d) where it says "Accused 11 was a Volunteer" He didn't say a freedom volunteer or a volunteer during the Defiance Campaign, my lords, but my submission is that he resigned in April, 1954 -- he was referring to a volunteer in the Defiance Campaign, my lords. 10

Now, my lords, on page 2, at the top, sub-paragraph (2), the evidence of Lollen; according to Lollen he saw him on and off and he stated that accused 11 was the clerk to the National Action Council. He could not specifically say what he did as such, and he also stated that accused 11 sometimes did work for him; again here he did not specify. Accused 11 was employed as a clerk for the campaign of the Congress of the People, but not full time. Evidence of Mandela who stated that accused 11 was a member of the NACOP - the National Action Council of the Congress of the People Secretariat. 15 20

BEKKER J: Was he paid for his work? 25

MR.v.d. WALT: No, my lord. Cachalia's evidence, my lord, was to the effect that they were not paid. Mandela stated that he was one of the joint secretaries of the Transvaal Indian Youth Congress, and the evidence of Resha really corrected the evidence of 30

Mandela. He stated that accused 11 was never secretary of the National - a member of the Secretariat, but that he used to work. He was never secretary of the National Action Council and he was never on the Secretariat. He was a clerk to the National Action Council and he signed letters on behalf of the National Action Council. 1
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And then I refer to other evidence, all documents found in the possession of the offices of the Transvaal Indian Youth Congress and the Transvaal Indian Congress, indicating that he was the joint secretary of the Transvaal Indian Youth congress. I set them out, my lords. 10

Then page 3, my lords, I deal with the searches and that is set out, and the documents found in his possession from MM.1 to MM.139, my lords; they were all found in his house or in his room, and in every case accused 11 was present and claimed the documents as his property. 15

Then I set out the documents, my lords; there is firstly paragraph 4 - firstly is mentioned ANC. document, the same as A.37, a report of the African National Congress Conference, and this has already been dealt with, and (b) Indian Congress documents. Firstly there is document MM 14; this is a typed document, Secretarial Report on the Local and International Situations to be presented to the General Meeting of the Transvaal Indian Youth Congress on the 15th May, 1955. 20
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And I set out the contents in whole - the whole is reflected in this analysis.

RUMPF J: What do you mean the whole? As much as has been read into the record?

MR. v.d. WALT: As your lordship pleases. 30

MR. v.d. WALT

He made an attack on the forces of Fascism and reaction 1
and called South Africa a police State, a State where they
were ruled by the sjambok

RUMPF J: Why do you quote that?

MR.v.d. WALT: My lords, to indicate his - - -
I'm come back later and make certain submissions, with 5
respect, my lords, in respect of this document.

RUMPF J: Yes, I know. I want to know why you
refer us to those bits.

MR.v.d. WALT: To indicate that he had documents
in his possession in which the State was condemned. 10

RUMPF J: Yes.

MR. v.d. WALT: And he also referred to the
fact that the United States of South Africa re-armed Germany....

RUMPF J: What is the United States of South
Africa? 15

MR. v.d. WALT: The United States of America,
my lord, I'm sorry. And he dealt with the campaigns, or
the liberatory struggles in Malaya, Asia, Kenya where
people were killed and also in Indo-China, Morocco and
Tunisia. And at page 5 he states that the South African 20
Government knows nothing but force, and then again he re-
fers to South Africa as a Fascist State and he deals with
the Congress of the People.

On page 6, my lords. . . .

RUMPF J: Was this document drawn up by 25
the Secretariat, or the Secretary, or the Joint Secretary?

MR. v.d. WALT: My lords, I'm going on to
that matter; I'll make certain submissions

RUMPF J: I'm just asking you.

MR. v.d. WALT: No, my lord, there is no 30

clear indication . . . 1

RUMPF J: Because according to your submission joint secretary at this time.

MR.v.d. WALT: Yes, my lord, that is so.

RUMPF J: But we don't know if he was jointly responsible with somebody else for drawing this document. 5

MR.v.d. WALT: Yes, my lord, for the whole document, but I will indicate at the next stage, my lords, that he should be held at least responsible for a certain portion of the report.

RUMPF J: Yes. 10

MR.v.d. WALT: Page 6, my lords. It is stated that a similar but not identical report appears in Exhibit A.81; that is the report which was actually presented to the Conference or the meeting of the 15th May, 1955, of the Transvaal Indian Youth Congress, and then 15

RUMPF J: You say A.81 was a report actually

MR. v.d. WALT: Yes, my lords.

RUMPF J: According to the evidence?

MR.v.d. WALT: According to the evidence, my lords. 20

RUMPF J: Yes.

