PREPARATORY EXAMINATION.

IN THE MAGISTRATE'S COURT FOR THE DISTRICT OF JOHANNESBURG

HELD IN JOHANNESBURG.

IN DIE MAGISTRAATSHOF VIR DIE AFDELING VAN JOHANNESBURG GE-

HOU TE JOHANNESBURG.

BEFORE MR.: F.C.A. WESSELS.
VOOR MNR.:

REGINA VERSUS: FARRID ADAMS AND OTHERS.
KONINGIN TEEN:

CHARGE: HIGH TREASON.
AANKLAG:

FOR THE CROWN: MR. J.C. VAN NIEKERK,
VIR DIE KROON: MR. LILBENBERG.

FOR THE DEFENCE: MR. V.C. BERRANGE
VIR DIE VERDEDIGING: MR. COAKER.
MR. WEINBERG.
MR. ROSENBERG Q.C.
MR. MAISELS Q.C.
MR. ZWARENSTEIN.

INTERPRETER: ----
TOLK:

VOLUME 12.

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to fight against apartheid Act. We invite all African people to come in their hundreds and in their thousands and millions to enrol as members of the A.N.C. Volgende lektuur word by vergadering verkoop. Eksemplaar van elk van die volgende word bekom; ontvang pamflette wat n C.O.P. vergadering in die Ambagsaal op 25/7/54 adverteer. Koop 'Life is more joyous' deur Brian Bunting en Sonia Bunting; merk volgende blankes in gehoor op: Rica Hodgson, Helen Joseph, Charles Feinstein, Peter Lipman, Amy ..... (inaudible) het met H.S. Bloom by die vergadering gepraat. 11.5 a.m. Sien Eli Weinberg met kamera op voetpad in straat aan noord-oostelike kant van square; het met noordelike rigting gekom. Het aan Majoor Spengler gerapporteer." (Witness translates all Afrikaans for benefit of Accused.) This portion is very indistinct.

Well, Sergeant, I don't want to go into too much detail about your observations. Did you buy certain pamphlets, or receive certain pamphlets at this meeting ?-- I did.

The first one, is that a pamphlet called "Life is more Joyous" by Brian and Sonia Bunting ?-- Yes. (Handed in as Exh, G.60)

Did you also receive another pamphlet called "Displaced Persons" ?-- Yes. (Handed in as Exh. G.61.)

And another pamphlet called "The H-Bomb. We Want to Live" ?-- Yes. (Handed in as G.62.)

And a magazine called "Fighting Talk" ?-- Yes. (Handed in as G.63.) For June 1954.

And another pamphlet advertising a conference of the Congress of the People to be held in the Trades Hall on the 25th July, 1954 ?-- I remember having received that pamphlet but it was placed in a file dealing with that particular meeting that was advertised. I haven't got thatpamphlet here.

Is that the one I show you now ?-- A similar pamphlet to this. (Handed in as G.64.) There was another pamphlet I obtained there : "Meet the People's President." That was at the same meeting.

Is that the one you hand in now as G.65 ?-- Yes. This one I removed from an electric pole in Sophiatown, close to the meeting.

The one you removed, is that G.66, "We are not moving" "Welcome Chief Luthuli at a mass meeting Congress Square Sophiatown, Sunday July 11th. Organised by the African National Congress, Transvaal" ?-- Correct.

The last witness, native detective sergeant Wilson Gxumisa gave evidence in connection with a meeting held at Moroka on 18th July 1954, and he told the Court that he had made notes at the next meeting and the next morning according to the usual practice he had prepared a report to which he had attached his notes, referring to this meeting of the 18th July, and the notes are now no longer available, at least not in this file. Can you assist the Court at all and say what happened to the notes, or whether they are still in existence ?-- Whether they are still in existence I will not be able to say, but I have today made a search for these notes.

Did you find, for instance, the notes referring to the meeting of the 11th July ?-- I did.

Were you unable to find the notes relating to the meeting of the 18th July ?-- Correct.

(No further questions)

CROSS-EXAMINED BY MR. BERRANGE:

This witness said that he had a notebook in which he used to record speeches, that in his pocket-book he couldn't record the speeches and that's why he kept a separate note-

book. Do you confirm that ?-- Yes. Separate notebooks were issued for the purpose of taking notes.

For the purpose of recording speeches ?-- Yes.

They were then instructed not to record them in their pocket-books because obviously that would fill up the pocket-book ?-- I cannot say whether they were instructed. I presume so but I can't say that.

Anyway the notebooks were given to them for the purpose of recording the speeches on the note-books instead of in the pocket-books ?-- That is correct.

And thereafter it was the duty of these recorders to make reports which were then sent in to The Grays ?-- Correct.

And those reports, of course, were based upon the notes which they usually made a day or two after the notes had been made ?-- Yes.

And of course you would regard it as being a grave dereliction of duty if any of the recorders were to change words or to add words in their reports or to leave out words in their reports ?-- Yes, a full report was expected.

And you wouldn't expect them to add anything in their reports which doesn't appear in their notes ?-- That could have happened; it happens sometimes that you are busy recording the speech of a particular person and perhaps you notice somebody else at the meeting instead of inserting the names of certain persons in the speech, for instance; it will be found that the notes usually only contain the speeches.

I'm talking about the speeches, I'm not talking about the names of persons or incidents that took place; I'm concerned with the question of what the speakers are alleged to have said. I'm putting it to you that you wouldn't expect your recorders when recording the speeches to add anything to their reports which don't appear in their notes, so far as

speakers are concerned ?-- Yes, if it comes to a point when a man will for instance record something in his report, put something in the report which was not said at the meeting, it would have been wrong. But it happens that a man uses an abbreviation .....

Yes, after all I agree with that, if a man's got an abbreviation and he knows what it means, well then obviously the correct thing in the report would be to write it out in full. Is that what you mean ?-- Yes.

No, I'm not talking about that. I'm talking about making up a report from your notes and adding into that report something that doesn't appear at all in the notes -- neither by way of abbreviation or in any other way -- do you regard that as being consistent with their duty ?-- It is very difficult to say that because I .....

Assuming that a sentence was put in, a whole sentence was put into the report, which doesn't appear in the notes at all, neither by way of abbreviation or in any other form, do you regard that as being consistent with duty -- a whole sentence being added ?-- It is something funny.

I think so too. Now, the report is there for the purpose of giving the fullest possible information ?-- Yes.

And it is not for the recorder to use his discretion as to what is or is not important, is it -- he should try and get down as much as he humanly can, everything that is said ?-- Correct.

And he should therefore when compiling his report put into the report as much as he knows from his notes ?-- I think that was expected.

And it is not for him to use his discretion as to what he leaves out; it is for you people to decide, not so ?-- If a man is submitting his report, there is no interference

with it. He won't be told by anybody he must put this in, or you must not put this in; he must entirely submit his report ....

Based on the notes ?-- Based on the notes and the information.....

And it is not for him to decide that he should leave certain things out which appear in his notes ?-- That is correct.

Now, this meeting of the 11th July, is this the first time that you have ever given evidence about this meeting ?-- No, it is not.

Have you given evidence concerning this meeting previously ?-- Not in this particular case; in another case.

That was in the case of Regina vs. Eli Weinberg ?-- That is correct.

And I wonder whether you would be so good as to tell His Worship who the other witnesses for the Crown were in that case, the other police officers ?-- Yes. Det. Sgt. Wolmarans, Det. Sgt. Laubscher. They were the two main witnesses.

And you, if I remember correctly, were the last person to give evidence ?-- Yes, I did not give evidence on the meeting itself.

No. What did you give evidence about -- can you remember ?-- It was very short. I know the Prosecutor called me in for some very .....

Unexpectedly ?-- Yes, unexpectedly.

You weren't really supposed to be a witness in that case ?-- Correct.

But unexpectedly and without your having been subpoeanaed or having attended Court for the purpose of giving evidence you were called in at the end by the Prosecutor to give some evidence on some point which was not really

relevant to the issue. ?-- Correct.

Now, you knew at that time that the issue in this case was the question as to whether Mr. Weinberg in defiance of a ban prohibiting him from attending meetings, did in fact attend this meeting of the 11th July, that was the issue in this case ?-- Correct.

Both Mr. Laubscher and Mr. Wolmarans gave evidence in this case ?-- Yes.

