

Do you know that he was on the Executive of
S.A.C.O.D?-- I think he was, my lords. 1

In 1955?-- I think he was, my lords, I'm not sure.
Nimrod Sejake, do you know him?-- I do.

Was he a prominent Congress member during the
period of the Indictment?-- He has always been an active
worker, my lords. 5

An active worker; was he also active in the Con-
gress of Trade Unions?-- That is so.

Now these people that I've just mentioned to you,
they were co-accused of yours at the Preparatory Examination
?-- That is so, my lords. 10

Henry Tshabalala, No.33, he was on the A.N.C.
Executive in Sophiatown, was he not?-- No, he never was.

Was he not on the Working Committee?-- He was on
the Working Committee. 15

Of the A.N.C. at Sophiatown?-- That is so.

Is that something different to the Executive?--
That is so.

Are they appointed by the Executive?-- That is
so, my lords. 20

And he was on the Johannesburg Regional Com-
mittee of the Congress of the People?-- I have no knowledge
of that.

Was he a volunteer?-- He was. 25

Do you know Mavuso, J.S.A. Mavuso?-- I do.

Was he a member of the Transvaal Executive of
the A.N.C?-- He was at one time.

During the period of the Indictment, some time
during the period of the Indictment?-- I'm not sure now. 30

It is possible. 1

He was also on the National Executive of the African National Congress?-- That is so.

Mr. Resha, just one final question. I referred you to the three lectures the other day, A.84, A.86 and A.85?— That is so. 5

Did I understand you to say that you wanted a further opportunity to read those lectures, or not?— No, my lords.

My lords, that concludes the crossexamination of this witness. 10

RE XD. BY MR. FISCHER: Mr. Resha, you a little while ago gave evidence about the way in which the Freedom Charter elucidated certain matters in Africans Claims?— That is so, my lords. 15

I'm reading from page 10872 of the record, which deals with certain of the clauses of Africans Claims; it's page 9 of the little booklet, 'We demand the right to an equal share in all the material resources of the country and we urge (1) that the present allocation of 12½% of the surface area for 7,500,000 Africans as against 87¼% for about 2,000,000 Europeans, is unjust. We therefore demand a fair re-distribution of the land as a pre-requisite of the just settlement of the land problem.'" Is that what you had in mind?— That is so, my lords. 25

Now, I want to deal with certain points as they arose in the course of your evidence. First of all, you were referred to various passages in the Report of the Commission to enquire into acts of violence in Krugersdorp 30

Newlands, Randfontein and Newclare, which I think was known as the De Villiers Louw Commission, presided over by Mr. de Villiers Louw?— That is so. 1

He was then Chief Magistrate of Johannesburg?— That is so.

I think you gave evidence before that Commission?— I did, my lords. 5

I want just to refer to paragraph 157; this is under the heading 'Cause to factors in background, (a) antagonism to white government'.

BEKKER J: Is that part of the finding? 10

MR. FISCHER: Yes, my lord.

BEKKER J: Yes.

MR. FISCHER: In the background to these riots is a strong feeling of antagonism to the government, and control by the Europeans in all spheres of life formed a strong under current'. Then in the next paragraph was a summary of what various Congress members said; for instance Vundla, one of the leaders stated: That Africans should vote for unity and freedom; that you, Resha, another witness boldly said, 'The only solution is direct representation.' And the witness Marks - - Would that be J.B. Marks?— That is so, my lord. 15 20

He came to the conclusion in his evidence that the struggle is fundamentally anti-white government. The report proceeds 'At Krugersdorp and Randfontein the same expression of feeling was uttered by the Advisory Board members who repeated ad nauseum "We were not consulted". Then there are just these three paragraphs: 'This strong under current is manifested on the surface by violent resentment against the enforcement of the law 25 30

by the police, the Government agents, and by the Location Administration as an agent of the local authority. The deep rooted hatred of the police especially is a symptom not a cause. Dr. Xuma when asked whether he was in favour of co-operation between Europeans and Bantus in all circumstances replied pointedly "All inequality". In view of this attitude the strong opposition displayed to all forms of laws and regulations can be readily appreciated. In this category may be included perhaps the Pass Laws, Residential and Visiting Permits, Control of Liquor, Influx Control etc, causes of the different riots and disturbances viewed individually seem without much substance, but as part of the overall pattern it definitely assumes significance. And then I just want to get into the record, Mr. Resha, the findings of the Commission on anti-police attitude in paragraph 209 and some following paragraphs. The Commission said: "Both the South African and the Municipal Police are generally detested by many natives. The reasons advanced are that their houses are entered and searched in an unreasonable manner, with the result that their privacy is intruded upon. Liquor and Pass raids conducted in the early morning hours are particularly resented because the police wake up the whole household, they are alleged to pull blankets from beds in their search for hidden concoctions of liquor. Again, after arrest it is alleged young policemen are want to assault their prisoners and generally treat them with unwarranted harshness. There seems to be justification for the complaints against some of the younger members of the South African Police. It appears that they treat natives with undue harshness and this has grown

into a grievance testified to by several witnesses. Young children see their parents arrested and this arouses a feeling of resentment, which is directed towards the persons who cause them discomfort. In the result they hate the police. In bearing the police a grudge these youngsters seek revenge, with the result that on every occasion they thwart the police in the execution of their duties. They become transgressors of the law. To have committed an offence and escape the clutches of the police is the mark of a hero. According to their thoughts it is quite proper to stone the police. In fact it is permissible to do anything to satisfy their desire for revenge.' Have you come across this at all, Mr. Resha?-- I have, my lords.

Is this the class that you spoke of in your evidence-in-chief?-- That is so, my lords.

'These youngsters do not give consideration to the causes that magnify the offence, the latter denoting that the realistic present looms largely to the exclusion of the dim and distant future. In addition, this irritation is fanned by agitators who remain in the background.' Do you know of agitators who remain in the background, Mr. Resha?-- My lords, I don't know what the Commission was referring to there, but in my own area we had the Supreme Council.

Any others?-- Not presently, my lords, I can't just think of any now.