MR.v.d. WALT: Then (c) The agenda of this Conference continued - - that is the conference of the 15th May, 1955, my lords - - that is contained in Exhibit B.99, except for a few pages, and that is the same as Exhibit A.81, and the booklet B2, "The 10th Anniversary 1945", issued by the Transvaal Indian Youth Congress; both these documents, the Agenda and the booklet indicate that M.Moola delivered the report on international situation at the general meeting of the Transvaal Indian 25 30

Youth Congress on the 15th May, 1955. 1

And then sub-paragraph (d), my lords, "A portion of the report - - that is of the report actually delivered - - on the international situation appearing in A.81 is also reflected in Exhibit B.2 and this was read into the record at page 1066, my lords. This portion in B.2 concludes by stating that this report was by Moosa Moolla, Joint Secretary of the Transvaal Indian Youth Congress. 5

Then I make the submission that this document - that is Exhibit B.2, my lords - was found on premises occupied by the organisations of which accused Moosa Moolla was a member; it is submitted that the Court will in terms of section 263 bis (b) find that accused Moosa Moolla was the author of at least a portion read under B.2. 10 15

RUMPF J: That portion under B.2, what portion is that in your Heads of Argument?

MR.v.d. WALT: The next paragraph reflects what is contained in B.2, my lords.

RUMPF J: Oh, I see. 20

MR.v.d. WALT: The position, if I may summarise, is that it appears that MM.14 was the draft report. It was then modified and taken into Exhibit A.81 and a portion was again reflected in B.2, my lords.

Then the second document, my lords, is MM.66 25
- New Youth of February 1955; it contains an article "February the 21st day of solidarity", and I ask your lordships to take that as read.

And 3) MM.67, New Youth, May 1955, the same as A.196-825. It contains an article "Who owns Formosa", 30

There are other documents, my lords, set out 1
 and I refer to document No.5, MM.137, Report of the Exe-
 cutive Committee of the Transvaal Indian Congress to
 the Conference 9/5/54 at Johannesburg. This report deals
 with the Congress of the People; the report is under the
 heading "Humanity fights for peace" and it deals with the 5
 activities of the World Peace Council. It also states
 that Dr. Dadoo was one of the founders of the South African
 Peace Council and then it deals with the Defiance Campaign.

Then paragraph (c) sets out the documents
 emanating from the Organisations, the South African Society 10
 for Peace and Friendship with the Soviet Union, and (b)
 from the South African Peace Council - (e) from the Federa-
 tion of South African Women, and (f) from the National
 Action Council.

I invite your lordships' attention to docu- 15
 ment No.4 - page 9 - from the National Action Council;
 it's a letter from the Cape Western Action Council and it
 states that the study notes were useful and of a high
 standard.

RUMPF J: Which study notes? 20

MR.v.d. WALT: My lord, it doesn't say. I
 was really going to endeavour to link it with the lectures
 but I'll leave that, my lords.

Then, my lords, document No. 9 on page 10, 25
 which states it's a letter from the Natal Action Council
 and they have only received one lecture entitled "The
 Country We Live In", "Please send us a copy of the first
 set of lectures."

Lower down, my lords, there is a letter
 from the National Action Council and it says "We sent 100

copies of the first lecture to you and would appreciate it if you could raise the matter with the local Post office. A copy of the first lecture is enclosed herewith.

And page 11, my lords, MM.99, is also a letter by the National Action Council to a Dr. Thada and it says "We have no reports from the North Natal Action Council as to the progress of the campaign of the Congress of the People. We have sent copies of lectures to the Committee under separate cover, which are meant to be studied by volunteers, trade unionists and active congressmen. A report on the first lecture will be appreciated."

And MM.101 also refers to the second lecture, my lords, and the first lecture.

MM.133 is a Circular from Midlands Regional Committee of the Congress of the People, Pietermaritzburg, to all volunteers, and here again they firstly press the significance of political study and then it says the first lecture, "The World We Live In" will be delivered by Dr. M.M. Motala at the Vishu Temple Hall on Sunday the 24th April, 1955. "

Then there are other documents, my lords, Miscellaneous -'Liberation', 'Fighting Talk', and documents of Communist origin.

And at page 13, my lords, it is submitted that accused 11 was the author of certain articles, firstly B.6; a "New Youth" August 1955, and there is an article "Warsaw welcomes the World" by M.M. Moolla and then I set out the article and the reason why I submit that he was the author appear on page 14 sub-paragraph (b) 'That Exhibit B.6 was found on the premises occupied by his organisations

and he was a member of these organisations and the pre-
 sumption in terms of the section applies, my lords, it
 is my submission, and the document expresses views in
 support for the World Federation of Democratic Youth".

and section E, my lords, "It is submitted that the
 accused 11 signed the following circulars"

RUMPF J: What especially do you want to draw
 our attention to?

MR.v.d.WALT: Only that, my lords, that he supported
 the World Federation of Democratic Youth.