And they both said that Mr. Weinberg had in fact not only attended this meeting, but had in fact mingled with the crowd ?-- Yes, if I can remember correctly.

And you know that the Defence contended, and Mr. Weinberg gave evidence to the effect that although he was in the vicinity of the meeting he scrupulously kept away from the crowd as he only went there for the purpose of photographing this meeting from a distance. That in short was the nature of the Defence ?-- Yes, correct.

So that was the issue then between the Crown and the Defence, whether he was actually in the crowd and mingling with the crowd, or whether he kept away from the crowd, deliberately kept away from the crowd and took photographs from a distance -- correct ?-- Correct.

And you are aware of the fact that His Worship Mr. O'Brien, who was the magistrate sitting in that matter, rejected the evidence of the police, i.e. Laubscher and Wolmarans, and accepted the evidence of Mr. Weinberg. And in fact, your own notes, which you read to us a few moments ago, as to the persons present at the meeting do not indicate that Mr. Weinberg was ever in that crowd. You saw him according to your own notes when he was a little distance away from the crowd, and not mingling with the crowd -- according to your notes ?-- That is correct.

And the Crown didn't call you to give evidence on the

merits ?-- No, I was not called as a witness in the first instance; I was not the investigating officer.

No. But you could have been a very useful witness for the Defence, couldn't you, according to your notes ?-- It is correct.

P.P. OBJECTS:

DISCUSSION:

(No further questions)

MR. COAKER: NO QUESTIONS:

MR. SLOVO: NO QUESTIONS:

RE-EXAMINED BY P.P. (MR. LIEBENBERG)

You have already told the Court that you were on general patrol duty and it was not your duty to make notes of speeches at the meetings, on that particular day ?-- Correct.

Did you remain at this meeting from the start to the end ?-- No, I did not.

According to your notes you arrived there about 10 a.m. ?-- Correct.

When did you leave ?-- I think I left about midday.

And when you left was the meeting still in progress ?-- The meeting was in progress when I left.

(No further questions)

(Notes handed in as G.67.)

BY THE COURT: During the time that you were at the meeting, did you keep Weinberg under observation all the time ?-- No. I only saw him once, when he was walking on the pavement with his camera. I didn't see him on other occasions.

WILSON GXUMISA, recalled, duly sworn,

CROSS-EXAMINED BY MR. BERRANGE:

You told His Worship that you used to keep a note-book in which to record speeches ?-- Yes.

And you said the reason for that was in a pocket-book you can't record all the speeches, so you kept a separate notebook ?-- Yes, that is correct.

And you told His Worship that you don't know what happened to the notebook in which you recorded the speeches that were made on the 18th July, 1954, at Moroka ?-- We write in these notebooks.....

What did you do with the notebook ?-- After I had extracted what I wanted from the notebook I attached it to the notes and handed it in.

To your report ?-- Yes.

You are quite sure about that ?-- I am quite sure.

Couldn't possibly be making a mistake ?-- No.

You remember this ?-- I do.

Now, let's get it quite clear then. When you had made out your report, you then attached to your report the notes which you tore out of your notebook and on which you had recorded the speech of the 18th July ?-- That is correct.

Now, you're a member of the police force, you always do carry an official pocket-book with you, like this one ?-- That is so.

And it is your duty in this pocket-book to record matters of material importance that you see, or that happens ?-- Yes, but not in this one. Some speeches we do not record in this one.

No, I'm not talking about speeches; I never mentioned the word speeches. I asked you what a pocket-book is for in terms of your standing-orders, which are framed under the Police Regulations. I know them well. You carry a pocket book for the purpose of recording in that pocket-book events which are of materiality ?-- Yes.

And that pocket-book gets periodically checked by your superior officer and gets initialled by him ?--

That is correct.

And you are supposed to start that pocket-book at the beginning and continue consecutively through the book until the end.

And not leave any blank spaces in between ?-- Yes.

Now, when you come to -- I'm not talking about the pocket-book any more; I want you to imagine you've been to a meeting at which speeches have been made and you've made your notes in your notebook, and then the next day, or two days later, you take your notebook and from your notebook you compile your report -- correct ?-- That is correct.

And you know Mr. Von Papendorf, the last witness ?-- I do.

I want to tell you that he has told the Court that he would regard it as being wrong for you to add anything to your report which is not in the pocket-book, unless it is an abbreviation, of course -- do you agree with him ?-- I do not agree with him, for this reason, when we take down speeches of the speakers, we try to shorten, and then when you write out your report you then remember these things, have a recollection of these things said, and then you write them all out.

From the abbreviations ?-- It does happen at times when you take down notes, when you write down another sentence from somebody else's speech, whilst you are still writing you find that he is already in the third sentence, and then you do not complete that sentence in writing and carry on with the writing of the sentence he is uttering, but remembering, keeping that in mind.

COURT ADJOURNS:

COURT RESUMES 12/3/57:

APPEARANCES AS BEFORE:

MR. COAKER ADDRESSES COURT:

(Accused Lilian Ngoyi, No. 52 and L. Nkosi, No. 55 still absent.
Accused I.O. Horwitz, No. 84, still absent.
Accused Dr. Moosa, No. 45, now returned to Court -- certificate to be handed in later.)

WILSON GXUMISA, duly sworn.

CROSS-EXAMINATION BY MR. BERRANGE (CONTD.):

Do you remember you were giving evidence yesterday ?-- Yes.

Do you remember what you said ?-- Yes.

Overnight, have you thought about it ?-- I did.

Anything you want to change in your evidence ?-- No.

You are satisfied with the evidence you have given ?-- Yes, and I am still prepared to answer the last question that you put to me.

Well, you've got a better memory than I have; you tell me what the last question was, or give me your answer -- I have forgotten ?-- The question was, how is it that in our notes, and in our reports we submit something fuller.

I am going to deal with that today. Tell me, do you ever add in any words or sentences just in order to embellish or polish up what the speaker has said ?-- No.

Do you change any words that were used by the speaker; let me give you an example of what I mean. If, for instance, the speaker talks about an "African" do you write down the word "native" when you make out your report ?-- No.

Or if the speaker talks about a "Boer" do you change it to white man, or things of that sort ?-- No, I do not. I write the word just as he said it in my report.

Just as the speaker uttered it ?-- Correct.

Just as I have written it in my notes.

You told us yesterday, you remember, that you remember clearly in regard to the meeting of the 18th July that you made your notes in a notebook, that you tore these notes out of your notebook, attached them to the report after you had written your report, and sent the report up to your superior officers, do you remember giving that evidence ?-- I do.

And do you remember telling us that in writing up your pocket-book you started the first page, at the beginning of the pocket-book, and you go through this pocket-book without leaving any blank spaces ?-- Yes.

I would like you to look at page 96 of your pocket-book, and tell us what is there. That is the last page in the pocket-book. What is written there? Read it out ?-- "Friends, I am going to speak when there are difficulties."

Is that the first thing that appears on that page -- read right from the very top of the page ?-- This is Amos Ngwane.

Is there a date there ?-- 18/7/54.

Now read from the top of the page what appears on page 96 ?-- "We have been waiting for a certain speaker but owing to transport difficulties..... Meeting held under auspices of Moroka branch of A.N.C. to discuss matters affecting Moroka residents." Then that was another man, then I left a line there.

Go on ?-- "Mr. Malele. Friends, I am going to speak when there are difficulties, when Malan's spies are with us to prevent us, but we carry on in spite of that."

Right, you are evidently reporting a speech there, aren't you ?-- Yes.

And you're evidently reporting a speech made at a meeting held on 18/7/54, are you not ?-- Yes.

And if you will now turn to page 95 you will see on that the continuation of the speech that started on page 96 ?-- Yes, that is a continuation.

And if you look at page 94 you'll see that is a continuation of the speech that comes from page 95 ?-- No, 94 is a continuation coming from 93.

Please answer my question; page 94 is a continuation of the speech which finishes at the bottom of page 95, is it not -- read the bottom of page 95 then, the last sentence ?-- "Moroka people with houses."

Read the whole sentence, the last sentence, on page 95 ?-- "Can't he provide houses for Moroka people with houses."

Go on, don't stop; go on to page 94 then ?-- "Today there is economic rent."