Then finally, the report says this: 'Another matter irritating some natives is the multiplicity of by-laws and regulations applicable to themselves. Their

argument is that the white men has made these laws, i.e. the Pass Laws; 1
/to keep the natives down, to curb their freedom, the
police are much too assiduous in carrying out the letter
of the law. The main factor causing the widespread anti-
police attitude is the enforcement of the laws considered
by the natives to be oppressive, whereas ill treatment 5
of natives by some members of the police is a contribu-
tory factor. The anti-police attitude is not racial,
because non-European members of the Force are equally
disliked. In reviewing native opinion in this regard
your Commission has borne in mind the complete disrespect 10
for authority of any kind shewn by a large lawless ele-
ment within the areas visited.' That report was signed
on the 22nd March, 1950. Looking back ten years now,
Mr. Resha, do you agree by and large with the findings
with regard to the police in this report?— I do, my 15
lords.

I wanted next to go to the problem which you
discussed in cross examination, of what you exactly meant
by 'true democracy'; I think you said the highest form
of democracy, or true democracy is a position where every- 20
body is free. Now, what actually do you have in mind
by saying 'where everybody is free'?— What I had in
mind, my lords, and what I do have in mind now is that
people should be free politically. They should partici-
pate in the councils of the State, all of them regard- 25
less of colour.

And is that what you regard as the basis?—
That is the basis.

Now I think you also dealt with economic free-
dom, or it was put to you, and I'd like you to try and 30

explain precisely what you mean by economic freedom?— 1

By that, my lords, I mean that the African people should be allowed to sell their labour in the best markets; they should be allowed to form trade unions; they should be allowed to enter trades and professions; all these things are denied them, my lords. 5

Those matters, are they of importance to the Africans?— Yes, they are of great importance, my lords.

Do they find themselves restricted in those directions?— That is so.

Good. Well, the next point arising on the record is a point relating to the suggestion put by my learned friend, that after 1950 Communists entered the African National Congress. I think you told him of certain persons whom you knew as being members of the African National Congress prior to 1950, and were at the same time members of the Communist Party?— That is so, my lord. 10 15

Do you know of anyone who was a Communist before 1950 and who joined for the first time . . . joined the African National Congress for the first time after 1950?— I know of no one, my lords. 20

Do you think you would have been likely to have known if this had happened?— That is so, my lords.

Now, I would like you to consider certain propositions - I think principally propositions which you adopted from my learned friend. Do you remember that you stated that continued pressure by the Congress - - that was pressure of boycotts, defiance, stay at homes, that sort of pressure - - could endanger the safety, security and stability of the State?— That is so, my lords. 25 30

You conceded that the Government, based on a small minority of voters, was inherently unsafe?-- That is so.

And you said, I think, that the African National Congress tried to convey the fact of this instability to the people?-- That is so, my lords.

You spoke of the danger of such a government narrowly based being overthrown by the masses?-- That is so, my lord.

If my note is correct, you referred to the Defiance Campaign as an illustration, or you were referred to it as an illustration, and you said in this sense - in the sense that you were using it - the final stages of the Defiance Campaign could have been a danger to the safety and security of the State?-- That is so, my lord.

Now, this discussion took place entirely in abstract terms. I want you to tell me more precisely what the African National Congress had in mind. When you talk in this way, do you have in mind that the African National Congress would in any way change its policy?-- Not at all, my lords.

To overthrow the State, would that require any change of policy, the state of the Government?-- Not at all, my lords; by overthrowing the State we simply mean to bring about a change of this government through our methods, either to unseat the government or compel it to resign.

By your methods to what do you refer?-- If we take the Defiance Campaign, my lords, as an example, if we had reached the third stage which was mass defiance, by the African people, the Government would have found it

very difficult to administer the laws that were being
defied and considered unjust by the African people.
In that instance the Government would be compelled to
repeal these Acts, or the electorate would compel such
a Government to resign and get a Government which would
make its administration smooth and acceptable to the
people.

Now that brings to my mind something else
which you said, if I recollect correctly, that the object
of the Congress was to make Government impossible - -
Government difficult. Does the Congress have, or did
it ever have in mind making all governments impossible
?— No, my lords; I think our methods of struggle clear-
ly indicate that we had no intention whatsoever of making
government impossible in the sense that the government is
unable to administer. That is why we attacked certain
acts at a given time, in order to get redress, or get
those laws repealed, whilst the Government continued its
work; we have never looked at it from the point of view
of making administration of the country impossible.
We have never thought that the hospitals should be
stopped from operating, schooling, transport, and so on.
So that is why we attacked certain things, to indicate
to the people that we don't like these laws.

How would you describe the laws which you at-
tacked? What sort of laws are they?— Bantu Education,
Native Re-Settlement Act, Pass Laws, Influx Control,
Colour Bar laws in industry . . .

Laws which discriminate?— That is so, my
lords.

Now, I'd like you if you can to be a bit more

precise. You can tell the Court in your own words how
you think that Congress pressure can operate to achieve
the results you visualise?-- My lords, it can operate
in one or two ways. Firstly, by our struggle we are able
to attract the electorate, to make them realise that these
measures which we are fighting are unjust, and that there-
fore they should be changed. Also, my lords, the public
opinion is really what we are battling to get on to our
side, and I am happy to say - as I have said earlier - -
that we succeeded in this regard. We have to-day political
organisations which are fighting for the same changes,
whereas before the Defiance Campaign we had Europeans who
felt that justice should be done to the non-European people
- as individuals, but now we've got groups, my lords,
like the Congress of Democrats, the Liberal Party, the
Progressive Party . . .

You mean there are organised groups working in
that direction?-- That is so. We believe it is because
of the pressure that we have been putting on. . .

And you think that this pressure exercises any
influence elsewhere than in South Africa?-- Also, my
lords, internationally. The government of any given
country takes into consideration the international situa-
tion and international pressure. For instance, as a
result of our methods of work I think it's fair to say
that there is probably no country in the world which is
attacked as South Africa, or the South African Government
is attacked, and that is because of the pressure; we have
explained our position, our methods of struggle and so
well know that not only do we get support from Europeans
in this country, but from the world as a whole.

