

TREASON TRIAL

CROWN TRIES TO CLASSIFY THE ACCUSED

JOHANNESBURG.

"MY Lords, the defence does not admit that there was a case against any one of the accused," said Mr. C. Plewman at the treason trial last week. But in regard to accused J. Nkampeni, Mr. Plewman submitted, "the Court should consider whether there was any evidence beyond reasonable doubt that he had entered the conspiracy."

Making this brief application to the Court, Mr. Plewman said that although the defence did not want to argue the case of accused Nkampeni at this stage, nevertheless because the trial was going to continue for a long time still, he felt the Court should consider the case of this accused.

Mr. Justice Rumpff pointed out that the difficulty was that not all the evidence was before the Court as the weight of some of it would have to be related to the credibility of the witnesses.

Mr. Justice Kennedy said: "Speaking for myself, the position of this accused would depend upon the reliability of the reporters."

In reply Mr. Plewman said that the application was based on the case as presented by the Crown.

Mr. Justice Rumpff: We prefer not to deal with this accused at the moment.

Personal Position

The Crown has for a couple of weeks now been dealing with the personal position of each accused, the role of each accused in the conspiracy, the knowledge of each accused of the Communist doctrine of violence. In the process of proving this knowledge of doctrine the Crown has divided the accused into two camps, those who have knowledge of Communism in regard to violence as shown in their speeches and documents found in their possession, and those who have no such knowledge.

Those who are alleged to have this knowledge by the Crown are R. Resha, D. Nokwe, W. Sisulu, T. Tshume, B. Ndimba, F. Adams, A. Kathrada and M. Moolla. Those who have not are T. Tshunungwa, F. Ntsangani, J. Nkampeni, S. Mkalipi, C. Mayekiso, Dr. W. Conco, S. Lollan and Mrs. H. Joseph.

Dealing with accused Sisulu's knowledge of Communist violence, Mr. J. de Vos Q.C. (for the Crown) submitted that Sisulu, as an active member of the conspiracy, accepted and propagated the Communist analysis of the present state and society in the Union, more particularly by propagating the Communist concept of and attitude towards capitalism, imperialism and fascism. He propagated and applied Communist methods and tactics to replace the present State and aimed at the establishment of a Communist State in the Union, knowing that the achievement of this aim would involve violence against the present State.

"This man knew Communism and applied Communist methods in the struggle in the Union," Mr. de Vos said. He also said that the witness had in his writings referred to the revolution in China.

Mr. Justice Rumpff: Does it prove any more than that he knew what happened in China?

Mr. de Vos: He said the leader Mao Tse Tung was guided by scientific theory which he never deviated from for a moment.

Mr. Justice Kennedy: Where does that lead us to?

Mr. de Vos: China is held up as an example in the Union. The accused explained the importance of theory. He went to China. He praised Mao Tse Tung, he understood the theory to be the theory of

revolution in terms of classical writers. Taking that as a basis and linking it up with the theory of Marx and Mao, it is clear the accused had knowledge of the doctrine.

Mr. Justice Kennedy: Where is the classical application of the theory in China apart from what you have said?

In reply Mr. de Vos referred to what Sisulu wrote on trade unions and the importance of science and ideology in the struggle. He concluded: "Sisulu falls in the category of well informed Communists."

Tshunungwa

When Mr. Trengove dealt with the position of accused T. Tshunungwa, he told the Court that he was going to deal with this accused on the same basis as Resha, Nokwe and Sisulu. He was a member of the National Executive Committee of the ANC and was the national organiser. He had knowledge of the reports of the National Executive Committee.

Mr. Trengove submitted that the accused was aware and supported the attitude of the African National Congress towards the present State, as well as the aim of the ANC to replace the present State by a form of State based on the Freedom Charter.

On the question of the three lectures, "The World We Live In," "The Country We Live In" and "Change Is Needed," Mr. Trengove asked the Court not to accept the accused's statement that he did not use the lectures. His explanation was untruthful. He elected not to give evidence.

"I ask the Court to find that he knows much more about these lectures than he was prepared to say in his statement. He knew what was to be done about these lectures. The Court must find his statement was untrue."

Africanism

Dealing with a document "Analysis of the political situation" found in Tshunungwa's possession, he said that the evidence was that Tshunungwa got this in the course of his business. He was supposed to cut a stencil and cyclostyle the document. "We submit," said Mr. Trengove, "that a man in Tshunungwa's position, being involved in unconstitutional and illegal action, unless explained, must know what he was doing. We submit that the author of this document had a subversive mind and had a mind to overthrow the State by violence."

