

by what was said in regard to volunteers and their duties
and discipline, that they couldn't just be regarded as
a number of people who were organising, but they were pre-
pared - they were a band of people who were prepared to
commit murder if necessary?-- (A) Yes, it appears so from
the speech". ("Q) And would Resha, as Chief Volunteer,
the next man to Luthuli, would he make a statement like
that if those were not the duties of the volunteers?--
(A) The duties of volunteers, as I understand them, were
that they were to be disciplined." "The question, that
they would be given instructions to murder, I think that
is wrong." "That's outside policy".

BEKKER J: Yes, thank you.

MR. TRENGOVE: My lords, the point that I make
about Resha's evidence at this stage - about Conco's
evidence, rather, is not so much Conco's reaction as
Resha's reaction. When Conco approaches Resha and
asks him about this speech Resha says he might have
made the speech, it's such a long time ago he doesn't
know; he's not sure. He cannot remember what he said
there. Now we will deal with Resha still, my lords;
apparently having heard the speech a number of times
it has somewhat refreshed his memory, but my lords, I
say this, that one does not make that type of speech
and forget about it - not in those circumstances.

Now what does Luthuli say about this speech?
The first time it was put to Luthuli was in his evidence
in chief at 11785, Vol. 58, my lords. Now at page
11785, my lords, this speech is put to Luthuli. Then
at page 11784 he is asked ("Q) Was given given of

speeches made at the Preparatory Examination"; he is
asked about the speech to the volunteers, and he says
-- he is asked, ("Q) As a result of evidence which
was heard at the Preparatory Examination about speeches,
have you undertaken any disciplinary action or enquired
?-- (A) No, my lords, but I must say that at the Prepa-
ratory Examination I don't know, but I can recall coming
to me and hearing what was going on there, or something
which would say well, that was violent, so and so must
be disciplined, I don't recall. One doesn't remember
all the things that took place at the Preparatory Exa-
mination." Then he is asked whether speeches given at
the Preparatory Examination were clear, and he says "No,
my lords, it wasn't allways clear." "I suppose it struck
me, one they came to, I suppose it struck my mind because
of its forcefulness, was a speech which said if a volun-
teer is told to do this he must listen; if a volunteer
is told to kill he must kill and so on. Well, my general
impression at the time was that it was a kind of . . .
that man trying to indicate well, you must obey . . . I
sort of vaguely left it at that, it didn't make a strong
impression. It is just the phrase that catches you."

So my lords, his own attitude was that this
type of speech, either this one or Ndimbo's read at the
Preparatory Examination, was a kind of rhetoric. But,
my lords, after the tape recording had been played to
Luthuli in Court, and there was no escape as to what was
meant by this speech, Luthuli makes a very positive
comment as to what the nature of the speech was, at
page 13656. At page 13656 the tape recording is played

to the witness, my lords, and Mr. Luthuli is asked:

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("Q") Have you listened to what the Crown alleges to be the voice of Resha who was the supreme commander of the 50,000 volunteers; you heard his speech?-- (A) I have, my lords." ("Q) Do you agree that it is a subversive speech?-- (A) It is a speech - -" The question is: -

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("Q) Do you agree that it is a subversive speech; is it a speech inciting people to violent actions?-- (A) My lords, I would not say subversive, because I don't know the legal meaning, but it is a violent speech, it is a very violent speech."

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("Q) Did you hear the reaction of the people to whom he was speaking?-- (A) Yes, my lords, I heard." (Q) And what was the reaction?-- (A) They applauded, my lords."

Then, my lords, he is asked about the people that were there and their positions in the Transvaal Executive, and he is asked at page 13658, it's put to him:

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("Q) It is entirely consistent with your alleged policy of non-violence?-- (A) In parts it is."

("Q) Mr. Luthuli, did any members of the African National Executive or anybody ever take any steps about the speech ?-- (A) I don't know to what extent the Executive, the National Executive aware of the speech; I don't know, I was not aware of it; I don't know how many were aware of it other than those who were at the meeting."

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("Q) Now you've listened to the speech, are you shocked to hear that a speech of that nature was made?-- (A) There are some parts that shocked me; there are parts that one might call a fighting speech, but there are other parts I absolutely don't like at all."

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And then he's asked, my lords why these people

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would applaud, and then at page 13659 he is asked: -

("Q) You see, Mr. Luthuli, if the volunteer in chief makes that type of speech, who is in a better position to know what the duties are of a volunteer than the volunteer-in-chief?-- (A) Oh, no, that doesn't follow...

I don't know about army technique and things like that."
"But if a general were to do something that is not right, I don't think it can be said that because the general - therefore in fact the whole policy must now be aligned to what that particular general who is wrong does."