Let me now bring you back to a phrase which
you agreed to, namely that there was a danger of over-
throw of this Government by the masses. Now, did you
have in mind that there might be a violent overthrow by
the masses?-- No, my lords, not at all. I have already
explained what we considered our methods of overthrowing
the Government, either by unseating the Government or
by compelling it to resign.

Now, one last aspect I want to ask you about.
The question of endangering the State, overthrowing the
Government; I'd like you to be quite explicit to this
Court, on what you intended was to emerge after a change
is effected? In other words, do you intend that a new
form of State should emerge?-- No, my lords; again,
there our policy is very clear, both in the Africans
Claims and in the Freedom Charter; we want to participate
in all the councils of State. We don't want to change
the State at all, but we want to take part in the police
force, in the judiciary, in all councils of State.
That is what we consider to be a change, my lords, in
the State.

So that the change envisaged is a change in
which non-Europeans would take part in the present
councils, organs of the State?-- That is what we are
fighting for, my lord.

You mentioned in passing that the three lec -
tures A.84, 85 and 86, were obtained from Tambo; you
didn't explain how or where. Do you remember how you
came to get them from him?-- Yes, I do. I happened to
have been in his office and I saw these lectures and I
asked him if I could have them. He said I could. Then

he said yes I could have them, and in fact he said
we've got to discuss them some time; that is how I ob-
tained these lectures.

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That's how you obtained them?-- Yes.

Having studied them now, during the course of
this trial, do you think that you personally could use
them as a basis for making speeches, or addressing meet-
ings?-- No, my lords, the lectures go further than the
policy of the African National Congress, and they mainly
emphasise a class of struggle . . .

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What do you say? Would you now use them or
would you not?-- I have not considered whether I would
use them, but even if I were to use them I'd make it clear
that this is not explaining the policy of the African
National Congress.

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Turning now to a phrase which you dealt with;
it comes from a speech of Ntiti, and it is reported on
page 7831 of the record. You remember you were asked
about this phrase, "These bastards of white people who
everyday murder us; why should they not hang"; you said
that the African National Congress would disapprove of
that kind of language?-- That is so, my lords.

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Have you ever used that kind of language?---
It's possible I have, my lords.

Would you do it frequently?-- Not frequently.

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Then you were asked whether you looked at a
speech of Matlou's which is reported at page 7476 of
the record, and you said it was consistent with African
National Congress policy. I can read what Matlou
there said: "The people should make up their minds to
defend their homes. There is going to be great suffering.

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In what sense would you have understood Matlou's speech, using those words?-- I understood Matlou, my lords, to be using those words to show that we must oppose the removal of the Western Areas.

And when he said this, "I want everyone of you here to know what is going to happen if you fall into the hands of the Dutch who are standing here, there is nothing they will not do to you, but we will do to them what they have done to the English in this country". What would you understand him to mean by that?-- I'd understand him to mean, my lords, that the Afrikaners in this country have taken over from the English, not by force of arms but by sheer organisation - organising the Afrikaner people politically and economically. I'd understand him to be saying that, my lords.

Then I want to refer you to a speech of Magothe's . . .

(COURT ADJOURNED UNTIL 2.15 P.M)

ON THE COURT RESUMING:

MR. TRENGOVE: My lords, just for the purposes of the record, the six accused who were not present when the Court started this morning arrived very shortly after.

RUMPF J: Yes.

MR. FISCHER: Mr. Resha, there is one thing I want to ask you. Mr. Oliver Tambo, is he still in the Union of South Africa?-- He is not, my lords.

He's not in the country?-- No, my lords.

And Alfred Hutchinson?-- He is also not in the
country.

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I want to refer you briefly to another speech,
a speech by Magothe which was not read out in your cross
examination. You were asked to read it and said you had
not repudiated this speech - - however, I think you said
you had never repudiated the speech by Magothe?-- That
is so, my lords.

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This is a speech which is reported at page
8514 of the record, and I want to put one or two passages
to you and ask you whether you think you should have re-
pudiated it. Would you tell the Court whether Magothe
speaks hesitatingly or fluently? Dramatically? How does
he speak?-- He is affluent speaker, my lords, an able
speaker - - he speaks very grammatically.

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Is he an educated man?-- He is.

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Now would you look at page 8514 of the record,
line 17; you'll see he says, or is reported to have
said: "People in Poland knew our struggle very well,
there are books in Poland on our Defiance Campaign, I
know/ⁱⁿthe world outside we have friends. People outside
know our struggle, I spoke to people since I came back.
They asked me whether the people outside will give us
arms. I wonder if these people were policemen. People
of Congress are honest. Any person who look to the out-
side world for help is no good to us." Now first of all,
would Magothe have spoken in that kind of way?-- Not at
all.

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Can you make sense out of that? "They asked
me whether the people outside will giveus arms I wonder
if these people are policemen People of Congress are honest

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ETC." ?— Well, this seems to me, my lords, that Mr. Magothe when he came back from Europe was asked by some people whether the countries he had visited would give us arms. His reply seems to be that he doubted these people. He thought that these people must be policemen because the policy of the African National Congress is clear. We don't believe in violence, we don't want arms.

You don't want arms. Well, now, there are other phrases in this speech as well. Would you, if Magothe said, "Even if it means walking through blood the people will get their freedom" - would you interpret that as an indication that Magothe was endeavouring to suggest violence to people?— No, my lords. My interpretation of that would be that we are determined to struggle for our freedom, and nothing will stop us.

Then you have a reference on the next page by Magothe to Kenya and the Mau Mau. He says: "In Kenya to-day the people - the slaughter of the people is going on. We are not deceived by the talk of Mau Mau, we know that the people of Kenya are fighting for freedom. We know the truth, the future is ours." Do you know what Magothe thought about Mau Mau?— Yes, my lords, Mr. Magothe and many of us in the movement thought that the Mau Mau was a creation of the Kenya Government.

Do you know what Magothe thought?— I don't know what Magothe thought, but I'd imagine that he shared that view too.

Would you read that as any recommendation that so called Mau Mau methods should be followed in South Africa?— Not at all, my lords, not in this sentence.

