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the military might of the United Kingdom. Innocent Kikuyu men, women and children were being wiped out in one of the most barbaric punitive expeditions the British have been engaged in, including precision bombing against defenceless people". And then it refers to the sentencing of Jomo Kenyatta by a Kenya Court, it refers to the proceedings as being a travesty of justice, and then it says, "it is becoming clear daily to the colonial people that they will gain their freedom not by constitutional methods but through the hard fight by revolutionary tactics". Again, My Lords, if one may refer to the oft quoted Lodestar, A.M.K. 66, that is the Lodestar of October, 1954, the article "Facing Kenya", which the - with the author described as H. Makgothi, the article considers the significance of the struggle of the people of Kenya for the liberation movement and the youth in South Africa, and the first point the article makes is "that the struggle of the Kikuyu is our struggle."

(16) The people should guard against the danger of falling victim to the false and malicious propaganda of the capitalists, in order to confuse and misrepresent, imperialists label genuine and honest fighters for national liberation in Malaya, Burma, Tunis and Indonesia as bandits and terrorists and their spokesmen as Communist agitators or agitators. My Lords, Your Lordships will recollect that the reference there is Fighting Talk, July, 1954, the author Moses Kotane, and the reference to the record is page 2989. This was a letter, apparently written by Moses Kotane to the editor of Fighting Talk in response to a letter by another person, in which the first correspondent had expressed

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concern at the activities of certain groups in Kenya, and this letter warns against what is alleged as a misdescription of certain people by the imperialists and the capitalists. The submission here is that this too is representative of the point of view of the African National Congress, that this type of exhortation to its followers not to be put off by terms such as terrorist or bandits or Communist agitator, that that is met with elsewhere in the African National Congress. For example, My Lords, in the Exhibit to which I have just referred, A.M.K. 66, the points of significance of the struggle in Kenya, the third point which is made is that the youth should increase their vigilance and raise their political understanding, and should not fall into the easy trap set by the oppressor of associating the sacred struggle of the people for freedom with propaganda about secret societies.

(17) That imperialism depends only on supremacy - the supremacy of naked force. Violence, force and armed aggression are called into being to uphold it. My Lords, this is taken from a Fighting Talk of October, 1955, page 3035 of the record, in an article entitled - or which is described as being "A review of the Helsinki Peace Conference", and the author is described as Spectator. My Lord, this paragraph can be dealt with very quickly. The submission here again is that this point of view which is important from the point of view of the case as a whole, is expressed in many places. It gets its fullest ideological treatment perhaps in the Three Lectures, A.84 to A.86. One of the

main, cardinal points made in those lectures, Your Lordship will recollect is this idea that imperialism lives by force, by force alone and lives always by war. Again referring to the Lodestar, A.M.K. 66, My Lord, one finds an echo of that idea at page 2582 of the record, another point of significance of the struggle in Kenya which the article stresses under numeral two, is "A national liberation is a long and protracted struggle for in the age of imperialism murder and violence become the order of the day and the people must wage the struggle in methods which the oppressor forces upon them."

(18) That Leninism teaches us that ruling classes will not surrender their power voluntarily. In the countries where capitalism is still strong and has a huge military and police apparatus at its disposal, the reactionary forces will inevitably offer serious resistance, there the transition to socialism will be attended by a sharp class revolutionary struggle. My Lord, that is culled from this article Khrushchov on Soviet policy to which I have referred in the March, 1956, issue. My Lords, the first sentence of this paragraph is taken from page 3049, and the balance of this paragraph is taken from 3051. My Lords, this idea - it is submitted - finds its echo in the points of view expressed by the African National Congress. It finds an echo too in the three lectures, A.84 to A.86, and Your Lordships will recollect that this topic was explored in the cross-examination of Mr. Mandela. My Lords, in Volume 75 of the record, page 15949, it is put to Mr. Mandela that in his view the need for a violent revolution

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in the achievement of a Communist state had disappeared, and - perhaps I can just read the passage, it is a little difficult to summarise. It was put to him : "Mr. Mandela, the question was put to you last week in chief whether on your understanding of Communism and Marxism-Leninism, a revolutionary - a revolution was always a necessity in every country for the achievement of a Communist state. Wasn't it a violent revolution or violence? --- That is how I understood the question"

"Yes, and your answer was, I think that you felt that insofar as violence may have been implicit in the writings of Marx and Lenin and more specifically in Communist Manifesto, you felt that in the contemporary world scene we had the assurance of Mr. Khrushchov that force would not always be necessary, it would depend upon the conditions prevailing in any given country to decide whether it should be a forcible transition to Communism or whether the transition could be a peaceful one. Is that your view? --- Yes, My Lords, it is".

And then this passage is put to him, My Lords, at page 15950, and it was put to him : "I take it that insofar as South Africa is concerned, Mr. Mandela, and insofar as the achievement of the people's democracy by the Congress movement in South Africa is concerned, your view would be the same here, that the possibility of violence is dictated in the first place by whether or not the ruling classes resort to violence? --- Except that even when the ruling class uses violence, our own policy is not to resort to violence".

"Yes, subject to that proviso, do you agree? --- It might be".

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And then a further article is put to him, an article in Fighting Talk which deals with the necessity for a stable parliamentary majority to ensure peaceful transition, and then a little later on Mr. Mandela says well, he does regard Khrushchov as an expert, but whatever his views, he, Mandela, is satisfied that the transformation to socialism can be effected peacefully.

COURT ADJOURNS.

COURT RESUMES.

MR. HOEXTLER :

(19) That in South Africa today many liberal minded people are bound by outmoded, inappropriate and bourgeois concepts, and they are tempted to compromise and temporise because of their fear of revolution. They lack the determination to overthrow the tyrant. My

Lords, that is culled from the April, 1954 issue, read into the record at page 2981/2, and the author is being - the author is described as being "A reader". My

Lords, this is a cleverly written article which compels admiration, and I think the passage I quoted should be seen in its context. It starts on page 2982 of the record, and it appears there that this is a letter or an article by one R.J.R. and it is headed "An Object

Lesson", A Reader. It says : "It sounds absurd but it almost seemed to me that Shakespeare wrote Julius Ceasar as an object lesson to South Africans, Confronted with complex political problems in the mid-Twentieth Century.