Yes, that is a continuation of "Moroka people with houses" in terms of your own report ?-- I don't quite remember. (Report handed to witness)

Please look at the third line from the bottom ?-- Yes, this is correct. (Witness indicates report.)

Well, am I correct then that you speech continues from the bottom of page 95 on to the top of page 94 ?-- Yes, that is correct.

And it continues from the bottom of page 94 on the top of page 93 ?-- Yes.

In other words, you started writing this pocket-book when you started writing these speeches into your pocket-book, starting on the last page and going forward ?-- Yes, that is correct.

And those are your notes made at the time of what the speaker said, the notes that couldn't be found -- these are the notes which you tore out of your notebook, which ou

remembered doing so well, and pinned to the report and sent to your superior officer which you remembered so well ?-- I didn't tear these notes out from this pocket-book, that is why it is here.

You told His Worship yesterday and again you repeated it this morning that you remembered very well that for this meeting of the 18th July you wrote your notes into a notebook that you tore those notes out of the notebook and that you attached them to your report; you remembered that very well, you told us ?-- When I had my notebook it got finished, so I had to use this pocket-book from this page 96.....

Do you remember that very well now ?-- .... towards this side, that is why this pocket-book is here when others are not here.

And that you remember very well now, also ?-- I remember now.

Why did you tell His Worship this morning, and also yesterday that you remember very well that you made these notes into your note-book and that you tore them out of your note-book ?-- Well, it is quite a long time, I can't remember very well.

Then why did you say you did remember it very well; I know it's a long time ago. I just want to see what sort of evidence you are prepared to give, that's all. You said you remembered it very well ?-- I remember the procedure, but sometimes we have the notebooks and they get finished and we have to use our pocket-books. That is why this pocket-book is kept here with my notes.

I just wanted to see how well you remembered these things. And you say that when you write in your pocket-book you start at the beginning and you go backwards ?-- We attend these meetings and we write in our notebooks.

You're making the mistake; I'm not ?-- I said we have these pocket-books and at the same time we have our note-books to take notes and speeches.

I know that ?-- But sometimes the notebook gets finished and we have to use these pocket-books, that is why this pocket-book is here.

All I want to know from you is one very simple answer to a very simple question -- were you telling the truth yesterday and today when you said that you remembered very well tearing the notes out of the notebook for this speech of the 18th July and pinning it to your report; did you or did you not remember that very well ?-- No, I didn't remember this quite well.

You did not; then why did you say so ?-- It was because it was quite a long time.

So you were prepared to say anything that suited you -- or that you think might suit you ?-- The attorney asked me about the standing orders, the procedure in standing orders .....

I asked you about the meeting of the 18th July, every time; all right, now we'll deal with some other aspect ?-- It's quite a long time ago. But this book as it is here it is keeping these notes, that is why it is here; other pocket-books are not here.

I know; these are the notes that couldn't be found. Now, then, I want you to refer to the second sentence of the first speaker's speech in your note-book. Start on page 96, "Malan once said ....." -- that will be on page 96 of the pocket-book. ?-- "Malan once said during defiance campaign ....." I don't quite see now what I wrote here.

Pass it to me; perhaps I can help you. (Pocket-book

handed to counsel) If you can't see what was written there, I wonder how you made up your report. I'll tell you what you have written there: "Malan once said during the defiance campaign that there will be a time when a man will know his affairs." It is simple enough to read ?-- Unless I have a look at my notes .....

No, I want you to look at your pocket-book because you made up your report from your pocket-book -- don't worry about your report; you look at your pocket-book..... "that there will be a time when a man will know his affairs." ?-- That is correct.

Now, then, have a look at your report and see what you wrote there -- I will read it to you: "Malan once said that during the defiance campaign that a time would come ...." I'm not worrying about that so much; not that "there will be a time" ..... "..that a time would come when a man will know about his place or affairs." Where did you get the words 'about his place or.....' from; did you add that to embellish your notes ?-- It came from my memory.

I see, two days later you remembered that he said about 'his place or affairs.' But it is not in your notes. There is no abbreviation for the words 'about his place' there is there, in your notes; is there any abbreviation ?-- No.

The words 'about his place' do not appear anywhere, nor is there any abbreviation ?-- When a man gives a speech .....

BY THE COURT: Yes, now you tell us that you remember that that word was used, when you made out your report ?-- I remembered it when I was making my report.

Yesterday you said you would insert words that you left out in your notes if you remembered them, and insert them in your report; is that what you have done here ?--

When a man makes a report then your mind is fresh and you remember what you did not write, and what a man said in his speech.

CROSS-EXAMINATION BY MR. BERRANGE CONTD.:

I am only anxious to get one thing from you; it is that when you make out a report, you add things to that report which do not appear in your notes ?-- Yes, sometimes you remember.

Yes, I don't care why, but that is in other words -- your report is not an accurate reflection of your notes per se -- is that correct ?-- That might be correct.

No, is it so, not 'might be' ?-- (No reply.)

BY THE COURT: I think he may understand you differently; he may mean that he is reporting something wrong, that he is making a wrong report if it is not an accurate reflection; but apparently he doesn't concede that.

CROSS-EXAMINATION BY MR. BERRANGE CONTD.:

Your report contains more than your notes contain ?-- Yes, that is so;

Not only in this instance, but in dozens of instances ?-- When a man .....

BY THE COURT: Try and answer the question.

CROSS-EXAMINATION BY MR. BERRANGE CONTD.:

It is a simple question -- is that the case in dozens of instances where you have elaborated your report ?-- Yes.

So then we can be quite sure about this, that in future if we get a report from you, put in by you, without any notes, we'll know that that report will contain quite a good deal more than your notes contain -- is that so ?-- My report is actually.....

Answer my question, please ?--

BY THE COURT: I think you can assume that that must be the case from the answers given.

CROSS-EXAMINATION BY MR. BERRANGE CONTD.:

Now, let us see about this memory of yours, the things that you remembered to put in. Start the sentence just a little bit further down, still in Malele's speech. "Many people die daily at Moroka through T.B." Look at your notes and read that ?-- "Many people die at Moroka through T.B."

Not 'daily' ?-- No.

So that's added in; it maybe weekly, maybe monthly, but you put daily -- you remembered that the speaker said that, do you ?-- Yes, I remember.

"They die at Moroka through T.B."?-- "Government and City Council have made houses in Meadowlands instead of building houses for Pimville, Orlando and Moroka."

Do the words 'for Sophiatown people' appear in your notes ?-- No.

Do the words 'shelters' appear in your notes, in that sentence ?-- No.

Does the word 'residents' appear in your notes in that sentence ?-- That I might have put .....

Does it appear there ?-- I must have remembered it.

Does it appear there ?-- No.

Then look at your report, and read that out ?-- "Many people die at Moroka through T.B. Government and City Council have made houses at Meadowlands for Sophiatown people."

Why did you put 'for Sophiatown people' ?-- "..instead of building houses for Pimville." I remembered that.

You remembered that again, two days later, that the words 'for Sophiatown people' were used ?-- Yes, I remembered that.

That is not embellishing your report, is it ?-- No, that's the correct thing.

And you remembered 'for Sophiatown people' -- go on "....instead of..." ?-- "....instead of building houses for Pimville, Orlando Shelters and Moroka residents."

I don't know how you build a house for an Orlando shelter, but still, I suppose you remembered 'shelter' too ?-- Yes, I did.

And you remembered 'residents' too ?-- Yes.

You remembered all that, although there is none of this in your notes ?-- No, you can't write all that .....

No, I know you can't. But you can remember if you can't write ?-- You can't write that because .....

But you can remember ?-- ..... a speaker does not wait for you when you take notes.

I know that; I've been to lots of meetings; but you remember it ?-- Yes, I remembered.

Now, then start your notes 'Moroka stands 20 feet by 20 feet, still in the same speech. ?-- "At Moroka a stand is 20 feet by 20 feet and if a man make a four-roomed house he will be required to pay £1 for each room."

Now, look at your notes -- look at your report, read that out ?-- "At Moroka a stand is 20 feet by ten feet, and if a man makes a four-roomed or three-roomed house, he will be required to pay £1 for each room."

Do the words "three-roomed house" appear in your notes ?-- No, I remembered them.

Just close your notes for the moment, and refer to your report. Look at the speech made by Mrs. Mamakoa in your report. Read out what it says: ?-- "Mrs. Mamaoka, the lady defier in Vereeniging during the defiance campaign addressed the meeting and said: Friends, I am not going to

say a lot."