And then he uses a phrase such as: "We shall fight to the bitter end". Would that suggest to you a physical fight?-- No, my lords. 1

I want to refer briefly now to the exhibit Z.22. It's been suggested in cross examination, as I understood it, Mr. Resha, that it was an irresponsible thing for you to do, for the Congress to do, to suggest that people should not move. You know Dr. Tlooma?-- I know him very well, my lords. 5

What position has he held in the African National Congress?-- For a number of years, my lords, Dr. Thloome was President General of the African National Congress. 10

Can you remember approximately when he ceased to be President General?-- I think he finished at the end of 1949, my lords.

Would you have described him as a militant President General?-- My lords, I wouldn't describe him as a militant President General; he was a very conservative man. 15

Do you know where he lived?-- I know where he lived. 20

Where was that? -- In Sophiatown.

Did he live there for many years?-- He did.

You see, he is a contributor to one of the important papers, one of the papers which I did not read in your evidence-in-chief in this exhibit 'The Western Areas Mass Removal, Z.22'. Would you regard him as a responsible person?-- Very responsible, my lords. 25

He is a medical practitioner, is he not?-- That is so, my lords. 30

Now, if I might, my lords, just briefly summarise this and read some of the passages. He says in his paper. . . .

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MR. TRENGOVE: Is my learned friend putting that as being evidence of what Dr. Tloome said?

MR. FISCHER: Yes, my lords, I understood that that was the arrangement with this book.

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MR. TRENGOVE: No, it wasn't.

RUMPF J: Just refresh my memory; is it a question of the figures?

MR. TRENGOVE: A question of the statistics, my lord.

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RUMPF J: Statistics contained in the book?

MR. TRENGOVE: Yes, my lord. That we accept, my lord, as being correct. We don't accept that Dr. Thloome held a particular view and that that view is expressed in that document.

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BEKKER J: But can't this witness say 'I believe this is what was said' he did use this book....

MR. TRENGOVE: Yes, that he can say, my lord. He can say he believes that that is what Dr. Tloome said, or that he believes that is what Dr. Tloome's view is.

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RUMPF J: Yes.

MR. FISCHER: On that basis then I'll do it as briefly as I can, my lords. This paper says that he accepted the opportunity of addressing the Conference, hoping to be able to explain the African point of view, the point of view of the African Ratepayers and the Africans in general, and how disappointed he was to find that neither the Government nor the Municipality were represented. He considered that the leaders of State

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should always be accessible to listen to grievances, even
if they have made plans. Then he says that he would
like to correct misapprehensions, the first misapprehension
being that this is a new scheme devised by the present
Government. He goes back into the history, saying that
it had been mooted in previous years, and he says to-day
however, the position is that both the Nationalists and
the United Parties are equally committed to the present
scheme and for political reasons, in order to placate
European voters. Then he comes to what appears to be
a more important misapprehension which he says is contain-
ed in the Minister of Native Affairs' statement, that a
misrepresentation which is a scandal is being spread in
Johannesburg of proposed developments. 'The Western Areas
Removal Scheme is one which is not only in the interests
of the European community of Johannesburg, it is also in
the interests of the Natives who live there, Despite the
fact that members like the Hon. Senator and certain other
persons put the country and even the natives of that area
under the impression that they are being wrongly and un-
fairly treated! That is a quotation from Hansard, and
Dr. Tloome's paper goes on: "With the greatest respect
I want to state emphatically that the Africans know
clearly when they are wrongly and unfairly treated with-
out outsider direction or misrepresentation by others.
In fact, in our association we excluded European members
on the ground that they would be accused of putting ideas
into the heads of Natives. We prefer to use our own
ideas." Then he disagrees with the Minister about con-
sultation with Africans in the area. He says the Minister
states his reason for refusing to consult as follows:

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"We know that Native agitators - leaders - are not prepared to fall in with such a scheme; to have consultations with them would be of no use, but in any event if any person has to do it then it has been done by the Municipal Council. It bore no fruit. In addition there are many Natives, especially the lodger type, who are afraid of intimidation; they will not come out into the open and ask for the removal of something which has now been made into a fetish, but they are longing for removal and begging and pleading for us to go on quickly. In this sense one can say there is indirect consultation. We know the desires of these people. In this sense I have nothing to rebuke myself for. I have no illusions about the amount of opposition which has been worked up, but this is mainly because the Natives do not know the advantages that await them." That, again, ends the quotation, and the writer goes on: 'We are glad to know that the Hon. the Minister knows, and admits that his scheme is not acceptable to these Africans, and that he is therefore forcing it upon them against their will. It is also interesting to learn by implication that he is prepared to meet with the yes men who are prepared to receive instructions from him, but not with the real leaders of the people.' Then the paper proceeds to deal with the population position and I skip two pages, and the paper then deals with the argument that the presence of the non-European is distasteful. "If indeed our presence is so distasteful to Europeans, why is it that they have encroached upon the Western Areas and encircled them? When I first came to live in Toby Street

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which is the boundary of Sophiatown, twenty five years ago, I faced open veld and spent quiet afternoons under the trees where Westdene now is. Today, across the narrow field, I face an array of European houses. It's understandable when Africans crowd into an area; they have no choice. Why should Europeans who object to our proximity settle in the neighbourhood of Africans when the whole of Johannesburg and its suburbs spreading far and wide are there to choose from?" Then I skip further paragraphs and the paper says: "We are driven to the conclusion that the real reason for the Western Areas Removal is to deprive Africans of the freehold title they now have in the Western Areas and to apply the strict control and restrictions operative in the locations to the residents of the Western Areas who are free from them. To say that the scheme is for the removal of the black spots and yet retain the Western Native Township, is a contradiction. The difference is clearly that the Africans in Sophiatown, Martindale and Newclare own property and therefore enjoy certain rights denied to the Africans of the Western Native Townships....."

KENNEDY J: Mr. Fischer, why do you want all this in? The witness has given evidence in similar strain which is evidence, and what is now being read is not in effect evidence, is it, because it is not accepted as evidence by the Crown? The witness can only say 'I believe that's what he said; I've already said it'. Can it take the matter any further?

MR. FISCHER: My lord, if, as I hope, prove the contents of this, it will be on record and won't be read again. It is the argument put forward by - in

the witness' belief of the ex President General of the African National Congress. 1

KENNEDY J: Yes, but I don't know that what you are now reading can give any further weight to what he has already said.