In the first place, the drama is concerned with the

struggle for power and the wielding of power. The age-old

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yet up to date struggle between tyranny and democracy. Caciuss' passionate hatred of dictatorship is expressed in fire gold words, that should be every democrats daily reading. It does not vitally matter that his political faith is shot through with personal feelings of jealousy and inferiority. He hated tyranny, and was prepared to act to overthrow the tyrant. How much we lack that determination in South Africa today. Brutus too hated the dictatorship, but like so many liberal minded people today, he was bound by outmoded, inappropriate, bourgeois concept. His inner fear of radical change of revolution tempted him to temporise and to compromise. So that putting aside Caciuss' far seeing tactics, he, Brutus, ultimately betrayed the attempt to overthrow the dictatorship. How often have we seen that in the past four years. Honest motives, sincere democratic convictions, illumined analyses, all rendered negative by a fear to grasp boldly the appropriate tactics. We too have found, as Caciuss did, that the respectable leaders throw away the fight and betray the cause. Politically of course the most important moral is to be found, I think, in the part the crowd plays in Shakespeare's drama. Not one of the political leaders recognised that the only sure foundation for a genuine democracy is the people themselves. In the play the people were manipulated by one side and then the other. No one, not even the people themselves realised that the people are the political power. Another lesson for us. In our country, where the - when the people, most of them Black, have realised their strength and their wisdom and the inevitable

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rightness of their cause, then and only the will South Africa be saved from tyranny and made fast for a genuine democracy". In other words, My Lords, this article read as a whole, casts aside the restraints imposed by what are referred to as respectable readers, stresses the need in good prose and in an oblique fashion for mass action and castigates those who are bound by an innate fear of revolution.

MR. JUSTICE BEKKER :

Mr. Hoexter, will you go back to paragraph 16. You said that was in reply to a letter written to the editor? What letter was that?

MR. HOEXTER :

My Lord, that correspondence begins at page 2987 of the record.

MR. JUSTICE BEKKER :

This is a letter written presumably by Moses Kotane. Now I want to know the letter to which this is a reply.

MR. HOEXTER :

Page 2987, My Lord, this is the July, 1954, issue of Fighting Talk, I read from line 14. It says: "Pages two to three contain correspondence between one Mahotlong and a reply to his letter by Moses Kotane." I read the letter and then I quote from the reply. The letter says : "Dear Sir, it was most unfortunate that your London correspondent in his last article described the Mau-Mau terrorists as African resisters and General China as an African leader. The word resister has come to be associated with the Defiance Campaign. We have

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all spent years trying to refuse government propaganda that the Defiance Campaign is the same thing as the Mau-Mau. We have also spent years trying to restrain the African hotheads who say that our resistance should become a Mau-Mau. Now Mr. Lukas writes as if there is no difference between the two. As for General China, he and his kind are repudiated by the true African leaders such as Jomo Kenyatta. The British Government framed Kenyatta as a Mau-Mau, but Kenyatta denied it. The truth of his denial is proved by the fact that he was not used in the recent surrender negotiations. Do not let us become confused about the Mau-Mau. Though we are against the imperialism which produced the Mau-Mau, and the savage methods being used against the whole population of Kenya in an attempt to suppress the Mau-Mau, we are not in favour of the Mau-Mau itself. Their methods are not only immoral but also unwise. They have blackened the name of the African people in the eyes of the world. Do not insult our resisters by using their title to describe these stunts."

MR. JUSTICE BEKKER :

Did you quote the answer? What does that say?

MR. HOEXTER :

That says : - I read from page 2988 of the record : "Dear Sir, Your correspondent takes exception to the description of the May issue of Fighting Talk of what he calls the Mau-Mau terrorists and thugs as African resisters and of General China as an African leader. Mr. Mohotlong says the word 'resister' has come to be associated with the Defiance Campaign, and

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should therefore not be confused with the Mau-Mau thugs. I can understand Mr. Mohotlong's fear of the danger of confusing Mau-Mau with a purely non-violent political resistance movement, but we shall not in our anxiety to prevent confusion try to change facts or the meaning of words. The word resister has been used in various parts of the world, long before we ever thought of the Defiance of Unjust Laws Campaign. There have been resisters of different kinds and for a variety of causes. Similarly the word 'leader' applies to any head or director of a group, scheme, herd or a flock. A person or a thing is a leader, whether he or it is good or bad, or whether we agree with it or not. Mr. Mohotlong says that General China and his kind are repudiated by the true African leaders such as Jomo Kenyatta. I do not contest that fact, but General China was followed by thousands of Africans, notwithstanding that repudiation, so he is an African leader, even if we consider his efforts to be wrong or his followers to be misguided. Let us guard against the danger of falling victim to the false and malicious capitalist propaganda. Imperialists and reactionaries everywhere use certain words and phrases to confuse people in their own country, and to deliberately misrepresent the actions and politics of movements and organisations or nations opposed to them. Some of those words and phrases are agitators, aggressors, aggression, bandits, terrorists, satellites, thugs, Iron curtain, free world, free nations, democratic nations and Communist tyranny. Thus genuine and honest fighters for national liberation in Malaya, Burma, Tunis and Indonesia

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are alternatively described as bandits, terrorists or thugs, and spokesmen of the people are described as Communist agitators or agitators. Then we have the so-called free world democratic nations or free nations, which include Spain of General Franco, Portugal of Dr. Salazar, South Korea of Dr. Rhee, Formosa of Chiang-Kai-Shek and South Africa of Dr. Malan. They send armies and arms all over and then accuse others of aggression and threatening their interests." My Lord, I proceed to the next paragraph.