Let's just stop there for a minute. Tell me, when you come to draw up your report, do other people help you, or assist you, or do you do it yourself ?-- I do it myself.

You don't go and get assistance or advice from anybody else ?-- No.

You do it yourself ?-- Yes.

I see that Mrs. Mamakoa is described by you as 'the lady defier in Vereeniging during the defiance campaign.' First of all, let me ask you this, are you sure that Mrs. Mamakoa addressed that meeting ?-- If I have written here....

Are you sure that she addressed the meeting, answer my question 'Yes' or 'No.' ?-- Yes.

You know the woman ?-- I know her.

You know that she was a lady defier in Vereeniging during the defiance campaign ?-- I might have not put this in my notes, 'the lady defier' but .....

Do you know that she was a lady defier in Vereeniging during the defiance campaign ?-- Yes, it was said in the meeting.

It was said there, and you know her, and you know that she addressed the meeting ?-- Yes.

And when was the defiance campaign, what year ?-- It was after .....

What year was the defiance campaign ?-- 1952.

And this was in 1954 ?-- Yes.

So now we've got it, that Mrs. Mamakoa, you are quite sure addressed that meeting ?-- Correct.

And you're quite sure that you know her, and that she was a lady defier in Vereeniging during the defiance campaign. Now, then please have a look at your notes and see what you have written there ?-- "An unknown woman."

Yes, go on, read it out ?-- "Mrs. Mamakoa."

"An unknown woman...." yes ?-- During the time when a person gives a speech we sometimes do not know her, and after the meeting you make enquiries, and you find that she is Mrs. Mamakoa

Is that what you did here ?-- Yes.

So she was an unknown woman at the time .... ?-- I did not know her.

And then afterwards you made enquiries ?-- Yes.

And then you added in her name ?-- I then put her name.

Into your notes ?-- Yes.

So there are things then in your notes which were put in after the meeting ?-- Yes.

Not only in this case, but in quite a lot of cases ?-- In some cases.

Yes. So after the meeting then you go and add things to your notes, do you ?-- Through my memory.

No, not through your memory, through what people tell you ?-- Yes. I'm a detective I have to make investigations. If a person was not known I have to make enquiries as to who is that person who was there.

You add to your notes after the meetings has finished ?-- Yes.

In several cases ?-- In some cases.

If this woman who addressed this meeting was not known to you at the time, why were when you made out your report did you not set out that this woman was unknown to me but I got information about her name ?-- No, I wouldn't say that when making my report because .....

You wouldn't say that ....." ?-- .... I had made enquiries beforehand.

but of course the person who told you that this is Mrs. Mamakoa may have been telling you lies ?-- No.

How do you know ?-- No.

How do you know ?-- (No reply)

You remember very well, I suppose ?-- No, I'm quite sure. If a man tells me your name, Sir, I will write it down.

Not the first time that somebody has used my name in vain. All right, so this is an unknown woman in your notes, she is Mrs. Mamakoa, the lady defier in Vereeniging during the defiance campaign. Let's see what she's got to say. "Friends, I am not going to say a lot ...." Read on ?-- "I thank chairman. There are difficult conditions of living in Moroka."

Now, read your report : "Friends, I am not going to say a lot." ?--"I thank the chairman to give me an opportunity to address you."

Eight words added by you -- you remembered that ?-- I remembered that.

Of course, this is not embellishing your report, to make it read nicely, is it ?-- I have said that after a person has made a speech .....

Yes, you remember it ?-- My memory when making my report is fresh, I remember all that a person said if I did not write it.

Read on please, towards the end of her speech ?-- "Women have to cover their children with blankets because of fear of being arrested by the police at corners."

Just let us stop there; "Women have to cover their children with blankets because of fear of being arrested by the police at corners." Now, that is quite a good sentence; did you try and make that sentence a little bit more dramatic and a little bit -- add a little bit to that ?-- I should think so.

I should think so too. Have a look at your report: "Women cover their children under the beds....."

"Under their beds..." ?-- Yes.

I see. "...with blankets.." ?-- "...with blankets because of fear of being arrested by the police at corners."

The words "under their beds" do they appear in your notes ?-- I must have remembered.

Do they appear, is my question ?-- No.

You must have remembered that ?-- Yes.

I see. Look at the last sentence of this woman's speech, what does it read in your notes; what are the last two words of that woman's speech ?-- (No reply.)

I don't know why you have got to take all this time; I'm asking you to give us the last two words of this woman's speech; what are you waiting for ?-- "Vigilance Committee" but it is abbreviated.

"Vigilance Committee" are the last two words ?-- Yes.

Nothing more, in that woman's speech -- you don't need to look at another page, that is the end of this woman's speech -- "Vigilance Committee" are the last two words ?-- Are the last two words.

There is nothing more in that woman's speech after the words "Vigilance Committee" is there ?-- No.

Now, read your report, the last sentence ?-- "Vigilance Committee must also join or come to an end."

"Vigilance Committee must also join or come to an end." Those words don't appear in your notes ?-- Your Worship, ...

Those words don't appear in your notes ?-- No.....

But you must have remembered it ?-- Yes, because I can see in my notebook that word 'committee' is abbreviated.

Because the word 'committee' is abbreviated, you then

use the other words "must also join or come to an end." ?-- Yes, I remembered that.

Now, we'll deal with Jerry Kumalo's speech -- give me your notes -- the last word on page 90 ?-- "Volunteers."

Yes, go on, read on ?-- ".... will go all over and organise people and even on farms."

The words "and even on farms" were written in by you after the meeting had finished, were they not. You can look at the difference in pencil ?-- Yes, after the meeting.

After the meeting had finished you went and added in to your notes, the words "even on farms" ?-- Correct. Yes, I remembered.

You remembered that ?-- Yes.

(Notes handed to counsel.) Page 88: "Mr. Swarts has found it necessary...." read on from there ?-- "Mr. Swarts has found it necessary to intimidate that we must be shot. It's their fright....."

Go on, shall I help you - "... and incitement" ?-- Unless I've got to see in my report this word .....

Don't worry about your report, you made up your report from those notes, plus your memory, of course ?-- Yes.

"It's their fright...." What is the next word after "fright" ?-- I don't quite understand, I don't know. I won't say it's "incitement."

Well, whatever it is, what's the next word after you won't say is "incitement" ?-- "... e-t-c."

What's that stand for ?-- That means a person said a lot.

What ?-- After I had taken this I found he had said a lot. I left this for my remembrance.

And you memory was -- turn to your report; now, "it's their fright" ?-- "It's their fright and incitement..."

Now it is "incitement" ?-- Yes.

Weren't you able to read that just now. Go on, what are the next three words, in your report -- what are the next three words after incitement ?-- "Through their fear" I remembered that.

Is it in your notes ?-- No.

But you remembered that he said "It's their fright and incitement through their fear" -- that you remembered ?-- Yes.

And those are the lots of things that Mr. Kumalo said afterwards which are summed up by you in three words ?-- No reply.

Summed up by you in three words, "through their fear" ?-- "Through their fear."

So those are the lots of things that Kumalo said. Now, have a look at your notes again ?-- "A.N.C. has won other racial groups. We are going to form a cabinet.that will have no racial discrimination. Election next year." I left .....

What is written there ?-- "15,000 volunteers."

In your report, have you said anything about their being an election next year ?-- No.

Have you said anything about 15,000 volunteers ?-- No.

So then we've got this position that when making out your report, not only do you add sentences and words, but you also leave out sentences and words which appear in your notes -- is that your memory ?-- (No reply)

Please answer my question ?-- (No reply)

BY THE COURT: How does it come that you have left out certain words in your report ?-- I could have left this because I couldn't remember exactly the words that follow.

Yes, but those words appear in your notes, why didn't

you put them in the report, that is the point. Can you explain why you left out certain words in your report that appear in your notes ?-- It is because I couldn't remember exactly what the words were before this 15,000 volunteers.

You mean the words by themselves make no sense, is that it ?-- Yes, that does not make sense.

CROSS-EXAMINATION BY MR. BERRANGE CONTD.:

Did the words "election next year" make sense ?-- (No reply)

Answer my question please, do they make sense ?-- Election makes sense.

