

My Lord, I now proceed to deal with the Federation of the South African Women. My Lords, at the outset I give a general submission : In the light of the facts set forth hereunder, the Crown submits that on the women's front, the Federation of South African Women was essentially the counterpart of the alliance build by the Congress movement. It sought to bring together women of all races in their respective organisations on the basis of a federation. It did not seek to establish a new or competitive organisation in order to draw women away from the congresses. It did not compete with other women's organisations within the congress movement, but united them. It stood for the same programme as the congress movement. It was essentially a co-ordinating body whose membership was chiefly drawn from the various bodies campaigning together, and aiming at the fullest participation and co-operation of all women in the national liberatory movement. Most important of all. The Federation of South African Women believed that in the final analysis all vanguard fighters for freedom were led by the programme and actions of the African National Congress.

My Lord, I firstly deal with the formation

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of the Federation of South African Women. Schedule B to the Indictment mentions the organisation, at page 11, and the Summary of Facts, paragraph 7, page 57 also deals with this matter, the formation of F.S.A.W. in April, 1954.

It is submitted that it is common cause that the F.S.A.W. was in fact formed on the 17th April, 1954. The evidence - see in this connection the evidence of the witness Helen Joseph, page 13989; also Exhibit E.172, which is a report of the first National Conference of Women held in the Trades Hall, Johannesburg on April 17th, 1954, record page 1934.

My Lords, this document E.172 was identified by the witness Helen Joseph as a document which was prepared and distributed by the Federation of South African Women, record page 14200.

I then refer to the membership and office bearers of F.S.A.W. I give them and detail them at the bottom of page 2 and the top of page 3. Then I refer to the co-operation between F.S.A.W. and the other organisations. Then I refer Your Lordships to the admissions by the Defence in Court, admissions 5, 7, 8, 9, 10, 13 and 14 and the evidence of Mrs. Joseph where this is set out, My Lord, and where I state that some of the leading members of the F.S.A.W. were also leading members in the other organisations. That is H. Joseph and I set out these, My Lord. Then I set out the organisations that were affiliated to the F.S.A.W., that is A.N.C.W.L., S.A.C.O.D., S.A.C.P.O. and T.I.C. I refer to where this is found in the Report, H.J. 51,

which is the report identified by witness H. Joseph as a document which was prepared by her as the Regional Secretary of F.S.A.W., page 14173. Then I refer to statements by the F.S.A.W. or by members of F.S.A.W.

MR. JUSTICE KENNEDY :

Do the statements deal with the nature of the organisation?

MR. VAN NIEKERK :

Yes, My Lord. It deals with the nature of the organisation, My Lord, and I am referring to a meeting of the 25th March, 1956, A.N.C. Women's League, Alexandra where the witness is Dunga, the speaker is Helen Joseph and she stated : "Let me first explain to you what this Federation of South African Women is. It is a Federation which is not looking upon one organisation only, but seeks to affiliate all the various women's organisations for only then can it be a federation of all the women in South Africa".

MR. JUSTICE KENNEDY :

Do the remaining extracts set out at pages 6, 7, 8, 9 all deal with the same - in your submission the same sort of....

MR. VAN NIEKERK :

Up to page 10, My Lord, it deals with it, and it shows that with respect the F.S.A.W. would - did not stand apart from the other organisations, but was really co-ordinating the activities of the women in the liberatory movement and in the liberatory struggle. That is contained in the references up

to page 10, to the top of page 11.

Then I deal with the fraternal delegates, My Lord, - the fraternal messages, and I set that out, the fraternal messages received at meetings and conferences and the F.S.A.W. sent fraternal messages to the meetings and conferences of other organisations. My Lord, this is found in the evidence of Helen Joseph.

Members of the F.S.A.W. also attended meetings convened by other organisations. The Federation of South African women were represented on the National Consultative Committee and the Transvaal Consultative Committee.