MR. FISCHER: As your lordship pleases. I shall endeavour then to prove it at a later stage of the case, my lord. I think, with respect, my lord, that it is essential in view of the attack which the Crown has made on the bona fides of the Congress decision not to move. The conclusion of this speaker who had left the leadership of the Congress ten years ago - six years before this occurred . . . 5 10

KENNEDY J: In the face of the Crown's objection can you prove it this way?

MR. FISCHER: Well, then, my lords I shall... 15

RUMPF J: Does it touch upon the real issues as they appear to be?

MR. FISCHER: Yes, what he calls the essence of their not wanting to move at all.

RUMPF J: Well, couldn't you put that shortly. We've heard what you've referred to so far, and in fact I do not think there has been any cross examination on that. That was a material issue, the question that he owned rights. Well, that is that. 20

MR. FISCHER: Well, my lords, I'll leave this to be dealt with later. . . . 25

RUMPF J: If there is a passage. . . .

MR. FISCHER: Well, my lord, it would be on the same basis, that it doesn't here at this stage prove the contents. 30

RUMPF J: But you want this witness to say 1
that that is what appears in the document which he
used, and he accepted that.

MR. FISCHER: Yes, my lord.

RUMPF J: I thought actually you were going to 5
refer to a particular paragraph.

MR. FISCHER: Well, a number of paragraphs, my
lord. But, my lord, allow me to deal with this later.

RUMPF J: Yes.

MR. FISCHER: Lastly, Mr. Resha, I want to take 10
you to problems put to you with regard to Western Areas
Removal, and the Congress object in resisting that
removal, or in making it difficult for the removal to
take place. May we try and approach it from a new
angle. What would the Congress have regarded as the
main object of its campaign against Western Areas Removal 15
?-- My lords, the main object of the African National
Congress in fighting the removal was to persuade the
Government or compel the Government to leave the scheme.
That was our main object... for them not to carry on 20
with the scheme.

To abandon the scheme?-- Yes, to abandon the
scheme.

So that the chief object, you say, of the propa-
ganda and speeches etc., whatever pressure you exerted,
was to prevent removal entirely?-- That is so. 25

And if that could have been prevented, would the
Congress have thought that that would have an effect in
other respects as well?-- That is so.

In what respects?-- In the sense that the Govern-
ment would then not carry on with the scheme of removing 30

Africans in various parts of the country. There was Lady Selborne, there was Alexander Township . . .

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Yes, you mentioned the names; you don't need to go into that again. Short of preventing completely the removal of the Western Areas what was the Congress' Object?-- Our object, short of preventing the Government, was to make the removal difficult, to make it a long process, so that the Government might realise that this is taking them a long time to move these people, 'let us abandon the scheme insofar as other areas are concerned', or even the Western Areas themselves - - after some time.

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Of course the 58,000 people could not be moved in one swoop?-- That is so.

How long did the removal actually take, do you know? -- Up to the end of last year, my lords; there are still some people there, but a few.

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Who are still there now?-- That is so.

The substantial removal ended at the end of last year?-- Yes, my lord.

So that in fact it continued over nearly five years?-- That is so.

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And was the secondary object therefore to make it as difficult as possible for the Government to move the people?-- That is so, my lord.

Has that any relation -- you remember that passage in the Report - Exhibit A.162 - about compelling the Government to use ever greater force?-- That is so, my lord, that is related. We felt that if we made it difficult for the Government to remove the people the Government may abandon the scheme or it would take such a long time that it would hesitate to move people from other areas.

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That is all, my lords. 1

BEKKER J: You remember the speech of the 22nd November, the murder, murder speech?-- Yes, my lords.

At the end of that speech there is a reference to what was happening in Egypt and I think it was suggested that 'We must do the opposite to what is happening in Egypt', or words to that effect. Do you remember that?-- I do, my lord. 5

What was happening in Egypt at that time?-- At the time, my lord, there was trouble in Egypt; I think the British, French and Israel forces were marching into Egypt. 10

Was that the Suez Canal trouble?-- That is so, my lord.

And Britain was sending in troops?-- That is so, my lord. 15

And what is it you had in mind when you suggested that "What was happening there - we must do the opposite here"?-- My lord, the position is this: there the Imperialists were entering Egypt for the purpose of engaging in a war. Much as we were opposed to Imperialists we believe here that our struggle is a different one - ours is a non-violent one - - ours will be the opposite to what is being done there, my lord. 20

The speech on page 8155 is the following: 'I think we are called upon in this country to do directly the opposite to what is taking place in Egypt today. In Egypt it is the Imperial forces that are moving into Egypt, but in South Africa we want the Freedom forces to eradicate evil in this, our mother country, South Africa'. That's the speech. Now, what do you say you 25
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had in mind?-- I say, my lord, that the Freedom Forces
in this country must eradicate evil. In other words,
we are engaged in this country in a struggle for freedom
and we have our own methods of struggle.

Yes, thank you.

MR. FISCHER: My lords, my learned friend Mr.
O'Dowd will lead the next witness, Patrick Maloao, the
accused.

PATRICK MALOAO (ACCUSED) S.S:

XD. BY MR. O'DOWD: Are you able to give evidence in
English?-- I'll endeavour to do so.

When were you born?-- I was born in 1925.

Where?-- In Johannesburg.

Where were you educated?-- I was educated at
Martindale; from there I was educated at Tiger Kloof
and I completed my education in Johannesburg Bantu High.

To what level did you take your education?-- Up
to matric.

BEKKER J: Up to or beyond; did you pass Matric
?-- Yes, I passed Matric, my lord.

MR. O'DOWD: And after leaving school what em-
ployment did you take up?-- I was employed by Trans
Africa Correspondence College as a registering clerk.
Up to late 1952. Then I left that employment and was
employed by Public Utility Transport as a clerk.

And was that your employment at the time of your
arrest?-- That is so.

Do you belong to any Church?-- I belong to the

Roman Catholic Church.

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Now, when did you first join the African National Congress Youth League?-- I joined the African National Congress Youth League in 1946, at the instance of one Joe Kosakwane who was our teacher.

At the instance of one of your teachers?-- Yes.