Section E: 'It is submitted that accused 11
 signed the following circulars and letters on behalf of
 National Action Committee of the Congress of the People
 and the reasons for that submission are that Resha stated
 that accused 11 was the clerk to the National Action Council
 and signed letters on their behalf. The Defence also ad-
 mitted that the accused M. Moolla signed exhibits and I
 give exhibits, my lords.

There is the first document, NIC 16 - it's
 a typed letter from the National Action Council to the
 Natal Provincial Action Council, and it asks for the
 addresses of certain members, persons, so that they could
 send literature or material to these persons.

The second document, my lords, is NIC.29, a
 letter from the National Action Council dated 27th January
 1955 to the Natal Action Council

KENNEDY J: Is there anything of special im-
 portance, apart from the fact that it is alleged by the
 Crown that accused 11 signed these documents, to which you
 want to draw our attention?

MR. v.d. WALT

MR. v.d. WALT: There are only a few of these letters, my lord, dealing with the lectures.

(COURT ADJOURNED UNTIL 12.5 P.M.)

ON THE COURT RESUMING:

MR. v.d. WALT: May it please your lordships. I was dealing with Exhibit TET.3 on page 15, and I would like to draw attention to this, my lords; it deals with the distribution of the first two lectures and also with study and discussion circles among Congress members and volunteers, and it calls for information as to how the lectures were received.

Then, my lords, in the other exhibits there is nothing I would invite special attention to, except MM.102, page 17; that was the exhibit found in possession of accused 11, and it says "Dear Friend, As the first two lectures have already been distributed to you for the purpose of studying and leading discussion circles among active congress members and volunteers, we will be very pleased if you will submit a report on the following", and it indicates on what lines the report has to be submitted.

Then section F, my lords

RUMPF J: Is this a circular to Regional Committees?

MR.v.d. WALT: Yes, my lords. And Section F, It is submitted that accused M. Moolla was the author of and signed the following letters, circulars and Press statements on behalf of the Transvaal Indian Youth Congress. It was admitted by the Defence that accused 11 signed B.188,

B.240 and B.241, and further that these exhibits mentioned were found on the premises occupied by the organisations of which he was a member, and it is submitted, my lords, that the section applies. 1

The first document is really a document containing the resolution and this resolution was adopted; it recognised the great contribution of 'New Age' to the struggle, and B.240, my lords... . . . 5

RUMPF J: Just a minute. Do you - - when you deal with 'F' (i), page 17, you say that it is submitted that accused Moolla was the author of and signed the following letters, circulars and Press statements on behalf of the TIYC. 10

MR.v.d.WALT: Yes, my lord.

RUMPF J: Which are those? 15

MR. v.d. WALT: Those are B.188, B.240 and B.241, my lord. They follow on page 18, my lord.

RUMPF J: Yes.

MR.v.d. WALT: And Exhibit B.240 is a Press release by the Transvaal Indian Youth Congress and it congratulates these people on the 7th Anniversary, and it holds out as a glaring example to all the peoples of the World, and especially those who are suffering under the iron heel of Imperialism and oppression . . . and it is stated on page 19, my lords, that China was supporting the struggle of the people and the Liberatory struggle in various parts of the world. And it also indicates that China was against Colonialism and exploitation. 20 25

B.241, my lords, was also a Press release and it is some indication - it's a fraternal greeting to the 30

Youth and the people of Egypt for their glorious struggle
against the Imperialist machinations to maintain a foot-
hold on Egypt's sovereign soil.

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Section 'G', my lords, it is submitted that
accused 11 was the author of the following letters, and
I list them, B.70, B.182, B.113, B.204, were found on
premises occupied by TIC and TIYC. He was a member of
these organisations and I submit the section applies, my
lords.

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B.70 is a typed letter by M. Moolla and S,
Esakjee, Joint Secretaries of TIYC to the Secretary,
International Festival Committee, Warsaw, and in this
letter it is submitted that it supports the World Federa-
tion of Democratic Youth and the author indicated - about
the middle of the quotation, my lords - that the day is
not too distant when our struggle will triumph and from
the darkness and misery that pervades our fair country
will rise a New South Africa."

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And B.182, my lords, again a letter from
S. Esakjee and M. Moolla, joint Hon. Secretaries, Transvaal
Indian Youth Congress, to the South African Society of
Peace and Friendship with the Soviet Union, and here he
indicated that the Soviet Union then stood as the bulwark
of peace and against Fascist imperialism, and consistently
supported the struggles of the oppressed peoples throughout
the world. Then he says at the top of page 21, "We
reiterate our stand that we will never take up arms
against the Socialist Republics."

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And B.113, my lords, a letter from M. Moolla
and it merely contains a fraternal message from the Trans-
vaal Indian Youth Congress.

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And B.204 is also a letter to the Secretary, 1
World Federation of Democratic Youth.