("Q) I'm not asking you to approve of what he said, I want to know who was in a better position than Resha to know what the duties of a volunteer are; was there any person in a better position than Resha?-- (A) No, there wouldn't be any person in a better position than Resha to know the duties; that is true, that is quite true."

Then he is asked about the reaction of the people at page 13660, at lines 5 to 20. Now, my lords, that is Luthuli's evidence. I submit, my lords, that nobody can comment on this speech unless one has actually

heard that recording, because, my lords, that recording - the way in which Resha spoke - the applause of the audience, - those are matters which your lordships will have regard to in deciding whether this was merely a misplaced illustration of discipline or whether that was in fact the type of discipline that was being required from volunteers if and when the occasion arose.

BEKKER J: What particular quality, or what facto throws that speech into this or that scale? What is it? The Defence witnesses say "Well, that is just

an illustration, perhaps a wrong illustration, or a strong illustration of discipline - - that's the Defence witnesses' explanations; We've got your submission. What is it about this speech that takes it from the discipline field into the violent field?

MR. TRENGOVE: I'm dealing with the speech as a whole, my lords, not only with that portion of the speech.

BEKKER J: Yes.

MR. TRENGOVE: Now, my lords, what does Resha say? Resha says that that portion of the speech "Murder, murder, if you are told to kill you must murder, murder", that, he said, was just an example of discipline. Now, my lords, I want your lordships to consider the nature of Resha's evidence in regard to this speech, and this whole meeting. My lords, his cross examination is at page 17059 - Vol. 81, and before I deal with that your lordships have the evidence of Conco. Now, Resha is asked about this meeting. In his evidence-in-chief he explains and puts the speech into a certain setting. He is asked how many people there were at this meeting and he was not even prepared to give an indication of how many people there were. Why not, my lords? He wasn't prepared to say if there were ten or twenty. Your lordships heard the speech. Why does Resha hedge on a matter like that? He is asked who were there; what did he do - he gives the names of the people whose names have been identified on the recording. Now that may all be because he cannot remember the occasion, but, my lords, in his evidence-in-chief, and in explaining the setting and everything, he remembers very well in spite of what he told Dr. Conco, and, my lords, another feature which your lordships will

bear in mind is, your lordships have heard at that particular point of his speech where he tells the people "If you are told to kill you must be absolutely violent; you must murder, murder, murder". Your lordships heard the applause of the delegates called upon to listen to Resha in his capacity as Volunteer-in-chief. Now, how is that explained - how does it explain the reaction of the other people present? How do they explain that, my lords. Resha explains it by saying that a day or two later he met Sisulu and Sisulu said Nokwe was concerned about that. And, my lords, why did Sisulu go into the box and say that? Why didn't Nokwe go into the box and express his displeasure at that type of speech, and if Nokwe were there and he was upset by the speech why didn't he tell Resha and why didn't he tell him at that meeting?

We have the speech, my lords, and I suggest that Luthuli's reaction to the speech, having heard it on the tape, is the reaction that anyone would have listening to that speech - that it is a violent speech, and in considering, my lords, whether that type of speech is consistent with African National Congress policy your lordships will also have regard to the way in which the organisation, the Executive in the Transvaal - that meeting was called by the Executive - - in which men like Moretsele, Masina, the others that were present there, the way in which they reacted, my lords.

BEKKER J: How did they react?

MR. TRENGOVE: Your lordships had two guides to go by; your lordships heard the applause of the audience; the listeners applauded that speech, my lord.

Your lordships heard what was said before and after that speech, and your lordships have the fact that apart from the applause nobody - there is no evidence that a single member of the Executive in any way disassociated himself from that speech. There is no evidence at all, my lords, there isn't even evidence on record that Nokwe dis-associated himself, apart from this secondhand information that Resha got from Sisulu that Nokwe was concerned.

Now, my lords, this speech appears, as I've said, in the record in the evidence of Diederichs, at page 8124 to 8174, and there were the identifications of the voices by certain other witnesses, but, my lords, those have since been admitted by Resha.

Now Resha himself, my lords, deals with this speech in evidence-in-chief at page 16573, line 17. My lords, the first passage in the speech that he deals with in chief is the passage about war that had been declared, and he says that that refers to the fact that there was a threat that the Government was going to arrest their people. He had heard that previously and apparently, my lords, in reply to certain questions by his lordship Mr. Justice Bekker, at 16574, he then says that the arrests at that stage were imminent.

Then, my lords, he tells the people, - the other passage dealt with in his speech, where he tells the people not to panic - that is dealt with at page 16575, line 6.

BEKKER J: What page?