(20). That the colonial people have learnt the science of the struggle for liberty. In Cyprus for example the people had used first political agitation and then moved to mass civil disobedience. Where military and semi-military action had become necessary against the military dictatorship imposed by the British government, it had been taken with discipline and courage, inspired by a great revolutionary spirit and tradition. There had been no individual sporadic terror. My Lords, this passage or these excerpts were taken from Fighting Talk of January, 1956, and editorial article headed Our New Age, and it appears in the record on page 3037/8. I may just refer to the opening part of that editorial.

I read from line 19 on page 3037, which says : "Page 2. Editorial Comment. Our New Age." The second paragraph which is entitled "Last Ditch Disaster". "But this is the year 1956, the colonial people have learnt the science of the struggle for liberty and the weapons of the past are proving ineffective against the movements of the present. Against their oppressors, the people of

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Cyprus presented a national, united front in which all classes, groups and parties of the island joined to conduct a peaceful political campaign. When that campaign became irresistible by other methods, the British Government answered it with a military dictatorship. The united front held, despite every attempt to buy off sections of it with constitutional plans for a share in the spoils for exploitation. From political agitation the people had moved to mass civil disobedience, marked by a unity and discipline which comes only from profound consciousness of the aims of the struggle. Where military and semi-military action has become necessary against the military dictatorship, it has been taken with discipline and courage inspired by a great revolutionary spirit and tradition. There has been no sporadic, individual terror. There has been no sectarian running in advance of the people, which could have cut the Communists and the Left Wing off from Archbishop Makarios and the middle-class. Against such a movement as this, all the arsenal of imperialism is proving impotent. Its last ditch is becoming a grave of its own digging." The submission here, with respect, My Lord, is again that the central idea here expressed are representative of ALN.C. point of view. Now it is interesting to observe the description of the development of this particular resistance, which starts off, so it says, as a peaceful political campaign, then it mentions that from political agitation, the next stage was one of mass civil disobedience, and then the culmination of events is when the British Government is^{un-}able to resist the movement by other means, it imposes a military

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dictatorship or semi-military dictatorship, and that in turn is answered by the people, also by resort to semi-military or military action. The only disapproval here of militaristic or terroristic action is not in the fact of force or terror, but against sporadic or individual or unco-ordinated military action. My Lord, this was put to the witness Mandela at one stage. Your Lordships will find it in volume 75, page 15970 of the record, portions of this article were put to Mr. Mandela, and then the question was put : "Now isn't it possible to conceive of a situation where the establishment of a military dictatorship might compel the liberatory movement to use military tactics against that dictatorship? --- My Lord, I don't know what might happen in other countries, but as far as our country is concerned, we hold that here we have a dictatorship. Notwithstanding that we have employed for ourselves the weapons which we feel is in a position to fight most effectively against this dictatorship, the policy of non-violence, and the Congress has not adopted the policy as a mere expedient". And then he goes on to point out that as he sees it that policy is cardinal.

(21). That there is this threat of world destruction because the majority of mankind is rallying to the cause of peace. The imperialists are more and more exposed as a tiny majority placing all their hopes in horro weapons, because they have no hopes in the support of the people. This is the measure of their desperation. A distinction should be drawn, however, between wars of aggression and defensive wars. Wars of aggression are the wars waged by others, and defensive wars are those

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waged by ourselves. A people's war is conducted against an aggressor or occupying power or colonial power. A people's war can only be a war of defence or liberation. But the people's army has found its exact counterpart in nuclear weapons. At a time when the participation of a whole people in a war has finally been seen to be a factor making for peace, nuclear weapons enable the leaders of the West to make war without people, to suppress history by liquidating those who make history. My Lords, this paragraph is derived from two different articles, the first portion of it up to "measure of their desperation", is taken from the June, 1955 issue of Fighting Talk.

There is an article entitled Atomic Death or Peace. And the author is described as Cecil Williams. The second - the balance of the paragraph, My Lord, is culled from the March, 1955 issue of Fighting Talk, read into the record at page 3011/6, and this is described as being a report of a speech to a Conference of the World Peace Council by Jean Paul Satre, and My Lord, I think in fairness I should indicate that it is a long article, and I should perhaps indicate to Your Lordship from what part of the record the various sentences are derived. If Your Lordship looks, at the first sentence, "A distinction should be drawn however between the wars of aggression and defensive wars", that comes from page 3011, line 13. Then a little lower down, "A people's war can only be a war of defence or liberation", is from the same page, line 32. The next sentence, "But the people's army has found its exact counterpart in nuclear weapons", comes from page 3012, line 5. The last sentence,

"to suppress history by liquidating those who make history, is taken from page 3014, line 31." I do submit with respect, however, My Lords, that these extracts give a fair indication of the content of that article as a whole, and the Crown submits that the ratio of this article is instructive, because one finds in many places - it will be dealt with more fully in later stages of the argument, this insistence by the Congresses that nuclear warfare should be abandoned, and the particular reason advanced here in the article, which is a historical survey, and points out that at one stage of history the employment by leaders of nations of the people afforded a safeguard against senseless annihilation, because the people could be taken so far, and so far only, and it indicates that the warmongering powers by using nuclear weapons, are eliminating that guarantee of safety. Nuclear warfare can be conducted without the people, the guarantee for ultimate sanity disappears, and as the concluding sentence here suggests, the leaders of the West in seeking to employ nuclear weapons therefore, are trying to suppress history by liquidating those who make history, that is the people.

My Lords, I proceed to (22). I am leaving the broader terrain and coming to the South African scene. It says that the Freedom Charter is the basic law of our liberatory movement, and a picture of future South Africa in which oppression and exploitation shall be no more. My Lord, that is taken from the September, 1955, issue of Fighting Talk, read into the record at page 3032, the article is entitled Forward with

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the Freedom Charter, and the author is described by initials only, as being W.S. My Lord, this requires no comment. It is fully representative of the African National Congress point of view, both the idea of the Freedom Charter being a basic law of the liberatory movement, and also the suggestion that the achievement of that ideal will result in the elimination of oppression and exploitation.