My Lord, then from page 11, with Your Lordship's permission I want to deal more specifically with certain ideas that were propagated by the F.S.A.W. These are to be seen in conjunction with ideas propagated by the other Congresses, with submission, and I therefore refer firstly to a reference at the bottom of page 11, which is a document H.J. 53, found in the possession of Helen Joseph, Report of the Main Speeches and Resolutions of the Second National Conference of the F.S.A.W. held at Johannesburg, 11th-12th August, 1956. There I am referring to two extracts. First one from the speech of Helen Joseph and the other one a speech by Seedat. "The F.S.A.W. expressed the view that any women's organisation that stood outside the struggle for national liberation would stand apart from the mass of women. They drew inspiration from the dramatic changes in their favour which were taking place outside their country. One third of the world's population had decided to build a new society free from exploitation. The dictators of

South Africa were not willing to learn from history, the F.S.A.W. would teach them." Then My Lords, on page 12, from S.172 which is the same as R.R. 5, identified by Mrs. Joseph, page 14200, that is the Report of the first National Conference of Women, held at Johannesburg on the 17th of April, 1954. the "Women of China", where it says a report of the main speeches - when it refers to the fact that the "F.S.A.W. recognised that in China the women had joined the historic struggle to crush feudal oppression and distinguished themselves by struggling shoulder to shoulder with their men in the People's Liberation Army, and as guerilla fighters. Their women were now fully emancipated and enjoyed equal rights with men. Since the establishment of the Chinese People's Government in 1949, the - various laws had been passed to protect women and children."

Then My Lord, on page 13, the evidence of Mrs. Joseph, she stated - her personal view - that the type of state which the F.S.A.W. had envisaged for South Africa would ultimately come very close to the type of state prevailing in the People's Republic of China. Your Lordship will remember that Mrs. Joseph was the General Secretary of the Federation of South African Women. I then quote from a document, M.R.66, which was found in possession of Mary Rantha, which.....

MR. JUSTICE RUMPF :

Well, what does Helen Joseph say in that passage in the record to which you refer?

MR. VAN NIEKERK :

My Lord, page 14257 to 14259, of the record.

This is what Mrs. Joseph says, My Lord - a question by Your Lordship the Presiding Judge : "I wonder if you could just revert back to the previous point. I just wanted to ask you this. As far as the Federation of South African Women is concerned, we have heard references to China and so on in documents, the Freedom Charter. What was the point of view of the Federation of South African Women in regard to the nature of the state that it wanted, assume that it had attributed the characteristics set out in the state, in the Freedom Charter, to what extent would it, in the view of the Federation be different from say China? --- My Lords, that would really presuppose a knowledge of China. It would be very difficult for me to answer that."

"Yes, but there are references to the state of China? --- I think the references are that women had achieved independence and happiness. I do not remember that reference, My Lord, if that is the one. I think it was the view of the Federation that if the changes envisaged in the Freedom Charter could be won, women would then achieve a comparable freedom and happiness."

"But the Federation was interested in a new state? --- Yes.

"Because of their own interests as women? --- Yes."

"Firstly perhaps, mainly perhaps, but in the view of the Federation, how could the state in terms of the Freedom Charter not as a constitution, no, differ from the People's Republic of China? --- My Lord, I could only give you a personal view. We have never had any discussion on these lines, and my view would really be from what I have heard about China. I think that in many

ways it probably would not be greatly different, but My Lords, I would then have to know a lot about China to answer that question."

"Would it in your view in any differ, and if in any way, what way? --- My Lords, may I first just outline what is my knowledge, my limited knowledge of China, because I cannot take this very far. I think that there is the principle of universal franchise, that I know. In that way I would say that what we envisage would be no different. As far as I am aware, My Lord, I think that in China the economic system, I may be wrong, still provides for some private enterprise. That would be in line with the principles of the Freedom Charter."

MR. JUSTICE KENNEDY :

Well, the evidence of Mrs. Joseph on this point is so qualified that, is it worthwhile putting it in?

MR. VAN NIEKERK :

As Your Lordship pleases.

MR. JUSTICE KENNEDY :

Then we take it out.

MR. VAN NIEKERK :

As Your Lordship pleases. My Lord, and then, I refer to a letter by the F.S.A.W. to the Secretary of the African National Congress, M.R. 66, which was a document found in possession of Mary Rantha, which as I have indicated, was one of the Executive Members of the organisation. This letter on the face of it discloses the objects of the F.S.A.W. At page 4331, lines 1 to 11 : "The Federation of South African Women, in order to obtain

the fullest participation of women in the national liberatory movements and trade unions, appealed to the African National Congress to participate in their work. They urged that thereby the A.N.C. would be strengthened, and the day of freedom from race and class oppression would be hastened."