MR. TRENGOVE: Page 16575, my lord, line 6. This is his examination-in-chief, my lords, and he says

says, my lords, with reference to that passage, where
it says the time has come for Congress to take the
offensive - "We are tired of the blood of Strydom -
Luthuli will decide who is going to be arrested - -
he says, "Well, that referred to a Defiance Campaign
and Industrial Action which could be embarked on against
the State at that stage." A portion, my lords, which
he didn't deal with in his evidence-in-chief and which
was put to him in his cross examination is the portion
immediately following upon that, which says: "Only when
Luthuli has 50,000 volunteers, then 200 will be a simple
matter. Out of 50,000 volunteers we can give Swart
200, and that will cost Swart the whole of the Union of
South Africa."

My lords, we submit that he couldn't explain....

BEKKER J: What did he say about that?

MR. TRENGOVE: What he said was that that
was an incomplete thought, and he said that really meant
that out of 50,000 volunteers we will not only give
Swart 200, but the phrase "And that will cost Swart the
whole of the Union of South Africa" - that was intended
to convey to the audience that they would go on giving
200, 200, 200, until a mass of 50,000 people would have
to be arrested by the State. He says that is what he
meant when he said it will cost Swart the whole of South
Africa.

BEKKER J: What do you say?

MR. TRENGOVE: We say, my lords, that
if the State arrest 200 people Resha was prepared to
accept that at that point the State might be in conflict

with the Congress Movement; it might be brought into
 conflict with the Congress Movement and that that con-
 flict might cost the Government the whole of the Union
 of South Africa.

KENNEDY J: What page is that?

MR. TRENGOVE: The cross examination, my lord?

KENNEDY J: Yes.

MR. TRENGOVE: My lords, that portion, the
 cross examination, is at page 17064 to 17066. He is asked
 ("Q) Now you were not asked to comment on the last part
 of that sentence which reads as follows: '50,000 volun-
 teers, then 200 will be a simple matter; out of 50,000
 volunteers we can give Swart 200, and that will cost
 Swart the whole of the Union of South Africa.' Mr. Resha,
 what does that mean?-

Then his lordship Mr. Justice Bekker points
 him to the bottom of page 8150 of the record where that
 appears and he says "It would mean, my lords, that Chief
 Luthuli would on his own decide to keep on giving Mr.
 Swart 200. Not only these 200, but continue to give them
 200 out of the masses of African people, until such
 time as it would be very difficult for the Government
 to implement its laws." The Crown: ("Q) So there
 would be a continued defiance of 200 and 200 and 200
 people being arrested every time, until the Government
 found it impossible to carry on?-- (A) That is so."
 ("Q) Is that to what this refers?-- (A) That is my in-
 terpretation." His lordship Mr. Justice Bekker:-
 ("Q) Well, it says out of 50,000 volunteers you can
 give Swart 200, and that would cost him the Union.

I can't quite follow your construction?-- (A) May I try
to explain", and the question is interposed - --"Let me
explain this way. If out of 50,000 he gives him 200, that
will cost Swart the Union of South Africa?-- (A) That is
agreed, my lords." "But I think it is an incomplete
thought, because from our point of view and from what I
think I have in mind the defiance of 50,000 volunteers would
not make it impossible or difficult for the Government to
implement its oppressive measures." The Crown asks:
("Q) Mr. Resha, I put it to you that it is not an incom-
plete thought; you only find it difficult to explain now
?-- (A) I'm not finding it difficult."
("Q) What do you mean when you say if 200 people are given
to Swart that will cost Swart the whole of the Union of
South Africa; what is going to happen if he arrests 200"
and he tries to explain that and he repeats this sugges-
tion that 200 people are going to be presented for arrest
from time to time.

Then, my lords, he concludes in his evidence-in-
chief, and he is asked in his evidence-in-chief - -
("Q) Notwithstanding the legislation of 1953 you were con-
templating the possibility of another Defiance Campaign?--
(A) That is so." Page 16575, line 29, my lords.

Then his lordship Mr. Justice Bekker in his
evidence-in-chief pursues that question as to what this
means, that Luthuli and Moretsele andwould decide,
and he says - - he is asked whether they would appoint
the defiers and that is confirmed by the witness.

Now, my lords, immediately following upon that
there is another paragraph with which he also dealt at
page 16576 and that is this: "In the year 1952 when the

African National Congress and its Allies declared war on 1
the Government of this country, no less than 15,000 volun-
teers came forward. In the interim - that is between
1953 and the 21st November, that is to-day - there has been
a truce and the soldiers have been demobilised; they have
been told to go home, they have been told to become civi- 5
lians, but I call upon every woman, every child, and every
man to put on his coat which only death must him depart
with." Then he refers to the African National Congress
in 1952 making a mistake in thinking that every member of
the Congress was a volunteer, and then he talks about 10
volunteers being people who do and die.