Mr. Justice Bekker: Does this document not suggest the Africanist movement?

Mr. Trengove: It may be, but what was it doing in the possession of the accused unless he agrees with the Africanists?

The Crown did not present argument on the accused's knowledge of Communism.

The next accused to be dealt with was C. J. Mayekiso. Mr. Terblanche (for the Crown) submitted that from the position held by the accused, it could be inferred that he knew the policy and activities of the ANC and the South African Congress of Trade Unions and supported them. The Crown further submitted that on the evidence before the Court, the Crown had proved the hostile intent of the accused and his adherence to the conspiracy.

A speech held against this accused was made by accused Mkwai (who disappeared from the case when the State of Emergency was declared last March). Mkwai is alleged to have said that the volunteers were going to face death. Accused Mayekiso who was the chairman of the meeting made the following remarks after Mkwai: "You must not be frightened by the last speaker and think you are going to face death. More volunteers are required

to sign who will go from door to door and speak to the people."

Mr. Terblanche argued that by these remarks, the accused did not repudiate or dissociate himself from the speech.

Mr. Justice Kennedy: I think that by that remark he dissociated himself from the speech. I don't see how you can say it means he did not dissociate himself from it.

Mr. Justice Rumpff: It can have two interpretations, he may have and he may not have, I don't know what it means.

Mr. Terblanche: I withdraw it, My Lords.

On accused T. Tshume, the Crown submitted that the accused was an active and prominent member of the conspiracy. He accepted and propagated the Communist doctrine of the unity of theory and practice, class divisions and class consciousness, the need for the overthrow of the capitalist State and its replacement by a Communist State. The Crown further submitted that the accused accepted and propagated by implication the Communist theory in regard to violent revolution by means of acceptance and propagation of Communist theories.

Association

Speeches made by F. Ntsangani, L. Kepe and T. Mqota in Port Elizabeth on February 6, 1955, were held against the accused. The Crown made the submission that these speakers incited the people and the accused did not dissociate themselves from these speeches.

Arguing the case against Ndimba, the Crown submitted that the evidence before the Court proved the hostile intent of the accused and adherence to the conspiracy. From the documents possessed by the accused, the Crown submitted that he knew that the struggle was to be carried out by unconstitutional and illegal methods. He supported the recruitment of volunteers and accepted that if they were given instructions to kill they must kill. The accused "took an oath that if he were given instructions to kill he will kill." The Crown said the accused was a member of the conspiracy, accepted the Communist analysis of the present State in the Union and propagated Communist

methods to achieve the overthrow of the present State. He aimed at the establishment of a Communist State which he knew would involve violence against the present State. He made speeches lauding Russia and China. In other speeches he showed that he accepted the inevitability of a violent revolution in South Africa.

In the case of J. Nkampeni, the Crown told the Court that in the case of this accused, the Crown only relied on membership and meetings. No documents were found in his possession. He was a chairman of the Korsten branch of the ANC. Mr. Terblanche read a passage from a report in the bulletin "Inyaniso" and said this showed unconstitutional struggle.

Mr. Justice Rumpff: What must we infer from this against the accused?

Mr. Terblanche: To show knowledge that he knew "Inyaniso."

Mr. Rumpff: Did he read it?

Mr. Terblanche: I don't know. I will not take the matter any further.

Dealing with the speech of Mkalipi, Mr. Terblanche said that the accused heard Mkalipi make a speech attacking Bantu Education and he knew that the campaign against Bantu Education was part of the struggle to achieve a new State.

Mr. Justice Rumpff: You say the accused heard Mkalipi attack Bantu Education. What must we do about it, what must we infer?

Mr. Terblanche: That he supported the campaign against Bantu Education and that he knew that this was for the purpose of educating the people for the struggle.

Mr. Justice Kennedy: Where do you get that?

Mr. Terblanche: There is no direct evidence but that is the inference to be drawn.

Mr. Justice Kennedy: He may not have agreed.

Mr. Terblanche: My submission is that if he did not agree, he would not be in the Committee. But I can take the matter no further.