And then I refer Your Lordships to a further document, M.R. 89, Minutes of the National Executive of the African National Congress Women's League. These Minutes were found in possession of Mary Rantha, a member of the A.N.C. Women's League, and these Minutes reflect that present at that meeting was Mrs. Ngoyi, the president and Mary Rantha the Secretary. My Lord, both these people are members of the F.S.A.W. My submission is that the A.N.C. Women's League recognised and recorded that there was no difference in policy and principle between the F.S.A.W. and the A.N.C.W.L., and the A.N.C.W.L. agreed to affiliate to the Federation on a national basis. My Lords, in the Minutes it appears that the president of - that is Mrs. Ngoyi, had a discussion on the S.A.F.W. and told members that there is no difference in policy and principle between the A.N.C. and the South African Federation of Women, and the Federation provided a forum for all women of all racial groups to meet together..." et cetera. "After some discussion it was then agreed to affiliate". My submission there, My Lord, is that Mrs. Ngoyi, being the president of the A.N.C. Women's League and also being the Secretary - I am sorry, My Lord, also being the National President of the Federation of South African

Women, that she is in a position to state whether there is or is not any difference between the policy and principles of the A.N.C. and the F.S.A.W.

My Lord, at the bottom of page 14, I refer to the fact that the F.S.A.W. sent a delegate to the World Peace Council in Helsinki, Finland, and two delegates to the World Congress of Mothers which followed upon the World Peace Council. The F.S.A.W. expressed the view that their struggle for peace and freedom in South Africa was part of the struggle for peace and freedom the world over. Representatives of the National Executive Committee of F.S.A.W. attended the National Peace Convention held in Johannesburg in October, 1956. My Lord, this is taken from the speech of Helen Joseph, the first part, held at the meeting of the F.S.A.W. at Johannesburg on the 7th of August, 1955, the witness was the shorthand writer Sergeant Coetzee, and the - it appears in the record at page 7547 lines 20 to page 7548 line 5. The second portion is taken from the F.S.A.W. circular by Helen Joseph to All Regions and Members of the National Executive Committee, dated the 6th November, 1956, record page 2526.

MR. JUSTICE RULPF :

This reference in your submission to the F.S.A.W. expressing the view that the struggle for peace and freedom in South Africa was part of the struggle for peace and freedom the world over, was that a statement by Helen Joseph, purporting - well, did it contain the words "the F.S.A.W. expresses the view", or what does it say?

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MR. VAN NILKERK :

My Lord, may I proceed while I am waiting for that reference? My Lord, the Federation of South African Women - on page 15 - recognised and expressed the view that final victory for the people, which meant the end of the cheap labour system of South Africa, could only be achieved by the overthrow of the ruling class. My Lord, - and by the achievement of the Freedom Charter as the ruling policy of South Africa. This was taken from a Memorandum of the Anti-Pass Campaign to which I have referred to already. The F.S.A.W. expressed the view that the role of F.S.A.W. in relation to other organisations was clearly outlined in the Memorandum on the Anti-Pass Campaign. This struggle against the pass laws was not a matter for African women alone. It was part and parcel of the struggle for liberation. It was for the Congress movement as a whole to oppose passes for women. In the matter of passes for women, the women were waiting for the Congress lead. The year 1956 would be a vital one for the liberation movement, for it could see the translation of the Freedom Charter into action in defence of the individual; carefully planned, decisive action, which could translate into reality at least one section of the Freedom Charter: "The pass laws shall be abolished". A courageous and determined campaign could render passes for women inoperable and deal the whole pass system a mortal blow. My Lord, on this my submission is that the F.S.A.W. follows the Congress lead, My Lord.

My Lord, then I refer to page 17, : Despite

the fact that the Accused H. Joseph.... I am sorry, My Lord, these submissions on pages 15 and 16 were taken from the Memorandum on the Anti-Pass Campaign which has been referred to; a F.S.A.W. circular by Helen Joseph dated the 6th November, 1956 to all regions and members of the National Executive Committee; and G. 1132, which is a Fighting Talk, January, 1956, an article by Helen Joseph, Women Against Passes.

MR. JUSTICE BEKKEF :

How do you rely on that as admissible against this organisation, the Fighting Talk article?

MR. VAN NIEKERK :

She was the general secretary of the Federation of South African Women, My Lord.