Now, in connection with this paragraph, my
lords, he explains in his evidence-in-chief at page
16576 to 16577 - he explains that what he meant by saying
they wouldn't mobilise - he was merely using an expression 15
- but after the Defiance Campaign many of the volunteers
didn't regard themselves as volunteers any more because
there was no longer a Defiance Campaign. It was this
strengthening of the Defiance Campaign that - - of the
Volunteer Movement - - that he had in mind. 20

Then he is asked about the volunteers by
his lordship Mr. Justice Bekker, about the volunteers
in the Western Areas, and he replies to that saying that
it wasn't a different type of volunteer, but that they
didn't succeed in creating a Volunteer Corps after 1952 25
as they did during the Defiance Campaign although in
Sophiatown and Newclare there was a strong branch of
volunteers.

Now, my lords, this attitude "I call upon
every woman, every child, and indeed every man, to put 30

on his coat which only death must him depart with" - - what 1
kind of language is that, my lords, and what place has
that got in this type of struggle, unless it's going to
be a violent struggle? He says, my lords, in his
cross examination on that paragraph - he says - - - I'm
sorry, my lords, I haven't got that paragraph now, I'll 5
give it to your lordships just now.

What kind of language is that? Aand then
my lords, dealing with volunteers

BEKKER J: Doesn't he say it's just political 10
language?

MR. TRENGOVE: Yes, he says that, my lord -
it's metaphorical. But, my lords, in this case everything
has become metaphorical that is violent, as far as the
African National Congress is concerned. Everything that
is put to the witnesses is explained away by their saying 15
it is metaphorical, but it's not metaphorical, my lords,
if one meets a Fascist beast who you want to overthrow.

Then, my lords, at page 16578 he deals with
this portion, the discipline of volunteers in which he
says: "This is theof discipline, when you are dis- 20
ciplined and you are told to be violent you must be told - - -
if you are a true volunteer and you are called upon to be
violent you must be absolutely violent; you must murder,
murder - - that is all." Now that is where the applause
was, my lords; that is where the applause was, my lords. 25
Now one can say, if you are told to be non-violent you
must be non-violent, and if you are told to be violent you
must be violent, but what did Resha do? This, my lords,
is not an academic lecture on the meaning of discipline.
Your lordships have heard it - - he says "If you are called 30

upon to be violent, you must be absolutely violent; you must murder, murder." That is what he wanted from his people, my lords. That type of discipline is what he wanted, and what place, my lords, has that type of discipline in an organisation which is seeking to persuade people to change their minds?

My lords, we say that that is what they said to the Volunteers, because that time would come when they would be expecting that from their people, otherwise Resha wouldn't have used it. And, of course, he says that is outside policy. What Resha did, on the evidence on the speeches, was, whenever it was a tape recording or a short-hand speech which he couldn't dispute, and which was violent he says it is outside policy, and when there is some possibility of getting away from it because it's a writer taking longhand notes then he says he didn't say that, or it shouldn't be taken as being correct.

Then, my lords, the next portion of his speech dealt with in his examination-in-chief is the portion dealing with the statement, "If the Government in its madness wants to arrest 200 leaders, then 200,000 Congress members must emerge". My lords, we accept to-day that word 'tell' is 'Tell your brother' - - we accept that. He is working on the basis that 200,000 must emerge from those remaining in this country, and my lords, they must emerge to do what? He says in justification of that that what he had in mind was some kind of Defiance Campaign. He deals, my lords, with the passage in which he tells the volunteers "You can't be a volunteer unless you're mad" and he explains that by saying that wherever you go and whatever people may think of you, you must spread the gospel. He did not

deal, my lords, in his evidence-in-chief, with the paragraph that "You must if you meet the Devil employ the tactics of the Devil". The point put to him, my lords, was that that meant retaliation. In his evidence-in-chief he was not prepared to accept that.

Neither, my lords, did he deal with the paragraph in which in his evidence-in-chief he said "I think the time has come that we must pray God that amongst other things he must do to us - he must close our eyes and our ears. It is our eyes which make us to be so afraid, it is our ears which make us to be such cowards, but if we don't have eyes and ears I'm sure that one day, one man in this country would move in one direction, no matter which direction, and (2) because of you running on the heads of people who you don't see, and for holding people whom you don't know, when you have no eyes to see, that day we must pray that God must bring to us today"- a day, my lords, when they are prepared to do things without seeing and without being afraid. That, my lords, was put to him in his evidence-in-chief at page 17067 and it was put to him "What was this that you had should be in mind, to shut your eyes and close your ears, not to be afraid to act, Mr. Resha? What was that?-- (A) Again, my lords, this is figurative because one cannot literally expect blind people and people who cannot hear doing anything. Such people are normally helpless." That is the type of reply one gets, my lords, to that kind of thing. "Such people are normally helpless - they've got to be helped. What I had in mind was when we give directives we should stop arguing and listening to other people and seeing difficulties that are not there."