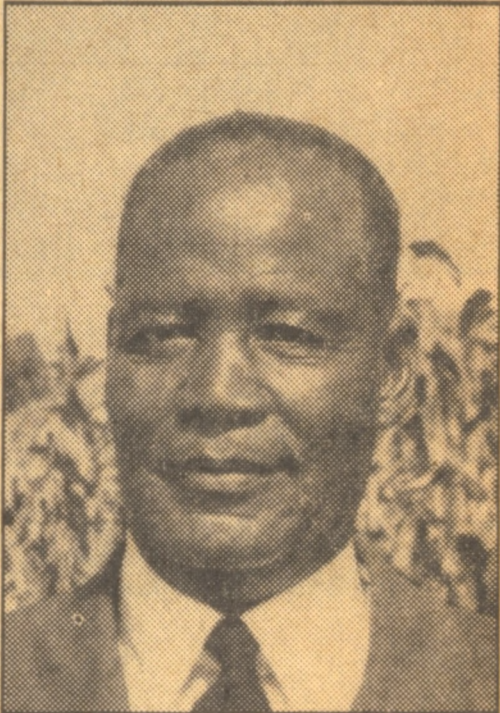
Insolence

Mr. Trengove came back to deal with accused Milner Ntsangani. He told the Court that as far as the evidence of the accused was concerned the Crown relied on his

membership and his knowledge of the ANC policy.

The accused, Mr. Trengove said, looked at the State as the oppressor and an enemy of the Non-White people in this country. "I want to submit that this witness gave his evidence in the same insolent way as Resha." Mr. Trengove said that it was quite clear that as far as this accused was concerned he held the attitude that this Government was vicious, brutal and irresponsible.

Dealing with meetings, Mr. Trengove submitted that the accused had a hostile intent and attended these meetings together with others to further the hostile intent.



Mr. K. T. Motsete.



Mr. M. K. Mpho.

Demonstration By People's Party In Bechuanaland

BECHUANALAND.
A DEMONSTRATION with placards was staged by members of the newly formed Bechuanaland People's Party when the Resident Commissioner arrived at a hall in Mahalapye for an informal meeting with the leaders of various political parties and groups recently.

The placards read: "Bechuanaland People's Party Welcomes Legislative Council—Down with its colour-bar constitution." "No room for colour bar in Bechuanaland." "We want one man one vote—Votes must not have colours." "Stop May elections—Amend Constitution."

Before reading to the meeting the statement prepared by the Bechuanaland People's Party, the chairman, Mr. K. T. Motsete, thanked the Resident Commissioner for convening the meeting.

"Since I came back from England some 30 years ago," he said, "you are the first Resident Commissioner who has ever called a meeting of people holding different opinions to those of the Government and chiefs."

The Party said that while it welcomed the constitutional proposals for a Legislative and Executive Council as a step in the right direction, nevertheless the effect of the proposals as they stood at present was to entrench and perpetuate economic and political domination by the Europeans with the corollary of the exploitation of the Africans.

The term elections was a misnomer. The Europeans, Asians and Africans in the townships of Francistown, Gaborones and Lobatsi would take part in ballot elections in the accepted democratic sense. But the overwhelming majority of the population, the Africans in the ethnic territorial groups ruled by the chiefs, would have no proper elections but only kgotla assemblies dominated by the overriding veto of the chiefs.

In addition, only Europeans and Asians would elect directly to the Legco. The Africans would elect first to the African Council, and only from there would Africans be elected to the Legislative Council.

The Party called for one common roll for all races as in Basutoland.

Representation on the Legislative Council was also inequitable. Of the 36 members, 24 would be White and only 12 Black; and when these figures were analysed further, it turned out that there would be 28 official members to only 8 unofficial members, thus ensuring an overwhelming majority of Government supporters.

The statement concluded: "We repeat that while we welcome the idea of a Legislative Council, we nonetheless do not accept the colour-bar provisions inherent in the constitutional proposals under review."

Secretary of the Bechuanaland People's Party is Mr. M. K. Mpho, ex-treason trialist who was deported from the Union last year by the Nationalist Government.

At the Mahalapye meeting, the Bechuanaland Federal Party, led by Mr. L. D. Raditladi, pledged itself to work for the advancement of the Legislative Council and its constitution and to co-operate with the African Authority. Mr. Raditladi is himself a subordinate African Authority at Mahalapye.

Collection Number: AG2887

Collection Name: Publications, New Age, 1954-1962

PUBLISHER:

Publisher: Historical Papers Research Archive, University of the Witwatersrand

Location: Johannesburg

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