(23). That the Freedom Charter is the basis of - for a New South Africa, in which everyone will share equally. The Liberal Party on the other hand wants to work within the existing framework, bringing in changes that do not strike at the root of the system which divides South Africa into two camps, the exploiters and the exploited. My Lords, that is taken from the November, 1955 issue of Fighting Talk, read into the record at page 3037. The author is described as Peter Meyer. It occurs in an article Which Way Liberation, which starts at 3035. My Lords, the argument so far has referred the African National Congress attitude to the Liberal Party, I need say no more on that score, save that this article makes the point which was made earlier in evidence by my learned leader, and that is to say that criticism by the Congresses against the Liberal Party, was based not primarily or essentially on differences about franchise policy, but in essence because of the alleged inability of the Liberal Party to work within the - to see this difference, this division of South Africa into two camps, the exploiters and the exploited, and their failure to work for changes that will strike at the very root of that system.

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(24). That whatever the form of transition to socialism, the decisive and indispensable factor is the political leadership of the working class, headed by its vanguard. Without this there can be no transition to socialism. Stalin lived by the creed and knowledge that no man of his time could exert his influence on history, save that he strides (?) forward together with the industrial workers at the head of all toiling and suffering mankind. This paragraph is derived from two sources, My Lord, the first one is Fighting Talk, March, 1956, read into the record at page 3051. This again, M., Lords, is that article on - Khrushchov on Soviet Policy, the balance of the paragraph My Lord is taken from an article to which reference has already been made, Stalin, Leader of a New Type in the March, 1954 issue of Fighting Talk, the record page 2976/7. Here I content myself with the submission that certainly as far as the African National Congress and no less certainly as far as the whole Congress movement is concerned, one gets many and clear statements of this idea that - of the necessity of the leadership of the working class. That idea will be developed more fully when the policies of the remaining Congresses are considered, and also when the speeches are considered next week, speeches for example at the Freedom Charter Committee Day meeting in September, 1955. There one finds speeches which express this idea exactly.

(25) That in South Africa, the only White trade unionists who fought consistently for real and complete equality in trade union organisations were the

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Communists. The Communists were driven out by the Nationalists with the aid of Right Wing bureaucrats. The need for working class unity is greater than ever before, and the South African Congress of Trade Unions fulfills such a need. It alone carries on the earlier tradition of militant trade unionism established by Bill Andrews and other founders of the South African trade union movement. The South African Congress of Trade Unions will not only lead the struggles of the workers for day to day economic demands, but it will play its full part in the political struggle of the South African workers for a free and democratic South Africa.

That is taken from the March, 1956 issue, My Lord, record page 3043/4, the author is described as E. R. Bravernan, and the article is entitled Trade Unions for Freedom. It requires no comment, it is obviously - it expresses a welcome for the South African Congress of Trade Unions and its policies.

(26) That in opposition to the Schoeman Trade Union legislation, mass agitation and mass action were the only tactics likely to succeed.

That is taken from March 1954 issue, My Lords, the record, page 2975. That comes from an article entitled Trade Unions Under Attack. My Lord, it is an expression of the necessity for mass agitation and mass action, a necessity which is stressed in many of the writings and speeches of the African National Congress and the other Congresses.

(27) That there had been a time when the African National Congress suffered from European "sympathisers", of the race relations type. Their advice

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was invariably in the unfortunate direction of counselling moderation, compromise and concession, and opposing outspoken demands for equality and militant forms of struggle.

That is taken from the March, 1955 issue, the record page 3008. This is an article entitled Tempering the Steel, the author is described as "A Correspondent", and the article is described as being a Review of the African National Congress Conference. My Lord, it requires no comment, it stresses what the African National Congress has stressed throughout the period of the indictment, that old forms of struggle are to be discarded, compromise is to be rejected and that the struggle now requires militant forms of action.

(28) This is now dealing with the campaigns, such of the articles in Fighting Talk as have devoted attention to the campaigns. The campaign against the removal of the Western Areas was a focal point of agitation against apartheid. The Government trembled at the hostility of the people. The February events were only the beginning of a long fight, and people should learn from the mistakes of the beginning. Certain types of action broached at various times, demanded a far greater state of preparation among the people than there was. Methods of campaign must not only sound fiery and militant, but they must be related to the readiness of the people to use these methods of struggle.

This paragraph, My Lord, is derived from the April, 1955 issue of Fighting Talk, the record page 3016/8, the author is described as J. B. Marks, and the article is entitled J. B. Marks Analyses Victories and Weaknesses

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in Western Areas Resistance.

MR. JUSTICE RUMPF :

Does the phrase in the last sentence, "to use these methods of struggle", does that relate to any methods named or implied?

MR. HOEXTER :

No, My Lord, save militant methods. Perhaps I should refer briefly to the record there. My Lords, I read from line 15 on page 3017, which the author says : "The show of police force during the first early morning removals was unprecedented. Even in this police dominated state. And the first families were trundled off to Meadowlands under the guns of the police force and the army. Here is proof, if proof were needed, that this was a brutal forced removal scheme". And then it is intimated that a portion is skipped, and the reading continues : "The February events were only the beginning of the long fight. The people must learn from the mistakes of the beginning and plan for the next round. The struggle in the Western Areas will be a protracted one and it has barely started. Certainly, mistakes were made. Major weakness was a confusion as to the aims of the campaign. The slogan, We Will Not Move, laid itself open to a literal interpretation that the people would physically resist removal. Yet again and again Congress leaders called for restraint and non-violent. It is clear now that the slogan implied really "We will not move voluntarily . This is a forced scheme, you take us against our wills". As Dr. Dadoo says in his New Age interview, February 24th 1955, 'Many gave the slogan