("Q) Mr. Resha, I want to put it to you that what this means is that people should be prepared to take violent action, and they should shut their eyes to any danger that might exist for the sake of the cause", and his reply to that is "If, my lords, people are going to shut their eyes when taking violent action, how on earth are they going to strike?" That is the kind of reply we get, my lords.

Now, my lords, you don't embark on a campaign in which you require your people to shut their eyes and close their ears unless it's going to be a campaign fraught with danger; you don't want the people to draw back from that struggle, you want them to go on, and that is the day that you are looking forward to, when the people would be prepared to act without thinking and without seeing. The day when the people will be prepared to carry out the order - - if they are told to be violent they must murder, murder, murder.

And, my lords, he concludes the statement which was also not dealt with in chief - he concludes with the statement "I think we are called upon in this country to do directly opposite of what is taking place in Egypt to-day; in Egypt it is the Imperial forces that are moving into Egypt, but in South Africa we want the Freedom forces to eradicate evil in this our Mother country."

Now, my lords, in Egypt, and he was questioned about that by his lordship Mr. Justice Bekker - - in Egypt the Imperialist forces were trying to get in to Egypt. That was the prattle that was going on here. He says "In South Africa you have the opposite, the Imperialist forces have to be thrown out of the country." "We want the

Freedom Forces to eradicate the evil in this our Mother
country." That is the parallel which he draws, my
lords, and he dealt with that in his reply to a question
by his lordship Mr. Justice Bekker at page 17183 of the
record in which he was asked: ("Q) Do you remember the
speech of the 22nd November, the murder murder speech?--
(A) Yes, my lords." ("Q) At the end of that speech
there is a reference to what was happening in Egypt,
and I think it's suggested that we must do the opposite
to what is happening in Egypt, or words to that effect;
do you remember that?-- (A) I do, my lord." He is asked:
("Q) What was happening in Egypt at that time?-- (A) At
that time, my lords, there was trouble in Egypt. I think
the British, French and Israel forces were forcing into
Egypt." ("Q) Was that the Suez Canal struggle?-- (A)
That is so." ("Q) And Britain was sending in troops?--
(A) That is so." ("Q) And what did you have in your
mind when you suggested what is happening there we must
do the opposite here?-- (A) My lords, the position is
this; there the Imperialists were entering Egypt for
the purpose of engaging in war; Much as we are opposed
to Imperialism we believe here that our struggle is
a different one; ours is a non-violent one, ours would
be the opposite to what is being done there, my lords."
"The speech on page 8155 is the following", your lordship
says: "I think that we are called upon in this country
to do directly the opposite to what is taking place in
Egypt. In Egypt it is the Imperialist forces that are
marching into Egypt, but in South Africa we want the
Freedom Forces to eradicate this evil in our country".
"That speech, what do you say you had in mind?-- (A) My

lords, I say that the Freedom forces in this country 1
must eradicate evil. In other words we are engaged in
this country in a struggle for freedom and we have our
own methods of struggle."

Now, my lords, that is a dishonest reply; that 5
is not a reply, my lords, to what he was saying here;
he knows what went on in Egypt, he knows that in the
one case the Imperialist forces were moving into the
country and the Egyptians were fighting to keep them
out; he says "You have the opposite position here,
the Imperialists are in the country; we must eradicate 10
them". It is suggested it is the opposite here because
they have a different form of struggle.

Now, my lords, there are other speeches. There
is an unknown speaker who spoke about what the volunteers
in chief said, and this expression "God gave us eyes to 15
see and ears to hear", "And the moment we see we tremble
in our boots", shows how that is taken up. I'm not
taking up the time of the Court with that at the moment,
my lords. There was also a speech, my lords, of June
Sebaka who is speaking on behalf of the Womens League 20
and he says, my lords . . .

BEKKER J: Is that at this meeting?

MR. TRENGOVE: That is at this meeting, my
lords.

BEKKER J: The murder, murder meeting? 25

MR. TRENGOVE: At this meeting, my lords.
June Sebaka spoke just before the Chairman concluded
the meeting at page 8185 to 8186. My lords, before I
refer to that speech I just want to make quite sure it's
in the record. Now, my lords, our comment on Resha's 30