Is that in your report ?-- There are some other.....

Is that in your report ?-- No.

Although it makes sense ?-- No.

I'm asking a very simple question ?-- No.

So sometimes you put in words that don't appear in your notes, because you remember them ?-- Correct.

Sometimes you leave out words that are in your notes because you don't remember; you can have it both ways ?-- In this case it must have happened. In this case it did happen.

I'm only asking you a very simple question then. Sometimes you put in words that are not in your notes, and sometimes you leave out words and sentences that are in your notes; is that correct ?-- Yes.

Now, let's have a look at that place in your notes. Why do you suggest that these words don't make sense. The words are "Election next year. 15000 by dawn." It doesn't say 15,000 volunteers. It says "15,000 by dawn." Isn't that so ?-- No, this is not dawn.

Well, what is it -- the words "d-a-w-n" to me spell "dawn". It couldn't be any clearer ?-- Thanks very much for

cross-examining me.

Yes, you will get a lot more cross-examination, and I don't want any impertinence from you.

BY THE COURT: I want to tell the Accused that this is no laughing matter. I have noticed very often that they have difficulty in restraining their mirth. I am not going to allow this sort of thing. I can't allow it in this Court, and Gxumisa, don't you argue with counsel. That you must not do. You must answer questions.

CROSS-EXAMINATION BY MR. BERRANGE CONTD.:

And you don't need to thank me, either ?-- As I look now, this 15,000 was mentioned by the chairman, you can just see it.

I don't care tuppence who it's mentioned by, I want to know whether the wordsafter 15,000 are the words "by dawn." Or are they what you said "volunteers" -- that is all I want to know ?-- As you see from this "Election next year" and "15,000" by the chairman I had to put here, "By chairman" -- it is abbreviated. That is why I left it.

And when you came to make your report you couldn't remember what he'd said about the 15,000, that's why you left it out ?-- That was mentioned by the chairman.

Answer my question ?-- Yes, I couldn't remember what the chairman said.

About the 15,000 ?-- About the 15,000.

Or about the elections next year ?-- And this "Election next year."

You couldn't remember that ?-- I couldn't remember.

I see, but you could remember, of course, that stupid little words like "through their fear" were used by the witnesses earlier on, "under their beds" were used by wit-

nesses,"must also join and come to an end" or "A three-roomed house" -- those you could remember; but you couldn't remember what he had to say about "15,000" or about the "election next year." Is that your evidence ?-- I will tell this counsel; this happens when we take notes, and say "No, leave this" and while you put that, somebody comes and interferes with you; that is why I left this from Jerry's, because I'm not sure whether this was made by Jerry. But now as I look at this carefully, this "by chairman" and "chairman" is abbreviated.....

You will not get away from my question; answer my question. I never asked you who made it and I'm not interested who made it. I'm asking you a simple question. You could not remember what the speaker had to say about the election next year, or about the 15000; that's why you didn't put it in your report. Is that so ?-- Yes, but .....

But you could remember when the speaker used stupid little words like "through their fear" or "under their beds" or "a three-roomed house", that you could remember; is that your evidence ?-- Yes, that is my evidence.

All right; let's get on then. Let's look at Obed Motsabi's speech. Page 84. Just read out what your notes say ?-- "Flying Squad people always bluff Malan....."

Go on ?-- "They must connect wires with S.A.B.C. wires so Malan may hear what we say."

Just stop there. First of all, look at your report, and read out what you have got there. ?-- "Flying Squad men ....."

Just stop one moment; is it "men" or "people" ?-- It is "men."

Why did you change the word from "people" to"men" ?-- It is because he meant Flying Squad men.

Why did you change the word from "people" to "men" -- you've told me, the first question I asked you this morning, the first few questions, that you never changed words by using "African" instead of "native" and vice versa -- why did you change "people" into "men", if you never change words ?-- BY THE COURT: I think he has tendered an explanation; it may not be acceptable to you, Mr. Berrange, but he said because "Flying Squad" are men.

BY MR. BERRANGE: May be, I'm only interested in the fact that the witness said he never changes a word used.

BY THE COURT: I can understand that; you have made your point; it isn't strictly correct that .....

BY MR. BERRANGE: I'm going to take him through a great many more words, before he has finished, that he has changed.

CROSS-EXAMINATION BY MR. BERRANGE CONTD.:

Just read on then; "Flying Squad men ....." -- from your report ?-- "Flying Squad men always bluff Malan by their reports."

"By their reports" is that in your notes ?-- No, I remembered.....

You remembered that, but you couldn't remember what was said about "election next year." ?-- That election must have been mentioned by somebody, not by the speaker.

I don't say who mentioned it. Just go on. "Flying Squad men always bluff Malan by their reports." The last three words not in your notes ?-- "And they must connect their wires with S.A.C.B. wires so that Malan may hear the truth of what we say."

Now, the words "connect their wires with S.A.C.B. wires so that Malan may hear the truth of what we say" are words that were added into to your notes after the meeting had finished, is that not so ?-- Yes.

So that in this sentence then we find the following facts emerge. First of all you changed the word "people" into the word "men" when making up your report-- correct ?-- Yes.

Secondly, you added in the words "by their reports" when making up your report ?-- Yes.

And thirdly you added in the sentence "connect their wires with S.A.C.B. wires so that Malan may hear the truth of what we say" -- you added that into your notes after the meeting had finished ?-- Yes.

You did all that in one sentence ?-- Yes.

Next sentence "We follow the science of life....." ?-- "We follow science of life and that we of A.N.C. found that there is no living alone. When the Europeans came those of East Indian Dutch Company also married our daughters mixing blood."

Now, look at your report -- "When Europeans came... "When Europeans came to this country those of Dutch East India Company....."

Just stop a moment. "Came to this country " -- are those words in your notes ?-- No.

You remembered that ?-- I remembered that.

That is all I want to know. Turn to page 79 of the notes, the speaker Joseph Lekeba ?-- "During the war Africans joined in great numbers and some were related to you....." The sentence is not complete here.

Well, tell us what it means; you made the notes, it is your abbreviation ?-- Unless I refer to my .....

No, you had to refer to your notes when you made your report ?--

BY THE COURT: I think we must bear in mind that his report was

two days after the meeting, and he is asked to remember now; I think he is entitled to refer to his report.

CROSS-EXAMINATION BY MR. BERRANGE CONTD.:

Before we do that, can you make out what you have written in your notes, without referring to your report ?-- Yes, I do remember when I make a report some other things which I did not .....

Can you make out now what you have written in your notes without referring to your report ?--

BY THE COURT: I think you can answer that question. Can you remember now what you have written in your notes.

BY MR. BERRANGE: I'm not asking him whether he can remember; I'm asking him whether he can decipher.

BY THE COURT: Can you now decipher your notes without referring to your report,

CROSS-EXAMINATION BY MR. BERRANGE CONTD.:

This particular sentence ?-- "During the war, Africans joined in great numbers and some were related to you, Some of the ...." The sentence is not finished. "Even the cripples, some are deaf...." but I can put that .....

Yes, go on ?-- "...some are mad."

Now have a look at your report. ?-- "During the war Africans joined in great numbers. Some of those who joined were related to you. Some of them became cripples and some deaf and some got mental defect."

Now, what word did the speaker use when he spoke about these people becoming cripples, and so on. Did he say some became cripples, and some deaf, and some got mental defects, or did he say some of them became mad ?-- Some are mad.

Are those the words the speaker used ?-- Yes.

"Mad" ?-- I've written mad here.

Is that what the speaker said ?--

BY THE COURT: Can you remember the words the speaker used; did he say "mad" or did he say "mental defect." ?-- He used the word "mad."

CROSS-EXAMINATION BY MR. BERRANGE CONTD.:

He used the word "mad", but of course when you came to make out your report, you use another word, why -- just to polish up your report a little bit; why have you got to use the words "mental defect" if the speaker says "mad" ?--

BY THE COURT: Can you explain why you did that?-- I wanted to bring this to be understood better.

CROSS-EXAMINATION BY MR. BERRANGE CONTD.:

That's the very question I asked you early this morning, whether you embellished or polished your reports in order to make them read more nicely, and you said you never did that ?-- You asked me about the natives.

Yes, I gave you some examples. Now, let's hear what your explanation is, I didn't quite catch it. You say that you used the words "mental defect" instead of "mad" because you wanted to do what..... why did you do it ?-- I wanted it to be understood better.