Section 'H', my lords, It is submitted that
accused 11 signed a letter on behalf of the Transvaal
Peace Council to the Transvaal Indian Youth Congress
dated 14th January, 1955. That's exhibit B.168, and 5
the signature of accused 11 was admitted by the Defence,
my lords.

Section I: It is submitted that accused 11
signed a letter for A. Patel and R. Resha, joint secre-
taries of the National Consultative Committee. This letter 10
deals with the formation of the National Consultative
Committee; the Exhibit is NIC.123, page 3680 - it's the
same as B.55, and the signature of accused was also ad-
mitted by the Defence.

Then Section J, I again set out the 15
Schedule of Meetings which the accused attended; he spoke
at some.

That takes me to page 24, my lords, the
nature of the speeches made at the meetings and the first
meeting is the one of the 21st June, 1953, the South 20
African Society for Peace and Friendship with the Soviet
Union, Johannesburg, and the witness was D/Sgt.van Papendorp
and according to him accused 11 spoke, and he said, and this
is the quotation, my lords: "Russia will not allow the
Chinese and Koreans to be cheated by the West. Korea 25
is doing - Russia is doing the right thing to support
them with arms, and it is for all the oppressed and work-
ing people of the world to join in the struggle against
the West and to destroy the capitalist system. It is
the duty of the oppressed and working people of South 30

Africa to follow in the footsteps of the people of Korea and China, and too, to follow in the footsteps of the people of Russia and China and liberate themselves from the chains of oppression of the capitalist world."

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And according to this witness, my lords, Dr. Percy Cohen also spoke and he blamed America and Britain for the Cold War and also for the war in Korea, and he stated Russia was standing for peace.

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Then the second meeting of the 23rd August, 1953, South African Peace Council - witness D/Sgt.van Papendorp.

BEKKER J: Does it show in what capacity the accused was present?

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MR. v.d. WALT: In the previous meeting, my lord?

BEKKER J: He was a speaker there.

MR.v.d. WALT: Yes, my lord. It doesn't indicate my lords.

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BEKKER J: Was he on the platform?

MR.v.d. WALT: No, my lord. The meeting of the 21st, the one I've just mentioned, I've summarised it and I have stated that the effect was the following: "The purpose of this meeting was to form the South African Peace Council. The speakers condemned the United States of America and it was stated that the Socialist States were fighting for peace. Speakers said that oppression had caused revolutions in Indo-China, Malaya and Kenya. The struggle in Kenya was part of the struggle in South Africa. The task of the Peace Council was to free South Africa from Capitalist maniacs."

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Then a meeting on the 14th February, 1954, my lords, a Colonial Youth Day - Pretoria; witness D/Sgt,

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Ellis. According to him accused 11 was the chairman and a person P. Joseph spoke and reported on his visit to Rumania and Russia, and a speaker, Kadusswits, said that the abolition of the colonial system will end war in Islam, Malaya and Kenya.

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Then the meeting of the 22nd February, 1954, accused 11 was present according to the witness; the speakers condemned the Government of South Africa and its laws. It was stated that the people would eventually remove this Government.

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The meeting of the 23rd April, 1954, my lords, South African Peace Council, Johannesburg, and according to the witness the accused was present and no speeches were read into the record, my lord.

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The next meeting, that of the 20th March, 1955, will be dealt with at a later stage, my lords.

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The meeting of the 21st May, 1955, a Congress of the People meeting; witness D/Const.Schoeman, shorthand notes were taken, and according to Sharp the accused 11 was present and I have summarised it again, my lords.

KENNEDY J: Yes, you've dealt with that.

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MR.v.d. WALT: Yes, my lord.

KENNEDY J: Go on to page 28, and the meeting of the 6th November, 1955, you've dealt with that too.

MR.v.d. WALT: That is correct, my lord.

KENNEDY J: And I think the speech reported was summarised.

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MR. v.d. WALT: That is so, my lord. On page 29 I mention a few meetings where accused 11 was present and meeting No.14, there the speakers protested against the closing of the Soviet Consulate in South Africa,

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and meeting No.16, my lords; there again the speakers
 lauded the achievement of Russia; it was also stated
 that Russia was the champion of the peoples of the under-
 privileged and colonial countries. and he was present
 at another meeting, my lords, that of the 25th November
 1956.