explanation is that your lordships will not accept - - - 1
 yes, my lords, page 8160, June Sebaka. "I will call upon
 the Secretary of the Womens League to give a report of
 the incident that occurred in Lichtenburg in brief -
 Secretary of the Womens League, June Sebako" - identified
 my lords. "The time to talk is past, the Womens League 5
 when they saw fires burning at Lichtenburg they saw
 their own political situation in Lichtenburg. They say
 it was a sneer directed at them, and they say 'Go to war,
 face the issue. It is better to shed blood than be a
 coward, so the Womens League sent me to Lichtenburg, 10
 and I went there fully prepared to face the enemy squarely
 in the face. I was prepared even to go to gaol, so I
 knew that cold blood was going to flow again, so in
 Lichtenburg the rumour we ignored. The women whom we had
 to protect, the women whom we had to defend ..." there are 15
 a few words left out, my lords - - "And the Government on
 the other side said . . ." a few words left out . ."but
 they were returning to us in effect; even intimidation will
 not stop the Liberatory movement. The women then went
 to the Native Commissioner as directed to go and hear what 20
 they said, so when they arrived the Commandant instructed
 the police to intimidate the people, and just through
 that Commandant issued a command that they must skiet the
 people and the people were shot at. The people did not
 even have a weapon in their hands. Two were shot, two 25
 are in hospital. Patients were hurt and.....and 16
 have been thrown into prison. They were forced to have
 passes; it is not that they wanted passes. They were
 forced to have passes."

And then, my lords, she continues with that 30

theme and, my lords, she concludes by saying: "Time does
not allow me to give you the whole report now but that
is a courage to us; if we are prepared to shed blood
for what is right that is the place to go to, so Mr.
Chairman, without a waste of time I would - my only wish
is, let us join."

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My lords, that is the type of speech **being** made
at that meeting. Now, my lords, we submit that taking the
evidence of that meeting together with other evidence of
a meeting made by Ndimba, your lordships must come to the
conclusion that not only was that the type of discipline
that was required, but when Resha said in those circumstances
that when they are told to murder, they must be violent
and they must murder muder, and when they are told to be
violent they must murder- - - that, my lords, he said
because that occasion could arise, in the struggle as they
saw it.

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RUMPF J: Are you going over to something else?

MR. TRENGOVE: Yes, my lords; may I just enquire,
my lords; I will be concluding this part of the Address
on the African National Congress early tomorrow morning.
In addition to this direct evidence of the African National
Congress there are these bulletins, my lords, "Fighting Talk"
"Liberation" and "Advance and "New Age", which in our Policy
Schedule we say the African National Congress supported in
their views, and we say they supported the Congress Move-
ment. Now, my lords, that is one aspect of the matter and
the other aspect is evidence on meetings of the African
National Congress which I will also be arguing in part.
My lords, would it inconvenience the Court if my learned
friend, Mr. Hoexter, deals with the question of the bulletins?

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MR. TRENGOVE

That is, my lords, after I finish this part of the
argument tomorrow morning?

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RUMPF J: I don't think it will inconvenience us. You want to come back - - you want him to go on with the bulletins?

MR. TRENGOVE: Yes, my lords, also with the
documentary part of the bulletins, my lords.

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RUMPF J: But not only confined to the A.N.C?

MR. TRENGOVE: No, my lords; only "Fighting
Talk", "New Age", "Liberation" and "Advance" - these
outside bulletins they supported.

10

RUMPF J: Then thereafter you want to come
back?

MR. TRENGOVE: Yes, with the meetings, my
lords.

RUMPF J: Yes. Nokwe, we have considered
the position in regard to the record and in connection
with the argument this morning if you make a list of the
volumes which you require and give it to the Registrar
we'll try and let you have copies.

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(COURT ADJOURNED)

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COURT RESUMES ON THE 17TH NOVEMBER. 1960.

APPEARANCES AS BEFORE.

Medical certificate handed in on behalf
of Accused Lollan.
Accused Tshunungwa is also absent.

MR. TRENGOVE :

My Lords, yesterday I dealt with this speech of Resha on the 22nd November, 1956. I just want to conclude my comments on that speech, My Lord. It is submitted to be a violent speech, a speech, the explanation that has been given that it served only to illustrate the extent of discipline - our submission is, My Lord, if that is the type of discipline, then it is a discipline which is not required in a non-violent movement. It shows that they want a discipline which would go to the extent of committing murder if and when they were required to do so. My Lords, in that connection we also refer at this stage to the speech of Ndimba on the 1st of May, 1955, at Korsten, Port Elizabeth. This was the speech at which Accused No.25, at a public meeting said that if volunteers were told to kill, then they had to kill. My Lords, he was charged with a charge of incitement, and he repeated his evidence in the Magistrate's Court, and he said, My Lords, in his evidence there, that that was in fact the oath that volunteers had to take. He said he not only made those remarks, but he says that was in fact the oath that they had to take. My Lord, Conco dismisses this speech simply by saying...

MR. MAISELS :

Is my learned friend using the statement made

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by Ndimba in the Court as evidence in this case against the other Accused?

MR. JUSTICE RUMPF :

You have referred to the speech and you have referred to his evidence. What is your submission in regard to the evidence which he gave in Court?