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Now did you immediately become an active member of the Youth League?-- No, I didn't become active. I only became a little bit active in 1949, during the Tram strike in the Western Native Township; after which I was just a dormant member, I wasn't active at all.

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Then in 1946, when you joined, first joined, why did you join? What did you understand the Youth League to be all about?-- We understood the Youth League to be a branch of the African National Congress that was fighting against the oppression of the African people. We as the young people were disturbed about the way our friends were being arrested for passes, and we wanted to organise them into some organisation that could air their views about the pass system.

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Well, you said you became slightly active about the time of the Tram Boycott?-- Yes.

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Did you later become more active, and consistently active?-- In 1954 I became more active in Sophiatown.

And from that time onwards did you get to know more about the policy of the African National Congress?-- That is so.

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Now I'd like to know how you came to know about the policy. What was the main source from which you learned the policy of Congress?-- In Sophiatown we

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had the Tuesday which was the day when the volunteers would meet for a short while to report on the work they did during the week, and on Wednesdays it was a public A.N.C. members meeting, and on Thursdays it was a Youth League meeting. Now, every Tuesday, after reporting about the work we did during the week, we used to have study classes, that is lectures. . .

Roughly howmany people used to attend these lectures ?--It used to vary; sometimes we would be many, sometimes not - - it depended on a particular given subject, how much the people were interested in that subject.

KENNEDY J: Was this a study class in connection with the Youth League?-- In connection with the struggle as such.

MR. O'DOWD: Under whose auspices were they organised?-- This was organised by the Branch - that is the Tuesday one; but the Thursday one was organised by the Youth League.

Well, now we're talking aboutthe Tuesday one; was that organised by the Sophiatown branch?-- This was organised by the Sophiatown branch. .

Of the Youth League or the Congress?-- The African National Congress.

Now, was there a set syllabus for these classes?-- No, sir; what used to happen was this: we used to think of a subject we would like clarity on, and then we would suggest who was to be informed and we would give that particular person a week or two to prepare, so that he could come and lead the discussion on that particular subject.

Well, when you say that you got a person to lead

discussion on a subject, would that mean one of your
own number or someone from outside?-- At times it used
to be one of our own members, and at times it used to be
one from outside.

Can you give some of the names of people, other
than your own branch members who led your study class?--
Mr. Oliver Tambo was one of the main persons that used
to feature at these study circles, and then at times we
used to get Robert Resha, and at times we would get Mr.
Ngwendu.

Did you use any printed or duplicated notes?--
Not to our knowledge, because people used to come there
with their own made notes; no printed lectures were
used at our study circle.

Did you use the set of lecture notes called "The
World We Live In", "The Country We Live In" and "Change
is Needed"?-- I did not know about those lectures until
I heard of them in this Court.

Now, if we could just briefly have a few of the
subjects with which your study class dealt?-- We used
to have for instance one Mr. Oliver - - Mr. Oliver's
task was to tell us the history of the A.N.C. We had
broken it up into parts. He would give us a lecture on
the activities of the A.N.C. up to about 1949, and then
he would take it up to about 1952 - - that was the time
of the Defiance Campaign. And we used to have debates
- some people leading - - for instance we used to have
debates, some moving for apartheid and some against
apartheid. We used to have debates on the evils of the
Pass system. Some moving for and some against.

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That was how we got on with our study circle.

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Did you have any discussions on international affairs in your study classes?-- No, we didn't have any discussions on international affairs, other than on one occasion that I remember when we called Robert Resha to lead the discussion on the events in Kenya.

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Did you have any lectures on Socialism?-- No.

Now, was there any special reason why your study class followed this rather informal method instead of using the roneoed notes which were available?-- I must say I don't think we were aware of the fact that there were these roneoed notes. We felt -- it was the feeling of Mr. Ngwendu, who was the chairman of the Volunteer Board, that such discussions were very essential, primarily to train some of our chaps as speakers, and to inform ourselves of the policy of the A.N.C.

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Well, now, in addition to these classes did you attend other meetings, public and members' meetings?--- Then on Wednesday there was a public A.N.C. members' meeting in a hall - the same hall wherein we used to hold our study classes. Then on Thursday it used to be a public meeting of Yough Leaguers, and then on Sunday, every Sunday, we used to have a meeting at a public square, corner of Morris and Pretorius Streets.

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Did you attend most of these meetings from 1954 onwards?-- To the best of my ability.

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And did you also read Congress documents?-- At times when I had time; during this time we were very busy and we didn't have time to devote our time to any written material.

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As a result of the meetings and classes that you attended, do you consider you know the policy of the A.N.C?-- From my understanding, even from the public meetings, I think I understand the policy of the A.N.C.

Can you briefly summarise the objects for which the A.N.C. was aiming?--

BEKKER J: Well, I think we have had that time and time again, Mr. O'Dowd.

MR. O'DOWD: We have, my lord, that's why I asked him to summarise it briefly. I just want to establish what he thought it was?-- In a nutshell the A.N.C. was an organisation that was trying to see a South Africa that would be a home for all the people who live here, irrespective of colour or race. The A.N.C. was an organisation that was struggling for the disabilities of one section of the population of South Africa, through non-violent methods.

Could you just say a little more fully what non-violent methods were applied?-- My understanding of non-violence means campaigns such as demonstrations, stay at homes, deputations and stay at homes.

Now, did you ever occupy any official position in the African National Congress itself?-- I never occupied any official position in the African National Congress.

Did you occupy any official position in the Youth League?-- I occupied the position in the Youth League - in 1954 I was the Treasurer of the Sophiatown Youth League, and late in 1954, as a result of the banning I was co-opted into the Transvaal Youth League, Provincial

Youth League Executive, and ever since I have been holding a position in the Transvaal Youth League Executive. 1

Did you become a freedom volunteer?-- Yes, I became a Freedom Volunteer in 1954 - towards the end of 1954, I think - - mid 1954, I think.

How did you become a volunteer; what did you have to do in order to become one?-- An appeal was made that people were wanted who would use all their spare time in doing Congress work, and these people would take a pledge to do it at all times when called upon. 5

Did you take that pledge?-- I took that pledge. 10

Did you take it verbally or in what way?-- I did not take it verbally; I had to sign a form, a roneoed form.