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SECTION K deals with the Overt Acts, my
 lords, and the first meeting was a meeting of the 25th
 July, 1954 - a Congress of the People meeting - - I do not
 ask your lordships to find that that overt act has been
 proved, and then the next meeting, my lords, was the one
 of the 20th March, 1955, a Colonial Youth Day meeting
 at Sophiatown; witness D/Sgt. Coetzee, shorthand notes
 and this speech of accused 11 was linked with the means,
 paragraph 4 (B) (1) and 4 (B) (iii), my lords, and accord-
 ing to D/Sgt. Coetzee accused 11 spoke at this meeting.
 I omit the first paragraph, my lords, and the second para-
 graph is to the following effect,

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"If you look back at the history of the dark
 ages you will notice that the people have always progressed
 from a lower to a higher stage. It was the same with the
 people of the Soviet Union where not so long ago the im-
 perialists ruled; China where women and children were
 slaves today is a mighty nation," although the Imperialists
 don't allow her her legitimate place in the United Nations
 Organisation. As I have said, life, being continuous motion,
 nothing is static, everything goes from a lower to a higher
 atage. I have pointed out examples to you, the Soviet
 Union and China, and in Indo-China where you find that
 after long years of struggle against the French oppres-
 sors,

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sors the people are building a life of peace and happiness. We find in India a new life, and we find that in Korea, after the slaughter of three million people, peace reigns again. If we, the people of the world will make it our duty to defend peace, it will last. I am not going to speak to you about the youth all over the world, other speakers have and will do that, but I would like to mention to you the heroic people of Kenya. Under the guise of suppressing Mau Mau, the British Imperialists are slaughtering women and children They do it to get more profits, but the people of Kenya are not alone, their fight....." 1 5 10

KENNEDY J: What is the Overt Act there?

MR.v.d. WALT: My lords, paragraph 2, from 'If you look.....' to line 7; from there, my lords. '....mighty nation'. 15

RUMPF J: What do you mean?

MR.v.d. WALT: To the words 'mighty nation' my lord.

KENNEDY J: Yes, well, is that one of the Overt Acts? 20

MR.v.d. WALT: Yes, my lord; then another portion . .

KENNEDY J: What is the Crown's submission?

MR.v.d. WALT: That was 4(B)(1) and 4(B)(3), my lords. 25

KENNEDY J: In what way?

MR.v.d. WALT: That should be read with the next portion I was going to refer your lordships to. In paragraph 2, my lords, the paragraph I've just read.

KENNEDY J: What portion is set out by you? 30

MR.v.d. WALT: That is line 7, my lords; it starts "But I would like to mention to you the heroic people of Kenya....." and it goes on until "they do it to get more profit". And then that's where the word alleged . . .

KENNEDY J: You are not telling me what your submission is.

MR.v.d. WALT: It still goes on, my lords; on page 32, line 5, that portion is again mentioned as being attributed to Moosa Moolla; "The struggle is difficult, yes, we shall encounter many difficulties, and we in South Africa are now going to help the people of South Africa. The Congress of the People will be a mighty assembly which will take place in a few months time for the purpose of drafting a Freedom Charter." And then it stops there, my lords, and then it goes on to the next paragraph, the last sentence: "The Freedom Charter will be the future constitution of our people but freedom will not be won after this Freedom Charter has been adopted, and I must state here that it will only begin then and that struggle will still lie ahead."

My submission, my lords, is this

KENNEDY J: Is that the whole quotation from your Heads?

MR.v.d. WALT: No, my lord, there is another portion. The next paragraph starting with "We might fight for it." Line 8, my lords, "The idea of freedom has come to our people and it will sweep aside the forces of reaction. It will sweep aside everything that is bad in this country and it will build life anew in this country so that the youth of this country can bloom forth in all its

splendour. I say, Mr. Chairman, and fellow comrades,
that that day is not far off, it is not far away if we
make it our duty to fight for freedom. There is no power
on earth that is going to stop us." And that is where
it stops, my lords.

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KENNEDY J: Yes; what is the Crown's sub-
mission?

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MR.v.d. WALT: My submission is that he deals
here with the Freedom Charter, and he states that it would
be

KENNEDY J: It's based on the Congress of the
People and the Freedom Charter.

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MR.v.d. WALT: Yes, my lord.

KENNEDY J: Is that 4(B) (1)?

MR.v.d. WALT: Yes, my lords, 4(B) (1).

KENNEDY J: What is 4(B) (3) then?

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MR. v.d. WALT: That was based on the little
portion,"but I would like to mention to you the people of
Kenya, the heroic people of Kenya, and under the guise of
suppressing the Mau Mau....." but that portion by it-
self, my lords, I cannot support that - - I mention that
in support of the unconstitutional action; but the portion
that follows on that was not mentioned, my lords - where
it goes on to say 'That the people of Kenya are not
alone, their fight is our fight.....' Then it is an
expression of solidarity with violence, the violence that
occurred there, my lords.

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KENNEDY J: That is outside the Indictment?

MR.v.d. WALT: Yes, my lord.

KENNEDY J: But what do you say about this?

MR.v.d. WALT: My lords, then I cannot support 30

it unless the Court can look to that portion to interpret the section mentioned in the Indictment. 1

KENNEDY J: What is your submission?