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a meaning it was not intended to bear. Some gave the impression that it was possible by local action alone to defeat the removal scheme right at the beginning. Press publicity about Congress plans prior to the removal added to the difficulties. The people were given the impression that some last minute instructions on resistance would be issued. Those on whom resistance depended were in doubt as to what exactly they were expected to do. Certain types of action broached at various times demanded a far greater state of preparation among the people than there was. Methods of campaign must not only sound fiery and militant, they must be related to the readiness of the people to use these methods of struggle. Whatever methods of struggle were to be used in the Western Areas, sound organisation was an indispensable basis." And then a portion is omitted, and then it continues at the foot of page 3018 : "The opposition to removal is as strong as ever. It will grow stronger, not weaker as the people in Meadowlands see what the scheme really means. As the government intensifies its attack on the people's rights, unity against apartheid and tyranny grow. The government has taken only the first steps on the long road towards the total removal of the people of the Western Areas. The first steps of the people have been hesitant, but their legs are strong and their spirit good. No purely local fight against removal can fell apartheid at one stroke, but the growing resistance of the people, ever greater consciousness and militancy, the considered use of which means of struggle to bring into play in a given situation, all these will carry the movement to new heights of achievement which will

begin to turn the tide in the struggle for democracy". My Lord, the submission here is that that article is fully in harmony with the African National Congress attitude and indeed the whole Congress movement attitude to the campaign of resistance in the Western Areas, to its function, to its shortcomings and to its future function, and it may be convenient to refer back to the Western Areas at a later stage, some of the other journals consider the Western Areas at greater length.

(29). That the liberatory movement should bear in mind that threats and physical force are reserved for last resort action against strike workers who use the protecting arm of the law to break up - the protecting arm of the police to break up and disrupt what the majority of workers have freely decided upon.

This is taken from the Fighting Talk issue of May, 1955, record page 3020, the author is described as L. Bernstein, and the article is entitled Charting the Course of Struggle against Bantu Education. This was in fact an article on Bantu Education, My Lord. I should point out that this part of the article was put to Mr. Mandela, Volume 75, page 15970 of the record, it was put to him : "Do you agree that the liberation movement should take that experience to heart, that threats and physical force are reserved for last resort action? ---" and then he says as far as he understands the policy of the African National Congress, there is no room whatsoever for threats and violence, and he suggests that insofar as the article is meant to explain the policy of Congress on Bantu Education, it fails. My Lords, I think I

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should just briefly indicate the tenor of that article, it is as I say an article on Bantu Education, page 3020, having considered the African National Congress reappraisal of its position in relation to the boycott of Bantu Schools, he says at line 6, page 3020 : "Yet still there are mistakes being made and errors still persisted in. In the places which are boycotting, there have been some cases, but not nearly so many cases as the daily press and government spokesmen have made out where threats and intimidation have been allowed to replace persuasion and explanation in urging parents and children to boycott schools. Those who threaten no doubt mean well. They aim at making the boycott a success, but their methods are mistaken and curbed, because they will lead to enmity between organisers and the people and open the way to disunity and antagonism, and finally to the disruption of the whole boycott. The trade union movement has learnt through many years of bitter struggle that workers cannot be coerced into striking, they must be convinced, persuaded and won over, and only when that has been done is it possible to strike successfully. Then occurs the passage to which I have referred, that threats and physical force are reserved as a last resort action.

(30) That the struggle against the Pass Laws was part and parcel of the struggle for liberation. In the year 1956, carefully planned, determined and decisive action could render inoperable passes for women, and the whole pass system and population act be dealt a mortal blow.

My Lord, that is taken from the January 1956

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issue of Fighting Talk, record page 3038/40, the author is described as being Helen Joseph, and it is an article entitled Women Against Passes. Your Lordship will recollect that Mrs. Joseph admitted her authorship of this article. I shall refer to it again at a later stage in connection with a journal which deals with passes. Suffice it to say at this stage that in her cross-examination, Volume 67, page 14235, this article was explored with her and she suggested at first or stated at first that in this article it was not her intention to advocate illegal action of any sort. The matter was further explored through Counsel and by Your Lordships, and at page 14237, the witness conceded that whatever her original intention in writing this article, that certain portions of it were ambiguous, more particularly those portions which describe what action should be taken, and the legality or otherwise of those actions. My Lord, perhaps it will be convenient to refer briefly to that article, it is a long article and the excerpts here are - those I have given are very short. Page 3038 I read from line 18 : "Women Against Passes" by Helen Joseph. The descriptive title said "The question is not shall we carry passes or not, but what action shall we take when we are told to take out passes". It says Helen Joseph, writing about the campaign of African women against passes today and in the past. A portion of the article is then quoted at the foot of that page which says : "Facing this new threat, the African women have determined that the indignity of the pass system shall not be extended to African women. In every part of the country, in every town

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and village, the determination is clear. The question is not shall we carry passes or not, but what action shall we take when we are told to take out passes. What shall we do in January, 1956, and this question demands an answer from the liberatory movement." And then it goes on to say that the struggle against the pass laws is not a matter for African women, alone, and then line 13 the authoress continues : "The time is passing and January is upon us. The government has announced that an immediate start will be made with the issuing of passes to African women. The people must be prepared and ready for action. The women need no convincing, they need only guidance and a courageous lead." Then it goes on to consider the various activities of the Women's League, and I read the concluding portion on page 3040, line 5, the article says "The women are waiting for the Congress lead. In their present mood hundreds of thousands are likely to reject passes totally, their spirit is high, their anger deep. There is no Defiance Campaign against Unjust Laws which already exists. It is the determination of the women, the mothers of South Africa, that neither they nor their daughters shall accept this added humiliation. On this they take their stand. The coming year will be a vital one for the liberation movement, for it should see the translation of the mighty Congress of the People and the Freedom Charter into action, to defend the freedom of the individual, carefully planned decisive action which can translate at least one section of the Freedom Charter into reality. The pass laws shall be abolished. 4. If this campaign is courageous and

determined, not only can the passes for women be made inoperable, but the whole pass system, the whole population registration Act can be dealt a mortal blow".

My Lords, this paragraph requires very little consideration. I submit that it is fully in harmony with the African National Congress attitude to the campaign against passes, the fact that passes are not a separate campaign but ought to be seen against the broader background of the struggle, and that the tactics to be employed are calculated to render inoperable legislation.

(31) That the call by the President of the African, Indian and Coloured and European Congresses for fifty-thousand volunteers should be supported, the trickle of volunteers/^{for freedom}should become a flood.