I'll just read you portion of an exhibit which is before the Court, E.35, my lords, on record at page 1202, 'Freedom Volunteer's Pledge. Believing that I must fight until apartheid is defeated, and that the voice of all who love freedom must be heard at the Congress of the People, I, the undersigned Freedom Volunteer do hereby solemnly pledge and bind myself to serve my country and my people to the best of my ability, and in accordance with the policy and programme of my organisation. I shall be prepared at all times to carry out whatever tasks are required of me by my organisation. I shall at all times obey the orders of my leaders and shall strictly abide by the rules and regulations of the National Volunteer Board.' Then there's a space for the date and the signature?-- That is the pledge I signed. 15
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Did you take any other pledge?-- No, I took no other pledge, other than that one.

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And did you take any oath other than that pledge?-- There is no oath other than that pledge, that I know of.

Now, when you joined the volunteers - - well, I think you have already said more or less what you assumed their functions to be. Was it as you've said, to work and devote all your time to Congress work?-- That is so.

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Were there any particular aspects of Congress work that you understood the volunteers were required for?-- Volunteers were needed when particular issues arose - - we'd get instructions. One of the foremost tasks of the volunteers was to recruit more people into the African National Congress.

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Now, was the Sophiatown Branch organised in accordance with what is known as the 'M' plan?-- Yes, towards the end of 1954 Sophiatown was divided into zones, into what is called the 'M' Plan.

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Were those zones then sub-divided?-- Those zones were sub-divided into cells.

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And was there somebody in charge of a cell?-- Every cell had somebody in charge of it.

Did he have any title?-- Title?

The person who was in charge of a cell, what was he called?-- He was a Zone Steward. Then there is a Cell Steward as well.

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Now what were the functions of a Cell Steward?-- A cell steward was somebody who was responsible for that particular cell, to see that work was done in that particular cell. And he in turn was responsible to the

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Zone steward, and the Zone steward was in turn responsible for the Secretary of the Working Committee. 1

Did the stewards have anything to do with the recruiting of new members?-- That was their primary function, to see that new members were recruited.

Did they have anything to do with the collecting of subscriptions?-- That was also their primary function. 5

And if instruction had to be transmitted to members from the higher officials, did they have any function there?-- That, as well, they had to do. We had to go round the Zones and the Cells to see that people are informed of whatever came in. 10

Were you a steward?-- I was a Zone leader.

Is that the same as a Zone Steward?-- Yes.

Now were the stewards also volunteers?-- They were volunteers. 15

If a man was both a steward and a volunteer, what was the difference between his functions in those two capacities?-- Both these men are there to do Congress work; there is no difference.

Now I'd like to come to the Western Areas Campaign; did you take an active part in that?-- I took an active part in the Western Areas campaign. 20

In your capacity as a volunteer?-- In my capacity as a volunteer. 25

Now could you tell the Court what exactly you had to do as a volunteer in connection with the Western Areas campaign?-- First of all our task in the Western Areas campaign was to get a census of opinion from the people there, and accompanying this we had to tell the people of the Congress view re the removal. 30

Well, just pausing at those two items for a moment: did you form any impression about the state of public opinion in Sophiatown from your activities in taking the census?-- Yes, I formed an opinion about their state of mind.

Did you get the impression that most people were for or against the removal scheme?-- I gained the impression that although to a man people in Sophiatown were against the removal, there were some individuals who felt that in view of the fact they were against the removal - but because of some difficulties - they were compelled to move.

Well, now, going on to the second point you made, that you had to tell people what the Congress view was, what view did you convey to the people as being the Congress view?-- We told the people of Sophiatown that Congress wants every man to be housed, but because of the principle underlying the removal Congress was opposed to the removal of Sophiatown.

Yes. And did you tell the people anything as to what they ought to do about the removal?-- We told people - - if we got to a landlord we would persuade the landlord not to sell, and that he must not supply the details of his tenants, and when we got to the tenants we would tell them not to give the particulars to the Re-Settlement Board.

Now, did the volunteers have any functions in connection with public meetings?-- Apart from just attending the meetings?

Was that one of their functions, to attend the meetings?-- That was one of their functions, to attend

the meetings. 1

Now, can you say how frequently public meetings were held by the A.N.C. while the campaign was at its height?-- Every Sunday there was a public meeting, and every Wednesday there was a general members meeting in the hall. In other words there were two public meetings every week. 5

BEKKER J: Was the Wednesday meeting open to the public as well?-- Congress members, but members of the public were admitted in, my lord. There were no credentials at those meetings. 10

MR. O'DOWD: Well, now we've heard evidence that the slogan 'We shall not move' was used in connection with the Western Areas. Is that correct?-- That is so.

Now what was meant by that?-- It meant that the people shall not move voluntarily. 15

Yes, and was that conveyed to the people by the volunteers?-- It was conveyed to the people by the volunteers.

And did you tell them what they should do if compulsion were brought to bear on them?-- We told people that those who were in the Government bought properties - those would be moved to alternative accommodation, but those who were still in private owned properties we wtold them that the Re-Settlement Board had no right to move them if they were not ejected by the owner of the property. 20 .25

Then did a stage come when notices were served on a certain number of families calling on them to vacate their properties?-- I think it was in December, towards 30

January, 1954, when the Re-Settlement Board issued notices to some of the people in Sophiatown. 1

Now, from that time onwards until the removal day fell, how frequently did the volunteers meet?-- We were meeting practically every day, other than Saturday and Sunday, but during the week we met practically every day. 5

And what new functions did you have during that period?-- Our new functions were to go round to people and encourage them not to move because the notices given to them did not compel them to move, and that they must not move despite the notices. 10

Why did you think the notices did not compel them to move?-- We were informed - legal opinion was sought and we learnt that refusal to move wasn't an offence as such. 15

Did you convey that opinion to the people?-- We conveyed that opinion to the people.