MR.v.d. WALT: I make the same submission, my lords, that was made when the Indictment was argued, that the Court can look to the whole speech to interpret certain portions of this speech. 5

Then on page 32, my lords, I deal with the speech of R. Resha and the topic was 'The campaign against the Western Areas' and he stated there that the forces of democracy and the forces of Fascism would meet. He also attacked the Bantu Education Act and warned the police at the meeting that their turn would come. 10

Then I refer to a speech of Issie Heyman and I'd like to read this, my lords: He stated "These questions are asked: Will there be war again? When will there be war? I say that the war is not far off. It is on. People are already fighting for liberation all over the world, and blood is being shed in Kenya, blood is being shed in Malaya, blood is being shed in Asia. And the shedding of this blood is not justified, nor is it necessary. Those people are fighting for liberty and freedom from colonial oppression. Those people who are shedding the blood of these colonial people want to turn the clock back, they want us to return to the dark ages, they want us to reach a savage civilisation". Then he deals with Bantu Education, and the Western Areas, my lords. 15 20 25

A further speaker was Patrick Maloao who dealt with the campaign against Bantu Education and called for freedom volunteers. 30

The submission I make, my lords, is that the evidence proves this Overt Act beyond reasonable doubt. 1

Then the next meeting is the meeting of the 18th September, 1955, a Freedom Charter Committee meeting, Johannesburg, and here again the witness was D/Sgt. Coetzee and D/Sgt. Papendorp. 5

1(a) contains the submission of the Crown: "If the Court accepts the submission of the Crown in paragraph b(6) above, then the Crown does not rely on this meeting as an overt act against accused 11, as D/Sgt. Coetzee testified to both the meetings." 10

RUMPF J: You've made this submission before; what is the meaning of it?

MR. v.d. WALT: Then the Crown does not rely on this meeting; we only ask the Court to consider the first meeting, my lords, as an overt act against the accused 11. 15

RUMPF J: The same witness?

MR.v.d. WALT: Yes, my lord, the same witness. Where more than one overt act is alleged there must be one separate witness at least to each of the overt acts, my lords. 20

RUMPF J: A different witness?

MR.v.d. WALT: Yes, my lord.

RUMPF J: You can't have one witness to two or three or four overt acts. He cannot testify to all two, three or four? 25

MR. v.d. WALT: No, my lord. In the submission of the Crown, not, my lords.

RUMPF J: You must have a different witness 30

in every case? 1

MR.v.d. WALT: Yes, my lord. That is the submission of the Crown, my lords.

BEKKER J: Is that the Law?

MR.v.d. WALT: That's what I submit, my lord.

BEKKER J: Where do you find in that section that it must be a different witness? 5

MR.v.d. WALT: My lords, as far as I recollect that's how it's been interpreted in the case of Rex vs. Henning, that where you have two or more overt acts it must be a separate witness to each overt act. 10

BEKKER J: Even although you only want one witness?

MR. v.d. WALT: Yes, my lord. But it is respectfully submitted that the Court will take this meeting into account when it considers the hostile intent of accused 11. 15

Then I have dealt with this meeting before; I mentioned the same speakers and the witness was van Papendorp and he indicated that accused 11 was present and he said the accused M. Moollaa - - that is on page 37 - - was present and he seconded the resolution, and then page 37, sub-paragraph (b) it is submitted that the overt act in Part B of the Indictment, the conspiracy, against the accused 11 has been proved beyond reasonable doubt, and it is submitted that the hostile intent of the accused 11 and his adherence to the conspiracy should be inferred from his activities, and then, again, I set out the activities - - up to page 39 - - it is based on the information with which I have dealt, but on page 39, sub-paragraph E, I make a further submission; it is submitted that the accused 11 was fully aware of the activities of 20 25 30

the National Action Council and the National Consultative
 Committee; he participated in their activities, and I
 want to draw attention to sub-paragraph (d); he was
 aware of the lectures A 84 to A 86; he knew these
 lectures were distributed and that they were used by the
 Congresses for the political education of their members
 and the Freedom volunteers in the liberatory struggle.
 As the clerk to the National Action Council he was a
 party to the distribution of these lectures, and I have
 referred to the documents he signed on behalf of the
 National Action Council and he also had in his possession
 the "The Country we Live in", and I also refer to the
 other documents in his possession which refer or relate to
 these lectures, my lords.

And here again, my lords, I have tried to group
 certain of his expressions, statements. That submission
 is made on page 43, my lords; for instance the Liberatory
 Movement, and lastly I deal with the meetings which he
 attended and summarise that; one I would like to refer
 to for instance is the meeting of the 18th September,
 1955; that is on page 45, where it is submitted the speak-
 ers prepared the people for acts of violence which might
 occur in the course of the liberatory struggle. And
 again here, my lords, it follows the same line that was
 put to me yesterday, that they took the line that violence
 would come from the State.