You thought your superior officers wouldn't understand it if you used the word "mad", so you used a simple word "mental defect" ?-- When a man is mad he is suffering from mental defect.

I know, and I say you wanted it to be understood better; so instead of using the word "mad" you used "mental defect" because you thought that was a simpler word; is that so ?-- Yes.

(Notebook handed to counsel.) Page 76, the speech by an unknown male; just read your notes ?-- "How can Sophiatown be removed while you have no houses."

Now read your report ?-- "How can Sophiatown be re-

moved to Meadowlands."

"To Meadowlands" -- is that in your notes ?-- No.

You remembered that ?-- I remembered that.

Go on, the next part is the one I am interested in ?-- "While you have no houses you people of Moroka."

"You people of Moroka". How can Sophiatown be removed to Meadowlands while you have no houses you people of Moroka -- is "You people of Moroka" in your notes ?--

BY THE COURT: I can't quite appreciate the question; was the speaker addressing a meeting at Moroka, or where was he addressing the meeting.

BY MR. BERRANGE: I take it he was at Moroka.

BY THE COURT: That perhaps explains it.

BY MR. BERRANGE: I'm waiting for the witness to explain it.

CROSS-EXAMINATION BY MR. BERRANGE CONTD.:

Is that in your notes ?-- No, I remembered that.

You remembered that. To make it look nice, "You people of Moroka." "How can Sophiatown be removed to Meadowlands while you have no houses." So you remembered that he actually said "You people of Moroka" ?-- Yes.

But not "the elections next year." ?-- No, the election was mentioned by somebody .....

Give me that back. When you first made out your notes, and you were dealing with the last speaker, did you put his name into your notes -- originally; just look where it is crossed out in red; what is underneath the red erasure ?-- That is Nzanga.

Is that a man's name ?-- (No reply)

Why don't you answer my question ?-- Yes, that is a man.

It takes you a long time to answer the simplest question. And that has then been crossed out with a red pen-

cil ?-- Yes.

And in top of that in red pencil is written the words "Unknown" ?-- Yes.

Who did that ?-- I did.

You crossed it out in red pencil, having put the man's name, and then wrote "Unknown" in red pencil ?-- Yes, I did.

Why ?-- Because I first thought this man was this man.....

And then you found you were making a mistake ?-- Nzanga. And then I found he was not there.

When did you find that out, after the meeting had finished ?-- After the meeting had finished.

When you came to make your report ?-- No, after the meeting.

When you came to make your report ?-- Just before I made it.

So then it is quite clear that at the meeting you made a mistake about a certain speaker, which mistake you only found out after you had left the meeting; is that so ?-- Yes, that is possible.

Is it so, not is it possible ?-- No, I took this speaker to be this man.

Why don't you answer my question ?-- It is so.

So if you can make a mistake about one speaker you can make a mistake about other speakers too, can't you ?-- No, I know some of them, but at this special one I did not....

But you nevertheless put his name down, and if you had not found out afterwards that you'd made a mistake you would have come to Court today and said this man addressed the meeting ?-- No, that is why I scratched it out.

Tell me, resolutions that are passed at a meeting, they are always important, are they not ?-- Yes.

And it is very important for you to write down what the resolutions are that are passed, for the purpose of giving your superior officers information about that, isn't it ?--Yes.

It is one of the most important things of a meeting, isn't it. ?-- Yes.

Just have a look at your notes and read out the resolutions; just before you do that, let me ask you one further question. When resolutions are passed it's not always able to get the whole of the resolution down, is it ?-- Yes, it is not always .....

Not always possible ?-- Not always possible.

But you are able to indicate what the resolution is about, whether its about removal of western areas, or Bantu Education; you may not be able to get the whole resolution down, but you can always say what the resolution was about, isn't that so ?-- When resolutions are read, we always try to dot them, but sometimes the man who reads them, reads them so quickly .....

That you can't get it down ?-- ..... catch all.

You can't catch it all ?-- Catch it all.

So I understand. But now, you would like, even though you can't catch all the resolutions, if you hear that a resolution is about Western Areas Removal, or Bantu Education, even though you can't get it down, you would like to let your superior officers know what the resolution was about, wouldn't you ?-- Yes, we try.

Right. Now read your notes ?-- 'Meeting held at Moroka this 18/7/54, resolved to condemn....."

Do you want me to help you ?-- No.

Well, then, please go on ?-- ..... because I did not

write.....

Read what you have written ?--

BY THE COURT: Read the sentence again ?--

CROSS-EXAMINATION BY MR. BERRANGE CONTD.:

?--- "Government and its gangsters ....."

"...resolves to condemn Government and its gangsters" -- go on ?-- I don't know what it is there. "...in failing to provide Moroka people of good housing."

Go on, what's the next one ?-- "Pass laws....."

You know very well what it is, I don't know why you're hesitating. "Pass laws....." - go on ?-- ".... which send children to farms..... Government failure to provide schools for children..... to demand high wages ..... resistance to rising of rents, and why wages are low."

Is that all ?-- Yes.

Right. Pass me your notebook. So this is clear, this comes under resolutions. You couldn't get them all down, could you ?-- No, I tried to shorten them.

But the resolutions were about the following things; they were condemning the Government in failing to provide work for the Moroka people -- correct. Please pay attention to me and don't pay attention to your notes. The resolutions dealt with the question of housing, pass laws, the sending of children to farms ?-- Yes.

The Government's failure to provide schools for children ?-- Yes.

It dealt with a demand for higher wages ?-- Yes.

And it dealt with the raising of rents, those are the resolutions; and you have already told us that if you can't get them down you abbreviate them because it is important to let your superior officers know at any rate what the resolutions were about. You have told us that, correct ?-- Yes, I

tried to shorten them.

Now, have a look at your report; just read out your report ?--"Some resolutions were passed which are as follows: Meeting held at Moroka on 18/7/54. Resolved to condemn Government and its gangsters for failure to provide Moroka residents with good houses, etc."

Anything about the pass laws there, in your report ?-- No.

Anything about the sending of children to farms ?-- No.

Anything about the Government's failure to provide schools for children ?-- No.

Anything about a demand for higher wages ?-- No.

Anything about the raising of rents ?-- No.

All things that you told us were important for you to let your superior officers know about, and you don't put it in your report -- why not ?-- (No reply.)

Why not ?-- (No reply)

Have you any answer, if not I'll sit down ?--

BY THE COURT: I think you must allow the witness a chance. He has got to throw his memory back you know. This report was written -- how long ago ? Can you offer an explanation why you left these things out of your report?

CROSS-EXAMINATION BY MR. BERRANGE CONTD.:

These important things you have told us ?-- I wrote here with "good houses, etc."

So "etc." may mean anything in the world; it may mean they are dealing with bad shoes, or leaky macintoshes.

BY THE COURT: You left several things out which apparently are important. Can you offer an explanation why you left them out of your report ?-- I must just have made a report. I was not certain of the things that came because even there I tried to

shorten them.

CROSS-EXAMINATION BY MR. BERRANGE CONTD.:

You know that they spoke about pass laws, you know that they spoke about schools, you know that they spoke about rents, you know they spoke about all those things, why did you not put into your report what is contained in your notes ?-- (No reply.)

P.P. HANDS IN NOTEBOOK(G.58A.):

CROSS-EXAMINATION BY MR. BERRANGE CONTD.:

You told us this morning that after the meeting you had added words and sentences to your notes themselves ?-- I do sometimes.

Would you deny the statement that on no less than 17 occasions in this one meeting you have added words to your notes, after the meeting had been concluded, words and sentences ?-- (No reply)

BY THE COURT: Do you understand the question ?-- No, I don't.

CROSS-EXAMINATION BY MR. BERRANGE CONTD.:

(Counsel shows notes to witness and indicates portions marked therein.) On page 95 of the notes, a word is added in, 'living;' ?-- I must have added that word.

I only want to count the number of times on which you have done it. On page 94, the word 'who' was added ?-- I won't deny.

On page 94, this sentence, 'and if a man makes, etc., etc." -- that was added in ?-- Yes.

Still on page 94, the words 'Nancefield' and 'you will see' added in ?-- Yes.

Page 93, the word 'people' added in ?-- Yes, I would not deny that.