This is taken from the August, 1954, issue of Fighting Talk, record page 2991/2. It is an editorial article called Ban or Banish. It is trite of course, My Lord, that this is how the Congresses saw the appeal for volunteers and that it should be supported. This is quoted merely to show that in this respect Fighting Talk supported the Congresses.

That disposes of the submissions I want to make at this stage on Fighting Talk, My Lord, and I proceed to Liberation.

1. That the persons responsible for the publication of the bulletin Liberation saw the movement for national liberation in South Africa as the heir for the future - to the future of this country, and they required "the greatest clarity of mind and purpose" sooner to bring the struggle to its victorious conclusion. The

bulletin was therefore "devoted specifically to giving what assistance it can in this vitally important search for clarity." Where are we going and how do we get there?"

My Lord, these quotations are derived from the November, 1955, issue of Liberation, read into the record at page 3524/5, and this was an editorial article which so described the role of the paper as the editor saw it. To this end the bulletin Liberation during the period of the Indictment published matter setting forth the following points of view and policies.

3. That capitalism developed into its highest and final stage of monopoly, in which the bankers and manufacturers fused into a single and all powerful class, the colonies assumed a new significance. Tremendously speeded by new sources of industrial power, and driven ahead by an insatiable greed for profits, the imperialist powers raced to extend their territories and their rate of exploitation to the utmost.

There the submission is simply that this is an historical analysis which finds its echo in what has been said and written by the African National Congress, this idea of the development of capitalist into a final or monopolistic stage, which is of particular importance as lending impetus to imperialism, the greed of the imperial powers to extend their territories and profits by colonial exploitation. My Lord, this is taken from the October, 1955 issue, record page 3513/4, it is an editorial article entitled Last Days of Empire, and the article itself begins at page 3511.

4. That for years the capitalist countries have

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lived on raw material, cheap labour from Asia and Africa. The rise of the national liberation movements in Asia and the Pacific regions has forced the imperial powers to turn their eyes to Africa. It is here that the imperial powers of Britain, Belgium, France, Holland, Portugal and Spain have their chief or only colonial dependencies. The internal contradictions and conflicts within the imperial camp are broadening daily. The countries of the aggressive Atlantic bloc are in danger of losing their national independence as a result of American interference in their domestic affairs. In their mad lust for markets and profits these imperial powers will not hesitate to cut one another's throats, to break the peace, to drench millions of innocent people in blood and to bring misery and untold suffering to humanity.

My Lords, these excerpts are derived from the September, 1953, issue of Liberation, record reference page 3461/3, author Mandela. Your Lordships - this was an article entitled Africa and World Peace, and Your Lordships will recollect his authorship was admitted by Mr. Mandela. Your Lordships will also recollect that the Exhibit A.37 or Z.K.M. 36, which was that National Conference Report for December, 1954, has a section devoted to Africa and World Peace, and that that section of A.37 incorporates all or most of this article Africa and World Peace. I think there is other evidence which says that this article was in fact the report of a speech delivered by Mr. Mandela to a meeting of the South African Peace Council. There can be no doubt at all that this article is fully representative of African National Congress viewpoint, and indeed of the points of view of

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the Congress movement generally.

5. That the....

MR. JUSTICE BEKKER :

At what page did Mandela admit the authorship?
You can get it later.

MR. HOEXTER :

If I may give it to Your Lordship a little later. The reference to A.37 is page 270, in Volume 2 of the record. I shall give Your Lordship the other reference presently.

5. That we are living in an era of imperialism when capitalism is resorting to fascism to prolong its parasitic existence, and when the colonial people all over the world are making great sacrifices for their liberation and independence.

My Lord, here the reference is taken from the December, 1955 issue of Liberation, record 3531, the article is described as the A.N.C. Conference. It begins at page 3530, and the author is described as J.B.M. Here again I content myself with the bare submission, My Lord, that this is fully in accord with the African National Congress analysis of historical development, and the particular stage of imperialism when fascism is forced to - when it is forced to resort to fascism to maintain its grasp, is the same type of idea which is expressed again in the report of the Durban Conference, A.37. Your Lordships will recollect the portion read in under the heading Political Review, there is a paragraph entitled The March to Fascism. It was read in at page 261 of the record. It is very brief, and it says "Fascism does not

arrive until conditions call for it. It arises when the ruling class can no longer look forward to unlimited profits and to acquiescent people to be exploited. As the political consciousness of the people grows and their organisations become mature and effective in their struggles for economic and political rights, the ruling classes drop the methods of peaceful flattery, diplomacy and bribery, and employ force as the ordinary means of enforcing their rule. It is true that force is always there, but before the rise of fascism force was resorted to in times of crisis. Under fascism the crisis becomes a permanent feature of life and force and intimidation become the ordinary everyday methods of rule.

There are other expressions to the same effect, My Lord, if I may quote one very brief, it occurs in the Lodestar to which reference has been made earlier in the argument, J.D.M. 9, the Lodestar of December, 1951, contains what is described in page 7 of the Lodestar as being a Presidential Address delivered to the Conference of the African National Congress Youth League, December, 1951, and this was commented upon in the evidence of the Accused Resha at page 16871, where he said that this was in fact the Presidential Address of December, 1951, and at page 16874 he suggested that this - at this juncture the President of the Youth League was Dr. Mji, At all events, in the course of that Presidential Address you get an expression of what is essentially the same idea. I refer to a passage put to the witness at page 16875, where the report says "The Act passed by the government provides a ready made framework for the establishment of

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fascist state", and then it goes on to say : "True to the pattern depicted in the rest of the imperialist world, South African capitalism has developed to monopolism, and is now reaching the final stage of monopoly capitalism gone mad, namely fascism."

6. That for the imperialists the writing is on the wall. We live in an era when White domination and colonialism are coming to an end. We are on the threshold of a new age, when the very concept and roots of imperialism will be exterminated (?). We stand on the brink of the final collapse of the imperialist-colonial system, but we live under the terrible danger that in their desperation the imperialists may seek to plunge humanity into the unimaginable horrors of a third and atomic war.