MR. JUSTICE BEKKEF :

In what capacity was she writing the article?

MR. VAN NIEKERK :

My Lord, it is not stated that she wrote that specifically in any capacity,...

MR. JUSTICE BEKKEF :

Then why is it admissible against this organisation?

MR. VAN NIEKERK :

My submission is, My Lord, that it would be admissible against the whole Congress movement, including the F.S.A.W. It is only because she was the secretary, My Lord, I can take the matter no further than that.

Then My Lord, I refer to page 17 : "Despite the fact that the Accused Helen Joseph in her evidence

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described the campaign of resistance of the Western Areas Removal as being subject to 'the Joint Congressional policy' of non-violence, (Record 14643, lines 16 to 29), it is submitted, My Lord, that it is clear that the F.S.A.W. foresaw the possibility of violence in the course of the removals from the Western Areas. It is submitted that F.S.A.W. also foresaw that by urging resistance upon the inhabitants of the Western Areas, the Congresses were increasing the danger of the commission of acts of violence, in the Western Areas. I refer Your Lordships generally to the cross-examination of H. Joseph on the topic of the Western Areas, page 14636 to 14686. The views here expressed primarily in her capacity as a member - appear to have been expressed primarily in her capacity as a member of the South African Congress of Democrats, but as a co-ordinating body for the women of all the Congresses, F.S.A.W. knew that all the Congresses were supporting the campaign of resistance, and F.S.A.W. certainly recognised that the situation in the Western Areas was an explosive one. At the very time of the removals, the Accused Helen Joseph made a speech on behalf of the F.S.A.W. to the Women's International Democratic Federation in Geneva, in the course of which she says : "The municipal beerhalls, a profitable source of municipal income, will be boycotted by the men; workers, men and women will stay at home and will spend the days in prayer. This is to be a peaceful 'kneel down' strike. But will it be allowed to remain peaceful? This is what we do not know. Violent methods will undoubtedly be adopted by the police who are to

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to assist the municipal authorities in this brutal move under the pretence of maintaining law and order. As we can anticipate that the removal will be attempted with the police and their sten guns in attendance, this mass deportation of people from their homes may well be the spark which may set off a conflagration which may take a terrible toll of human life and suffering despite the courageous determination of the African people to conduct a non-violent campaign". This speech, My Lord, of Helen Joseph, R.J. 5, was read into the record at page 2502 to 2504, and Helen Joseph was cross-examined on this speech at page 14652 to 14677.

My Lord, finally I say - I submit that the F.S.A.W. pledged maximum support to the Congress of the People, and I give the references.

My Lord, reverting now again to this first portion of - the second portion of the submission E.6 on page 15,...

MR. JUSTICE RUMFEE :

I just want to know what Helen Joseph said at this meeting.

MR. VAN NIEKERK :

My Lord, she said on page 7547 : "I want to say to you, you as women and mothers, that we must think of world affairs. For what good would it be to free the people of South Africa if it is to be destroyed by war.

And so it is all tied up with our problems here, for peace and freedom in South Africa. That is part of the struggle for peace and freedom the world over." That is the quotation, My Lord.

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My Lord, that concludes the argument, and the submission is that the general submission on page 1, A of the written argument submitted, that this submission is substantiated by what follows in this document. That concludes the argument on the Federation of South African Women, and my learned friend Mr. Trengove will now take over.

COURT ADJOURNS.

COURT RESUMES.

MR. TRENGOVE :

My Lords, the Crown's argument has got to the state - to the stage now where the position of the individual accused has to be presented by the Crown. My Lords, if it suits the convenience of the Court, I propose arguing firstly the case of Dr. Conco, Accused No. 30, who was the first Defence witness accused to give evidence. My Lords, I will also be arguing the case of the Accused Resha, No. 17, who was also a Defence witness that gave evidence, and whom I cross-examined on behalf of the Crown. And My Lords, the two other accused who gave evidence, that I cross-examined, Ntsangani and Nkalipi, and then My Lords, in addition to that three other accused, the case of accused No. 16, Nokwe, the case of Accused No. 19, Accused Sisulu; and the case of Accused No. 29, the case of Tshunungwa.

My Lords, may I then proceed with the argument of the Crown in respect of Accused No. 30. My Lords, the Crown has prepared a summary of the facts

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