Did you envisage that a stage would eventually be reached when officials or police would come to eject these people?-- There was that opinion, but I personally was of the opinion that the Government was misinformed, and that once the Government realised that in fact people do not want to move there was a likelihood that the Government might abandon the scheme. 20

Yes. But were there any instructions for people as to what they should do if there was an actual physical ejection?-- People were told that if there was a physical ejection they must refuse to go - - rather they must allow the Re-Settlement Board to take their property and they must not go. 25 30

And then, if they didn't go, what did you think would happen?-- Unfortunately there wasn't much courage with the exception of one case . . .

RUMPF J: There wasn't what?

MR. O'DOWD: I think you're coming now to what actually happened on the day, but I am still on what you anticipated before the day?-- We anticipated that should the peoples' properties be taken without the consent of the owners, legal opinion could be sought and these things could be brought back.

Was it ever the idea that people would resist violently if someone came to eject them?-- Not from Congress quarters.

RUMPF J: What do you mean by not from Congress and during quarters?-- Because before/the removal there were leaflets, my lord, which were distributed advocating some violence. These leaflets were said to have been distributed by some organisation, the Supreme Council. . . . that's why I say not from Congress quarters.

MR. O'DOWD: Now . . .

BEKKER J: This Counsel's opinion you got, we heard evidence here that Counsel advised that the order from the Re-Settlement Board, to disobey that would not be an offence?-- Was not an offence.

Can you remember whether you were told anything more about what Counsel said, for instance about thereafter they had to go to the Magistrate to get an Order?-- Yes, that was explained.

That was also explained?-- That was explained.

You explained that to the people as well?-- That was explained to the people as well.

That it was only when the Order from the Magistrate.....?-- Only when that Order was produced would the people be ejected. 1

Yes.

MR. O'DOWD: Now we've heard evidence that there was a plan for a stay at home; do you know anything about that?-- Amongst us there was talk; we knew there was going to be some industrial action, but directives that this should be conveyed to the people never came. 5

Well, now, we've heard that the date for the first removal was fixed for the 12th February, 1955?-- That is so. 10

Did you ever receive detailed instructions as to what you personally were to do on that day?-- Before the date was brought forward we knew that we would, before that date, tell the people about this industrial action, and before that date we would have to move people who were in Government properties, that is properties where the Government had bought; those people would have to be evacuated. 15

Evacuated where to?-- Alternative accommodation would be sought. 20

BEKKER J: In Sophiatown?-- In Sophiatown.

MR. O'DOWD: Did you expect to be engaged on that?-- We expected to be engaged on that. 25

Did you expect to have any other work to do?-- Directives would come at a given time.

Were you still waiting for some more detailed directives?-- Yes, we were waiting for more detailed directives. 30

Then, on the 8th February, did you go to Sophiatown

in the normal way to your daily volunteers meeting?-- 1
On the 8th February, from work I went to the corner of
Mayer and Victoria, and there were a lot of people with
police and placards - they were busy with placards to the
effect that meetings were banned, and the police were 5
trying to dismiss the people there; at a certain time
I saw them speaking to Mr. Ngwendu and Mr. Robert Resha,
after which they announced that people must go home.

When you say 'they announced' who are you re-
ferring to now?-- That was Resha and Ngwendu. 10

Did people then go home?-- People then went home.

Did you also go home?-- No, I didn't go home.
We remained behind to hear what next step we should take.
Just a few of us remained.

And how did you spend the rest of that evening?-- 15
Then I think at about 7, or just shortly after 7 o'clock
we were told to get into the field immediately, to go
and remove the families in the affected areas, and we
immediately went to do that job.

KENNEDY J: You immediately went to do what?-- 20
To remove the families.

I see. That was further into Sophiatown?--

Yes, my lord, further into Sophiatown.

Yes.

MR. O'DOWD: Where exactly did you move them to 25
?-- These families we moved to St. Cyprians School in
Ray Street.

Up to what time of night did that work go on?--
We worked up till the early hours of the morning when we
were cordoned off by police; we could no longer enter the 30

affected area, and we had to abandon it. 1

Were you in Sophiatown on the 9th?-- On the 9th I was in Sophiatown.

How did you spend that day?-- I was at the school there giving - attending to these people because they had nowhere to make fire and we had to see that they got food, and we were arranging an immediate accommodation for some families. 5

Now, the result of the events of the 9th was that most of the people were moved, is that right, to Meadowlands?-- Some people were moved to Meadowlands; I am not sure of the number, but many did not go to Meadowlands. 10

Eventually the bulk of the population of Sophiatown were moved to Meadowlands?-- Eventually, yes.

In the light of that, do you consider that your campaign was a failure, or a success?-- I think the campaign was more of a success than not. 15

In what sense was it a success? What did it achieve?-- First of all the campaign exposed the fallacy of the Government, because when petitions were made, statements used to come from the then Minister of Native Affairs, that in fact the people of Sophiatown do want to move. It was just but a small group of agitators who do not want to move. But the events as such showed beyond doubt that in fact the people of Sophiatown as a whole did not want to move. In that I regard the campaign as a success. 20 25

Now, the campaign didn't end on the 9th February, did it?-- No, the campaign did not end on the 9th February.

Was it continued along any different lines after that, or along the same lines?-- We continued on the same 30

lines up to the end.

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Did you ever read the document which has often been referred to, A.162, called 'Report of the Secretariat on the Western Areas'?-- I read that document here in Court.

But not before?-- Not before.

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Well, I just want to mention briefly one or two of the points that document talks about. According to that document there was at one stage a distribution of leaflets calling on people to burn down Indian shops. Do you know anything about that?-- That was the incident I was referring to, when I spoke of a certain organisation, Supreme Council.

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Did you see any of these leaflets?-- I saw the leaflets but I did not see the distribution of these leaflets. But leaflets were brought to me -- there were such leaflets moving around in Sophiatown.

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Do you know anything about the so called Supreme Council?-- I haven't much information about this organisation.

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Do you know whether it was friendly or unfriendly towards the A.N.C.?-- It was against the A.N.C.

Now, the Report, A 162, also says that there were numerous attempts at provocation during the course of the Western Areas campaign. Do you know what that would refer to?-- I assume that it would mean . . .

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BEKKER J: You see, I'm just wondering about this. He sees the report in Court for the first time - he hears about it in Court for the first time; you're asking him to comment on it and he says "I assume....."

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