MR. TRENGOVE :

My Lords, as far as his evidence in the Court is concerned, we deal with it on a double basis, the first is, My Lord, it is evidence against Ndimba himself, and in the second instance, My Lord, it also effects the evidence of Nkalipi, who gave evidence of statements made to him by Ndimba before going to Court, who was present in Court and who heard what the evidence was, and Nkalipi was then questioned as to what is the position. This man told you one thing, he told you something else in Court, did you afterwards question him? And My Lords, we also use that evidence to effect the credibility of Nkalipi in explaining the effect of this speech and his attitude towards Ndimba.

MR. JUSTICE RUMPF :

It is not evidence against the other Accused?

MR. TRENGOVE :

It is not evidence against the other Accused. My Lords, Conco in his evidence dealt with this speech at pages 11232 to 11240, and he said that Ndimba was talking outside policy. Luthuli also condemned this statement, that volunteers must kill or told to do so, and he says that the explanation may be that Ndimba was merely giving an example of the discipline that was required if senior officials gave an order.

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And he says if an Executive Committee member was present at a speech like that, that is the type of speech that one would expect an Executive Committee member to repudiate. His evidence is at 13651 to 13656. As far as that is concerned, My Lord, of course in Resha's case on the 22nd of November, 1956, one had the Transvaal Executive there, nobody repudiated that speech. As far as Nkalipi is concerned, My Lords, Nkalipi says that Ndimba admitted to him that he had spoken outside policy, he couldn't explain why if that was the case Ndimba reiterated in Court that it was an instruction of the volunteers to kill - that was part of the oath or the pledge that they had to take. My Lords, Nkalipi, the evidence of the speech itself, My Lords, was given by the witness Gazo in Volume 50, at page 9914 to 9916 of the record, and he deals there with this meeting that he attended and the speech made by Accused No. 25, Ndimba, at page 9915 to 9916. During the course of that speech, My Lords, Ndimba at page 9916 deals with a number of matters, and then he refers to Luthuli's call for fifty-thousand volunteers. "Chief Luthuli has called for fifty thousand volunteers to spread the voice of the oppressed people. We are not afraid of the White people. I want to appeal to the African people to support the Congress of the People. We must change this government to a democratic government. Let us move forward to freedom, let us demand our country by force, and volunteer to be strong. If the instruction is given to volunteers to kill, they must kill. If a man does not want South Africa, he must go out of this country." That was the evidence of Gazo.

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Now the explanation, My Lords, of Nkalipi is to be found in Volume 74, page 15696 of the record, where he was asked: "No you spoke yesterday about this meeting at which the Accused Ndimba made a statement about the duties of volunteers, which - for which he was subsequently arrested? --- That is so".

"Now in your conversation with Ndimba, did he apologise and say to you that he went too far in making the statement that volunteers if given the order would kill, if told to kill they had to kill? --- Yes, he said he was sorry, he said he made a mistake."

"Let us get the position clear again, what did he say, why did he make this statement? --- He said to me he was sitting and thinking about the conditions, the terrible conditions of the African people, and he said he then thought of preparing a speech, having not thought well or properly, and that he wrote it in the way in which he was thinking".

"And it was all a mistake? --- That is what he said".

"And he should never have said that? --- That is what he said to me."

"And was that conversation - did it take place on the way to the Chambers of Advocate Davis whom you were going to brief to defend him? --- Yes."

"Did you go to Court when this case took place? --- Yes, I was there."

"Did you hear what Ndimba said in Court? --- I heard it then, but I cannot give his evidence now".

"You see, the Magistrate gave evidence in this case of what Ndimba said in that case, and it is reported at

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10468 of the record, Volume 52. It appears that Ndimba gave the following explanation of his statement. Do you remember Ndimba giving evidence? --- Yes."

And then My Lords we quote what the evidence to the Magistrate is, as it is to be found in Volume 52 at page 10470. And then it is put to Nkalipi, that Ndimba said he used notes, according to the Magistrate's evidence, and the Magistrate confirms the contents of the speech of which Gazo has given evidence. He said Ndimba confirmed that, and then according to the evidence of the Magistrate which was put to Nkalipi, Ndimba said in the Magistrate's Court, 'I did use the words, if instructions are given to the volunteers to kill they must kill,' and according to the evidence of the Magistrate put to Nkalipi, 'the words are used when a member of the A.N.C. is sworn in.' He goes on 'I added to that, if they are instructed not to kill, if they are instructed not to kill they should not do so'. Now after this evidence had been put to Nkalipi, he is asked, "Now do you hear what the Magistrate says Ndimba said in Court? --- Yes, I heard".

"Do you remember that he said it in Court? --- Yes, I think so, I think he did say so, yes he did".