That paragraph is derived from three different issues. The first is No. 8 of 1954, record page 3483/4, an editorial article entitled War, Against Whom. The second portion is derived from the December, 1955 issue, record page 3511, an editorial article, Last Days of Empire. And the last portion is derived from the November, 1956 issue, record page 3503/4, an editorial, the International Scene. Here, My Lords, the Crown submits with respect that again the point of view here expressed is fully in accord with the point of view of the African National Congress, and the Congress movement generally.

7. That desperately and with savage ferocity the imperialist try to retain what is left of their shrunken possessions. France in Morocco and Tunis; Britain in Malaya and Kenya. They try to stem the flood

of freedom with corpses of patriots whom they call bandits and terrorists. It is not civilisation that they are defending, the - but the big profits based on colonial wealth and upon poverty, suffering and lies. Where labour is cheap, life too is cheap. They will stop at nothing. They will spill rivers of blood to retain their grasp on the land and labour, and they will strip themselves of every vestige of the civilisation they pretend to uphold. War in Africa means war in the Kenya manner. The ruthless massacre of thousands of unarmed folk..."

My Lord, this paragraph is derived from two issues, the first bit up to "bandits and terrorists" comes from the editorial article to which I have already referred, that is The Last Days of Empire, which occurs in the October, 1955 issue, record page 3514, and pausing there, My Lords, one has in the first portion the expression of the same idea, warning against the misdescription of freedom fighters and patriots as bandits and terrorists. The same warning which we found in Fighting Talk. The second portion is taken from Liberation No. 8 of 1954, record page 3483, editorial article, War Against Whom. The submission here too is simply that this is fully in accord with the point of view of the Congress movement and specifically the African National Congress. The emphasis which is laid on the ruthlessness of the imperialist, and his determination to act with reckless disregard for life, and spill rivers of blood from motives of greed.

8. That the war being waged throughout the world, "when stripped of the newspaper ballyhoo about

"fighting Soviet aggression", is not a war against Communism, but broadly speaking an aggressive war by the imperialists, led and directed from the United States of America against colonial people of Asia and Africa. To protect their markets and investments, to crush the liberation movements and to forestall the rise of revolutionary democracy in Africa, America and her satellites have established military bases all over the continent, and have made Africa a war base for the imperialists in their schemes for world war and world domination. This is the explanation of the barbarous and cruel manner in which liberatory movements all over Africa are being suppressed. In their mad lust for profits and in their war preparations, the United States and her satellites have jeopardised the rights of people to national independence.

This paragraph is derived from two issues, the first one is again from the editorial article War Against Whom, which occurs in issue No. 8 of 1954, the particular portion quoted was read into the record at page 3481. The second portion, My Lords, comes from September, 1955 issue, record page 3463/5, author Mandela, and this again is from his article Africa and World Peace. My Lords, I can give His Lordship Mr. Justice Bekker the reference now, because this article was put to Mr. Mandela in cross-examination. I refer, My Lords, to Volume 76, page 16105, line 11. Question : "Next I want to consider an article Africa and World Peace which appeared in the journal Liberation...."

MR. JUSTICE BEKKER :

Don't worry about reading it, it is just the

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admission...

MR. HOEXTER :

My Lord, I was going to refer to it in another context as well. The reference I have given Your Lordship is where he admits being the author of the article, and it is put to him whether the article was written to advance the peace movement in the country, and his answer, this is at page 16106 is that this was an Address to the Peace Council and that he was a supporter of the Peace Movement, and then later on on the same page, it is put to him, "Is there anything in this article which is inconsistent with the policy of the African National Congress? --- Not as far as I know". Two pages later, that is page 16108, it is put to him whether he saw the struggle of the people of Kenya as part of the liberatory struggle the world over, and his answer can be summarised, I think, by saying that he did in the sense of the African National Congress opposition to imperialism and colonialism.

Here again, the submission My Lord is that this point of view indicated here is without any qualification the point of view of the African National Congress, and indeed the whole Congress movement.

9. That by the illegal actions of Britain and France with reference to the Suez Canal, the imperialists seek to teach the colonial peoples a lesson. The lesson is that for all who seek freedom from imperialism, and the return of their stolen national resources, who challenge the Europeans' ill-gotten

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gains, the penalty is invasion, death and destruction.

That is taken from the November, 1956 issue of Liberation, record page 3496. It is an editorial article entitled The International Scene, and the submission is that here again the motivation which is ascribed to the imperialist powers is the motivation as the Congress movement sees it and expressed it.

10. That in all their desperate efforts to reinforce and restore their disintegrating colonial system, the Western imperialists come up against one hard and immovable factor. This factor has transformed the heroic but ineffective liberation struggles in the past into a vast and invincible movement which has abolished colonialism for more than twelve hundred million people over the past decade. That factor is the existence of the U.S.S.R. The U.S.S.R. is a great power, irrevocably hostile to imperialism and with an industrial and military potential second to none. That is why an intensive hate campaign has been unleashed against the Soviets.

My Lord, that is derived from the issue of November, 1956, the record page 3502/3, and it is an editorial article, the same one that I have referred to before, entitled The International Scene.

The submission here is that this is fully in line with the point of view of the Congress movement. This particular description of the role which the Soviet Union plays in the freedom struggle, the existence of the Soviet Union seen as a bulwark and mainstay of the freedom movement, and the only real factor which puts

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a curb on the ruthless ambitions of the imperialist powers.

11. That therefore in considering the violence which occurred in Hungary when the capitalist newspapers exposed their alleged concern for the sufferings of the Hungarians, they are guilty of cynical hypocrisy, their object is not to awaken sympathy for the Hungarians, but hatred for Soviet Russia.

That is taken from the same editorial article, The International Scene, issue of November, 1956, editorial article, the same one I quoted before. My Lord, again the sentiments expressed frequently by the Congress movement, that the sympathy for Hungarian victims is not honest and merely forms part of a deliberate hate campaign against the Soviet Union.