That's all I have to say, to submit to the
 Court in connection with this accused; there will be.....

RUMPF J: What do you mean by "speakers
 prepared the people for acts of violence". How did they

prepare the people for acts of violence? 1

MR.v.d. WALT: My lord, they told them, or they impressed on them that in the liberatory struggle . . .

RUMPF J: They warned them that acts of violence would occur.

MR. v.d. WALT: In my submission, my lords, they actually go further. For instance Dejak said 'You must be prepared to clash with the State'. They use expressions stronger than warning them, my lords, in my submission. 5

RUMPF J: Yes. 10

MR. v.d. WALT: That's all I have to say, my lords; there will be further argument by my learned leader Mr. de Vos.

MR. DE VOS: My lords, just before I continue with this particular accused may I rectify an error I made in giving certain information to his lordship Mr. Justice Bekker on the question as to whether J.G. Matthews made use of ANK.32. I replied then that in an article "Building a United Front" he made certain statements. 15 20
In fact, my lords, the article was not "Building a United Front", it was that particular lecture delivered by Dr. Conco according to his own evidence, page 11114 of the record: At the Youth League Summer School a lecture, according to Dr. Conco, prepared by J.G. Matthews - that 25
is at page 11288 - and this particular lecture "African Nationalism Today" was dealt with under ANC.document No. 23, my lords, as RF.71 in the argument on the Communist policy of the A.N.C. Other numbers for the same document 30

include STN.79, NA 81, and it's found at page 3716 to 3724. 1
 And in this particular document, my lords, the final refer-
 ence is made to - and I quote from page 2558: "Final Quali-
 tative Leap to a new world"; I'm sorry, my lords - - no,
 I'm sorry, I gave the words - "Final qualitative leap to a
 New World" page 2558, appears in AMK.32, my lords, and in 5
 this particular document of J.G. Matthews occurs at page
 3722, the words "final qualitative leap to a new Stage".

Then, in both documents, my lords, there occurs
 the comparison to conditions in pre-revolutionary Russia;
 in the case of the first document, that is to say AMK.32, 10
 I have given a quotation of that part; it occurs in my
 Summary at page 8 on Kathrada - page 2552 of the record -
 and in RS.71 the comparison is also made at page 3716.

KENNEDY J: What is the reference?

MR. DE VOS: Page 11114 of the record; that is 15
 on the Youth League Summer School, and who wrote the lec-
 ture, 11288, my lord.

On this particular accused, my lords, accused
 No.11, I submit - I have prepared Heads of Argument - -
 I submit (a) That this accused knew and accepted and pro- 20
 pagated the theory of dialectical materialism including
 the doctrine of violent revolution."

(b) That he accepted the division of the world
 into two camps, Communist and Capitalist, and he saw South 25
 Africa as part of the latter camp and called for the des-
 truction of Capitalism in the Union and the World.

(c) He lauded thr U.S.S.R and China and condemned
 the United States of America as an aggressor.

(d) That he knew the Communist policies adopted 30

by the organisations to which he belonged, and which he supported; he therefore knew and supported policies, thereby in my submission adopting the Communist analysis of the present State in the Union and propagating the use of Communist methods, aiming to establish a Communist State, and that should really be (4) - a further leg - knowing that this would involve the use of violence. It need not for the purpose of the case of the Crown always go together, my lords.

My lords, I refer first of all to matter which the accused wrote, or what he said and on the basis of that I make certain submissions in regard to this particular accused.

First of all I refer to the speech which has already been quoted to your lordships, made on the 20th March, 1955, at the Colonial Youth Day meeting in Sophiatown; that is quoted here at page 2 of my Heads of Argument. It has been read by Mr. v.d. Walt, and it refers - - your lordships will see about two-thirds the way down, to page 7513, line 16 to line 29 - -

RUMPF J: Well, you have set it out.

MR. DE VOS: As your lordship pleases.

Now, my lords, my submission on that is contained on page 1 (a), that accused showed his knowledge of dialectical materialism by referring progress from a lower to a higher stage as a law of history." He doesn't call it a law of history in fact but he says if you look back at the history of the dark ages you will notice that the people have always progressed. I interpret that as being a law of history. He also referred to the law of continuous

motion, one of the classic concepts of dialectical material- 1
 .ism and I refer there, my lords, to my memorandum on
 Marxism-Leninism where that particular portion is referred
 to.

My lords, I quote to your lordships the extract 5
 in regard to this part of Communist theory, quoted by Prof.
 Murray, at page 4722 - that is page 1 of my Heads of
 Argument, where he quotes - - and this is verbatim from
 the History of the C.P.S.U - on the dialectics does not
 regard the process of development as a simple process.....