On page 92, the words 'going to say a lot' -- those

words added in ?-- Yes.

Still on page 92, the words 'to us never made promises', added in ?-- Yes. I wouldn't deny that.

And the words 'behind us' still on page 92, added in ?-- It's quite a long time; I wouldn't deny it.

On page 91, the words 'as a woman' added in ?-- I wouldn't deny.

On page 89, 'and even on the farms', those words added in ?-- I wouldn't deny.

On page 86, the word 'European' added in ?-- It's quite a long time; I wouldn't deny.

On page 85, the words 'because they are taught from childhood" added in ?-- I wouldn't deny.

On page 84, the sentence dealing with the S.A.C.B., which I cross-examined you about, that whole sentence added in ?-- I wouldn't deny.

On page 84, the words 'when Europeans came there' added in ?-- I wouldn't deny; it's quite a long time.

On page 83, the word 'live' added in ?-- I would not deny; it's quite a long time.

On page 79, the sentence altered and other words added in, in the middle of the page ?-- I wouldn't deny that.

On page 76, dealing with these resolutions, the words 'its gangsters' added in ?-- I wouldn't deny; it's quite a long time.

That makes 18 -- I was generous.

BY THE COURT: I should like to know at this stage that when you actually made these alterations that they may have been added after the meeting was closed ?-- Yes.

When did you make these alterations ?-- After the meeting.

Yes, but at what stage, can you remember ?-- Just

after the meeting was over.

That was before you prepared ..... ?-- Just before I prepared my report.

CROSS-EXAMINATION BY MR. BERRANGE CONTD.:

The same day as the meeting or the next day, or two days after ?-- It's quite a long time and some days we would take notes on a Sunday and Monday it would be a holiday and then sometimes we would make the report on the third day.

But these additions and alterations in your notes were made just before and at the time that you were compiling your report ?-- Some were made before.

Because it is quite clear from this is it not, that the pencil that was used to make the alterations is different from the pencil that was used to make your notes -- do you deny that ?-- No, I wouldn't deny. I make alterations just after the meeting, and sometimes afterwards.

So the net result of all your evidence is this, you make on occasions, alterations to your notes themselves, and additions to your notes -- correct ?-- Yes, that would be correct.

And when you come to make your report you leave out certain things that were in your notes, and you add certain things that are not in your notes -- correct ?-- Where I am not certain, -- yes, that is correct.

(No further questions)

MR. COAKER: NO QUESTIONS.

MR. SLOVO: NO QUESTIONS.

NO RE-EXAMINATION:

FURTHER EXAMINATION BY P.P. (MR. LIEBENBERG) (26/9/54.)

On 26/9/1954, did you attend another meeting of the African National Congress, that was held at Dadoo Square,

Moroka, Johannesburg ?-- Yes.

Did you make notes of speeches delivered at that meeting ?-- Yes.

Who was the chairman ?-- Denbat Ngwane.

Did you record when the meeting started ?-- Yes. I don't remember now, I recorded it at the time when the meeting started.

What did the Chairman say ?-- "This meeting is held under the auspices of Moroka and Jabavu A.N.C. Branches to discuss about rent increases which come into operation on 1/10/1954. Meeting is held to voice our grievances and to tell the people what to do."

Does that conclude the chairman's speech ?-- I left some words, as I have mentioned here, "etc."

Who was the first speaker after the chairman ?-- The first speaker was Lawrence Nkosi.

What did he say ?-- "Mr. Chairman, Citizens of Africa. We have met here to talk about rent increases. The City Council and Government have come together and appear to have married. There are times when marriage of two persons differ. If the marriage differs people try to settle the matter. We have to discuss about high rents and what to do. I have come to tell you about Dr. Verwoerd who married Mr. Carr. You will know if a man like Verwoerd marries Carr, there is something wrong. You see the police and municipal police are here. Those are promises of Dr. Verwoerd. Municipal police are going to work hard getting the people out of their houses. Dr. Verwoerd and Mr. Carr if are marrying each other there are going to be many difficulties. You know Tokoloshe in Western Native Township was sent to wake up people tc come together. Somebody made a mistake but killed Tokoloshe. That is the same person who killed Chaka. Mamolambo .....

What does that word mean ?-- 'Mamolambo' is a name given to a certain snake by the Africans; it is only a belief. "Mamolambo has appeared when he saw Dr. Verwoerd and Mr. Carr raising rents. In the name of Tokoloshe and Mamolambo I ask you, are you going to pay high rents at the expense of these children." The answer was "No."

Do you know what the speaker is trying to convey when he makes such an appeal in the name of Tokoloshe and Mamolambo ?-- I don't know. I couldn't make out, but that is what he said.

Will you proceed ?-- "You know, there was an eagle which was the king of all birds. A voice came and said 'Eagle, fly.' And there were people like Dr. Malan, Jan Smuts and Hertzog who said 'No.'The voice insisted and asked the eagle to fly and some day it flew. I think of Luthuli the Eagle of Africa. You remember sometimes when Swart ordered Flying Squad men and the police to shoot first. If I could die to save the lives of these people I will be all right because I die for the sake of my people. Dr. Malan and Verwoerd cannot stop us from going on. Municipal police boys are sent to wake up a tenant for not paying rent. A tenant gets up and shows a police boy the receipt that rent has been paid. I do not blame the police boy because he was sent by corporal and corporal by sergeant. I appeal to you prisoners of hunger, you oppressed people to rise and get up." That is the end of the speech made by Lawrence Nkosi.

Who was the following speaker ?-- Mr. M. Xaba,

Will you omit his speech, and proceed to the speech of the speaker that followed him ?-- The next speaker was Robert Resha.

Before Robert Resha, who was the speaker ?-- M. Xaba. You asked me to omit his speech.

Omit Xaba's speech, and continue with the speech of Makgothi ?-- I do not know his Christian name, and I have not got his initials on this note.

Do you know this person Makgothi ?-- No, that is the man I said I was not certain about, when I gave evidence on earlier meetings. "Sons and Daughters of Africa, we have met here to speak about high rents." I left some parts of this speech so I put 'etc.' "We have met here to speak about our leaders who have been sent to farms by those with big stomachs. I ask all people to stand one side from the police. It is good thing people must know they are enemies. Government is increasing rent without consulting African people. There was no question of consulting African people. They always say when they meet together that they are Afrikaners. They say African people are no people but they call themselves the only people. What the Europeans are after but to oppress the African people. They are prepared to steal from African pockets without saying a word. They are now stealing Western Areas property. Now they steal African education by Bantu Education scheme. They steal education of African children. They always tell lies. When ..... they mean to steal African education. They impose high rent to steal ....: who are responsible of the wealth of this country.

Will you read the last sentence again ?-- "They impose high rent to steal African monies, who are responsible of the wealth of this country. Today they make you bleed the money of high rent. It is no good to make people pay high rent in order to have flying squad cars to be in motion. It is no good to steal Western Areas property. It is the Africans who pay for all these things. The Africans are prepared to see that the crime is stopped. We have no money to pay for high rents. That is a message for the Government and

country. We have been made slaves and unless we do something for these children they will suffer. People of the world are able to see criminals and are on our side." That is the end of the speech given by Makgothi.

Who was the next speaker ?-- The next speaker was Mr. Resha.