12. That the fascist and armed racketeers who today dictate the policy of the United States know that there are....

MR. JUSTICE BREKKE :

Mr. Maisels was saying some there, he wants to know where do you get that policy of the African National Congress from?

MR. HOLTER :

My Lord, what I have in mind here is a speech to which reference will be made next week. I don't think it will be a matter of difficulty to refer to documents as well in this connection, and I am prepared to do so as well tomorrow.

12. That the fascist and armed racketeers who today dictate the policy of the United States know that

their power cannot survive the ending of war hysteria. America's gauleiters abroad, Rhee, Chiang and Adenauer, fear talk of a peace settlement as the devil fears holy water. The end of the cold war means the end of them, and they know it. The entire resources of this desperate gang of international pyromaniacs were thrown into an allout counter-offensive to halt the threat of peace and to stir up a new - stir up anew the fires of war. The sooner the Western world and particularly the United States realises that the People's Republic of China has come to stay, that it must be admitted to the United Nations and the Security Council, the nearer the world will be to ensuring a lasting peace. The will and the influence of the Chinese government and people is directed towards world peace.

My Lords, this is derived from two separate issues. The first one is September, 1953, record at page 3458. It is an editorial article, Prospects for Peace. The second one about the Western world and China is derived from Liberation of February, 1954, record 3467/7, author is described as being Sisulu, and the article entitled I Saw China.

My Lords, documents of the African National Congress and speeches here in this regard can be cited ad nauseam. My Lord, an obvious reference here is one Your Lordships have already had in the argument, it occurs in Z.K.M. 6, the Report to the Queenstown National Conference of the African National Congress in December, 1953, Your Lordships will recall the description of Eisenhower's accession to power, in

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which the report says that when in November, 1952, the people of the United States elected General Eisenhower into the Presidency, they put at the helm of the so-called Western bloc - or rather the reactionary forces in the West favouring a third world war put at the helm of the Western bloc a man sponsored by the most reactionary forces in the world, and the suggestion that President Eisenhower and John Foster Dulles vie with Churchill in fomenting war. This description of the Western powers as a gang of international gansters who will stop at nothing.

CASE REMANDED TO THE 18TH NOVEMBER, 1960.

COURT ADJOURNS.

RUMPF J: Just before we go on, Mr. Maisels the accused who is to be a witness; I understand he will be called first.

MR. MAISELS: Yes, my lords.

MR. HOEXTER: My lords, I understand that the accused Lollen and Tshunungwa were absent yesterday. I ask that the proceedings continue in their absence, my lords.

RUMPF J: Yes.

MR. HOEXTER: My lords, I proceed now with the points that have been made in connection with the journal "Liberation" I'm due to start with proposition 13 on page 7. Before I do so, my lords, I may refer back briefly to proposition 11. Your lordships will recollect that that concerns the Hungarian question. It was submitted yesterday that the propositions extracted here were representative of African National Congress thought and it was put to me by his lordship Mr. Justice Bekker whether there were in fact any documents, apart from speeches to reveal this tender thought. Well, there, in passing I refer briefly to the Annual Report of the National Executive Committee of December 1956, the Queenstown Conference. Your lordships will recollect that in that report there is a portion dealing with the international situation. It deals first with the Egyptian crisis which was at the end of 1956, and then it deals briefly with the question of Hungary. This part of the report, my lords, was explored with the witness Luthuli in Vol. 60 at page 11901. It was put to him that the article deals firstly with the British and French intervention in Suez and then it says, on page 2 it deals with the Hungarian situation, and the report says that every nation

should settle its own destiny. And then it continues at line 15, "The African National Congress feels a sense of disappointment and regrets ~~that~~ the bloodshed of Hungary and sincerely hope that peace will be restored without delay in this country". And then it continues, "We point out that unlike the situation in Egypt the rational judgement at present of the Hungarian situation is made difficult by the undoubted hysterical whipping up of anti-Soviet feeling by the Western Powers", and then demonstrations at local universities are cited in support of that whipping up.

My lords, I continue with 13 then, that we in South Africa must not imagine that we are detached or separate from the great momentous decisions of our times, for the oppressed African people and for all democrats, white and black, there is no doubt where they stand in this great struggle of our times. We are not spectators, we are participants. Every victory for our Colonial brothers is a victory for us. The Imperialists have been forced to give back India and China; they will have to give back Africa too. We must advance the tempo of our own bitter struggle for all in our country and for the advancement of the millions of our great Continent of Africa to their rightful place as equal partners in the fashioning of the new and better world."

My lords, the first portion there is culled from the issue of November, 1956, the Editorial article "The International Scene", record at page 3504.

The second portion, my lords, is taken from an Editorial article "Last days of Empire", October, 1955, issue, record page 3515, and the concluding portion, my

lords, from an Editorial article, "The International Scene" taken from the November 1956 issue, record page 3504. Here again, my lords, I content myself with the submission which is fully in harmony with what has been said throughout the period of the Indictment by the African National Congress as the Congress Movement.

14, my lords: "That people throughout the world are coming to understand how closely the struggle for peace and against the menace of war is linked with the preservation of the right of the nations and individuals to a peaceful existence. Opportunities never were greater for the World Peace Movement, to make a decisive impact on world history. For the South African Government the Movement for Peace seems as 'dangerous' as the democratic and trade union Movements. All who struggle against this Government for a democratic South Africa are in their own way striking a blow against war; by giving organised and vocal expression to this consciousness the new South African Peace Council will be able to add reinforcements to the World Peace Movement at a critical and decisive period. We are racing against time; will we be able to re-organise society to eliminate all wars and all poverty, backwardness and ignorance before the world is destroyed. The liberation of Africa is essential for the preservation of world peace."

My lords, the opening sentence in this paragraph is taken from the article "Africa and World Peace" by Mandela in the September, 1953 issue, record page 3465. The second portion dealing with the World Peace Movement is taken from an Editorial article, "Prospects for Peace", also in the September 1953 issue, record page

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