RUMPF J: Well, you needn't quote that. 10

MR. DE VOS: As your lordship pleases. This is
 merely quoted here on this point to indicate the connection
 of the concept of a leap from one stage to another - the
 well known qualitative leap, my lords, which I have referred
 to very often before, and connect that with what follows 15
 in the last paragraph on that particular page, where he
 says, "The dialectical method therefore holds that the
 process of development should be understood not as a move-
 ment in a circle, not as a simple repetition of what has
 already occurred, but as an onward and upward movement, as 20
 a transition from an old qualitative state to a new qualita-
 tive state, as a development from the simple to the complex,
 from the lower to the higher."

My lords, I submit on page 2 that it is to be 25
 noted that this process is described as an 'onward and up-
 ward movement, as a transition from an old qualitative state
 to a new qualitative state" with the "qualitative leap"
 philosophical basis of the theory of revolution, forming
 the link between the old and the new. This is connected 30

with and part of the laws of continuous movement and change." 1
That has been dealt with also in my Memorandum on Marxism-
Leninism.

. My lords, I submit that the accused clearly
showed knowledge of these concepts. . That he had the
Communist ideas in mind further appears from the reference 5
to the Soviet Union and China, "where not long ago imperial-
ists ruled", as examples of the illustration of these
dialectical processes.

My lords, also on the basis of what emanated
from the accused, I make the further submission (b), That 10
accused held out the U.S.S.R and China as an example to
the oppressed and working people of the world who should
join in the Anti-West struggle. I ask your lordships to
bear this in mind, "who should join in the Anti-West
struggle for the destruction of Capitalism. In South 15
Africa in particular" - - he brings it home to the Union - -
"the oppressed and working people were exhorted to follow
in the footsteps of China and Russia and liberate them
from capitalist chains. And he congratulated China on
the Anniversary of their Peoples Republic. 20

Then, my lords, the U.S.S.R. as a bulwark of
peace; he condemns the U.S.A. for forming aggressive
alliances and establishing war bases, and preventing the
rightful return of Formosa to the Peoples Republic of 25
China.

My lords, in support of these submissions
I quote B.182 which has been dealt with before by Mr.
v.d. Walt, B.240 and a speech made by the accused - witness
van Papendorp - at the South African Society for Peace and 30

Friendship with the Soviet Union on the 21st June, 1953, and I submit that this material bears out my submissions in the way I have stated them on the former page 3, my lords. 1

My lords, also on the basis of what he wrote and said, I submit that accused had contact with and supported the activities of the WFDY. I refer there to the New Youth of August, 1955, where he wrote an article "Warsaw welcomes the World," 5

KENNEDY J: Is it by E. Moolla? 10

MR. DE VOS: My lords, I'm sorry, that is a mistake. It should read - - it's a typing error, my lords; it should read M. Moolla. It refers again to the forces of evil who were preparing to plunge the world into war, and again B.70, a typed letter addressed to the Secretary of the International Festival Committee, Warsaw, and B.190, a letter to W.F.D.Y. 15

Also, my lords, accused supported New Age, the Press statement signed by accused as secretary of the PIYC - that occurs, and his signature was admitted, my lords. 20

My lords, furthermore, in section 2, Part 2, at page 5, I refer to the accused's activities as a prominent member of the PIYC and submit that he would have realised the use these organisations made of the publication 'New Youth' of which he possessed certain copies, and I there refer your lordships to copies reflecting a Communist policy of the organisation concerned. I also refer your lordships to Part 3, to documents possessed by the accused, indicating the Communist policies 25 30

of the Indian Congress, and full details are given there. 1

Part 4, my lords, refers to the following document in his possession, indicating the Communist policy of the S.A.P.C., and I indicate there the connection the accused had with the Peace Movement in the Union, and Part 5, my lords, I refer to the possession by the accused of a vast number of issues - well, not a vast number, but a considerable number of issues of 'Fighting Talk'; a bulletin which had the support of the Indian Congresses and copies of which were found in his possession and which contained very obviously in my submission Communist matter and propaganda, and I indicate them here to your lordships. 5 10

My lords, I also refer the Court to Part 6, of my Heads of Argument, to the connection the accused had with the "World We Live In", the role he played in participating in distribution of that particular lecture, and of his knowledge of and distribution of those lectures, also to his possession of Communist matter including the Constitution of the U.S.S.R and the constitution of China Part 7, my lords. Part 8, my lords, I refer your lordships to his being present at the Freedom Charter Committee meeting, and finally his presence at the meeting at Klip- town in June, 1955, and to certain meetings of the South African Society for Peace and Friendship with the Soviet Union, meetings which were held to celebrate the anniversary of the October revolution, my lords. 15 20 25

I also refer the Court to a Transvaal Peace Council meeting, my lords.

My lords, that concludes my argument on this particular accused.

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