What did he say ?-- "Mr. Chairman, Sons and Daughters of Africa and Government spies. I bring you today a message from Western Areas people who have been deprived of their property by this dirty government. I bring to you people who are asked to pay high rents to tell these robbers, tsotsis that you have no money. We are meeting here today when Government of this country is mad. We are surrounded by the police. What is this fear which Europeans fear from Africans. We are to pay high rents. Let us see where this ...." I left some parts of this speech there. It is now 302 years that we have been oppressed. We have shown white men that we are good people. We have gone underground to dig for gold, etc. "

What does "etc." mean ?-- It means I left out something there, part of the speech. "But the pay phthisis. We have gone to farms but the pay T.B. We have built houses in towns and the pay is Moroka Shelters. It is now 302 years that Europeans are here. When Europeans came here they spoke English and we learnt English in order to convey our thoughts to them, but Europeans are deaf. We also spoke Afrikaans but the white men are still deaf. In 1952 on 26th June we spoke of defiance campaign, but they opened their ears and heard us. Christians say this Government is rich and is mad. Are you going to allow yourselves to be destroyed by these mad people. On 1st October 1954 they are going to make you pay high rent. You know they always pretend just as they pretended to remove Western Areas under the pretence that Western

Areas was a white spot. They build these sub-economic houses and make you to pay economic rents. They send you forms to fill to show how much money you earn, because they have no other means. You took these forms to be filled that is just the same thing like going to your boss to get a revolver to shoot yourself. Afrikaners cannot write that is why you see an African policeman taking notes here. They are not competent enough. Here is an African and has turned to undermine us. I appeal to you African women that when you are pregnant you must be sure you are not pregnant a detective. These police are not free. We want to change Moroka police station to a clinic for our children, and the Fort a university for our children. Council has told Advisory Board that if they say to pay rents, the police will be ready to shoot. We are prepared to live in our country peacefully. We shall not pay an extra penny to present rent. We warn the police even if they shoot the Africans, but at last what will happen. I appeal to Dr. Verwoerd to be slow with his shooting. They must know that we are 10 million and they are 2 million. We want Africans to be free. That is a message which Dr. Verwoerd, Mr. Carr must receive to this tyranny, etc. You are twenty times more than the Dutch who are oppressing. Asinamali....." (meaning we have no money) That is the end of the speech given by Robert Resha.

Who was the following speaker ?-- Chauke.

Omit his speech. Who spoke after him ?-- There was a short speech by Njengebula.

Omit that short speech and say what followed after that ?-- Resolutions read by G. Hlapane.

Will you read that portion ?-- "Mr. Chairman, today the Africans are to pay high rents for the sake of the Dutch men who thought of removing Western Areas. Today I appeal to

cowards to take off their pairs of trousers and give them to women. I advise even those who fill forms and took them to the office that tomorrow they will be dead. Raising of rents is to pay for removal of Sophiatown and Newlands and Newclare. Dr. Malan knows when freedom comes. I am telling you when I ....." I left some part of this there. I put (1) there. "Government of this day has decided that as from 1st October, 1954, all Africans in sub-economic houses provided by local authorities are to pay increased economic rental. This proposed scheme is opposed by Africans. That it is unfair for people living in sub-economic houses to pay economic rents. (2) Wages of Africans are far below to pay such rents unless they have to tie their bellies. To pay such high rents this will bring starvation, malnutrition, T.B. and death. In view of the foregoing reasons this meeting of Jabavu-Moroka and Orlando have decided to refuse high rents, accept usual rents. I propose that this resolution be accepted." Motsabi: "I second resolutions." "When Nationalist Government took over ....." I don't know who said this, it might the speakeror the man who seconded the resolutions . I don't quite remember who it is. "When Nationalist Government took over we knew we would take off our coats. We knew intolerable laws would be formed. We knew there would be forces of fascism." That is the end of the meeting.

You mentioned the name of Nkosi as the speaker after the chairman ?-- Yes.

Do you know him well ?-- I know him well. He is a man who is not in Court.

You also mentioned the name of Robert Resha, is he the one you pointed out yesterday ?-- Yes. (Accused No. 63.)

And B. Hlapane, the man who read the resolutions; do you know him ?-- Yes, he is the man I pointed out yesterday.

Is he the one you were not sure about ?-- No, I think I pointed him out yesterday. The man I was not certain about was Nthithe.

Do you know B. Hlapane ?-- I know him.

Will you look through the persons in Court and see if you see him here ?-- (Witness identifies Accused No. 10, Hlapane.)

Can you remember referring to this man Hlapane yesterday ?-- Yes, B. Hlapane.

Is that the same man you have just pointed out ?-- Yes.

(No further questions)

CROSS-EXAMINED BY MR. SLOVO:

Will you look at the speech made by Mr. Xaba, the one that the Prosecutor asked you not to read ?-- Yes.

Will you just let me have a look at your notes -- will you just have a look at the page I am showing you now, it is not numbered, and I will read to you my transcript of what is contained there, and will you tell me whether it is correct. This is a copy of the notes given me by the Prosecutor: "You widows, women andpensioners ..... I appeal to you people who get more than £26...I appeal to you people who get more than £26 not to pay high rents." ?-- Yes, that is correct.

"Come and fight with your people this struggle" ?-- Yes, that is correct.

"I wonder why the police are here. Africans are also fighting for them." ?-- Yes.

"There is no policeman who will be exempted from paying high rents; even during the war last Africans fought for the victory of white men. We fight a non-violent struggle

?-- Yes.

Now you have so far given evidence of speeches made at 5 different meetings, is that correct ?-- Yes.

How many meetings would you say have you attended in the past three or four years, of the African National Congress ?-- I can't remember now.

Were there so many hundreds ?-- Not more than 80 to 100.

Very many meetings ?-- I'll say many.

So far, in the case of the five meetings to which you have already testified at every one of these meetings you will agree there is an appeal by either one or more of the speakers to the people to conduct their struggle in a non-violent fashion, is that correct ?-- Yes, that is correct.

And is that your general experience at all A.N.C. meetings ?-- Yes, that is my experience, and they even plead non-violence.

There is also an appeal in almost every one of the speeches, or at every one of the meetings to which you have testified of co-operation with the white man, is that correct ?-- That is correct. These people, the A.N.C. people, never say they don't want Europeans. They say they want to live with them.

They want to live with them peacefully ?-- Live with them peacefully.

And there is no suggestion that there should be any violence either against the white man or against any other group ?-- No.

And that is you experience not only in relation to these five meetings you have testified to, but also your experience in relation to very many meetings you say you have attended of the A.N.C. ?-- Yes, that is correct.
(No further questions)

MR. COAKER: NO QUESTIONS:

MR. BERRANGE: NO QUESTIONS:

NO RE-EXAMINATION:

(Notes handed in G.68)

FURTHER EXAMINATION BY P.P. (MR. LIEBENBERG): (31/10/54.)

On 31/10/1954, did you attend a meeting of the African National Congress held at Dadoo Square, between Moroka and Jabavu Townships, Johannesburg -- is that so ?-- Yes.

On that occasion did you also make notes of what was said at the meeting. ?-- Yes.

Did you record who the chairman was ?-- Yes, the chairman was Lawrence Nkosi.

Did you record what he said ?-- Yes, I did take some notes.

What did he say ?--"Mr. Chairman, and the people, ...

BY THE COURT: I don't understand, you said Lawrence Nkosi was the chairman, did he say that ?-- Yes.

Read that again ?--

EXAMINATION BY P.P. CONTD.:

Now read what Lawrence Nkosi said ?-- "We have met here to tell people ....."

I want to try and get this straight from you. If Lawrence Nkosi was the chairman, can you explain why he would start off by saying "Mr. Chairman ....." ?-- I will just make sure.

Are your notes complete ?-- (No reply)

Well, will you proceed with what you have recorded of Lawrence Nkosi's speech, I'll come back to this question of who the chairman was later.

BY THE COURT: Are you not sure who was the chairman, or what

is your difficulty ?--

BY THE P.P.: I think his notes will explain that later on; if I may be permitted to let him proceed with Nkosi's speech and in the proper time this will become clear too.

EXAMINATION BY P.P. CONTD.:

Start from the beginning of Lawrence Nkosi's speech, please ?-- "We have met here to tell people about Peace Council and so on. It is a good thing people to know about peace. Hitler declared war in 1939 for he wanted to dominate the world. Because the war declared by Hitler was wrong Hitler was defeated. There are countries governed by rich people. These countries want to make war on countries that are governed by trade unions. In other countries some people cause others to fight. Assuming that our Government wants to make war on others, must we make a note to that Government to a conference to discuss and tell the wrong Government that it is wrong. In other words, we can tell wrong Government that 1918, 1939, many people lost their lives. We can tell the Government that it is not only losing its people, but other sections of people. If war is declared what benefit will the Government get. In 1939 South Africa declared war on Germany. When South Africa defeated Germany Smuts said to the Africans "I can do nothing for you, because you have been polishing shoes and dig roads." He did not say that you people have defeated the Germans. You have the same thing with us. In America ....." I was interfered with, I left some part of the speech by Lawrence Nkosi.

BY THE COURT: Who interfered with you ?-- Some people came and interfered with me. Some people came and tried to stop me from taking notes.

You mean people who attended the meeting ?-- Some people who came to attend the meeting.

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