And then he is asked about his explanation, "Now if your explanation of Ndimba's conversation was correct, then Ndimba was not speaking the truth when he said that in Court? --- No, My Lords, he was not speaking the truth, that is in regard to the A.N.C."

And then he is questioned about that. He is asked :

"Did you take it up with him subsequently? And did you ask him, why did you tell me one thing and tell the

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me something else? --- My Lords, I was not involved in the case that he had to face before the Magistrate. I was having a conversation with him in regard to congress, so I did not^{cross-}examine him on that."

And then he is questioned as to why he didn't talk to Ndimba about it. So My Lords, as a public meeting, Ndimba, the Accused No. 25 makes this statement. As far as he is concerned. My Lords, he confirms that in Court, and not only that he said that, but that those were the duties. As far as Nkālipi is concerned, My Lords, he forgets about the incident, because notwithstanding the fact that Ndimba repeated it in Court, he merely says well, Ndimba made a mistake, he was under some emotional stress as a result of their conditions, and that is where I left him. Now My Lords, Ndimba has not gone into the witness box to explain why he made that speech, and what his state was and what his explanation is. So as far as Ndimba is concerned, My Lords, that speech stands.

MR. JUSTICE BEKKER :

Yes, that is an overt act of treason. Can we convict him on that?

MR. TRENGOVE :

My Lords, he is not charged with that being an overt act. That isn't an overt act against him, My Lord.

MR. JUSTICE BEKKER :

Well, he was convicted on that charge.

MR. TRENGOVE :

He was convicted, My Lord. My Lords, what does stand is that at a meeting of the African National Congress ,

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from a public platform that was said to be the duties of the volunteers, and that was said to be the discipline that they demanded from their people. And My Lords, it must be a very, very strange coincidence, My Lords, that what Ndimba says in Fort Elizabeth, is what Reshs says at the secret meeting in November, 1956. My Lords, we submit that it shows in addition to many other speeches that we will still be referring to when we deal with meetings, it shows, My Lords, that the minds of the people in charge of the volunteers were running along the lines of violence. Otherwise, My Lords, these type of examples would not be used and they are entirely out of place. My Lords, we will still be referring to other speeches when we deal with meetings. These two we mention here because there is no question about them, it has been accepted that they have been made. There are speeches, My Lord, like Sibande and others to which we will still be referring.

MR. JUSTICE BEKKER :

This speech of Ndimba, that was a public meeting?

MR. TRENGOVE :

It was a public meeting at which he said that.

MR. JUSTICE BEKKER :

With the Security Police obviously present?

MR. TRENGOVE :

Gazo took down the speech, and he confirms - Ndimba confirms in the Magistrate's Court that Gazo's notes were correct. And My Lords, Ndimba has thought it fit not to himself...

MR. JUSTICE BEKKER :

What was Ndimba's position at the time as far

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the African National Congress is concerned?

MR. TRENGOVE :

My Lords, we will be dealing with the positions that Ndimba held when we come to his personal position. My Lords, he was a responsible member of the African National Congress, on the 1st of May, 1955, speaking from an A.N.C. platform. Now My Lords, His Lordship Mr. Justice Bekker put a question to me during the course of the discussion relating more particularly to the volunteers in 1952, the Defiance Campaign volunteers, and the question was, My Lords, whether the Crown is accepting the position that these people were specially selected for their duties, and Your Lordship mentioned the evidence of the witness Cachalia, who said that the people were specially selected with a view to their background and their understanding of problems. My Lords, our attitude is that Cachalia did say that, he gave his evidence, and My Lords, up to a point the Crown as far as Cachalia is concerned has to accept that position, that there might have been some selection on the Rand. But My Lords, we say it was a haphazard selection, that these tests that they were applying had the effect of not turning away anybody, nobody was turned away out of the thousands of people...

MR. JUSTICE BEKKER :

It might have been haphazard, but why was there any selection at all? If they were completely indifferent?

MR. TRENGOVE :

I'll deal with that point presently, My Lord. I just want to deal with the question of selection itself.

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If Your Lordship were to refer to the evidence of Nkalipi, who was a volunteer in the Port Elizabeth area, his evidence is at page 15631, and he deals with the question of the Defiance Campaign volunteers. It is put to him that they had about six thousand volunteers in the Eastern Cape taking part in the Defiance Campaign, and he says that is correct.

"At that time, what was your position in the Volunteer Corps of the Defiance Campaign? --- In the Defiance Campaign I was only a group leader, a batch leader."

"A batch leader of what? --- Of the Korsten batch, a batch that had to go and defy laws."

"And who was the Volunteer-in-Chief in the Eastern Cape at that stage? --- I think it was T.X. Tshume".

And then he is asked, "And who selected you as a volunteer? --- My Lord, I was not selected, I joined voluntarily, and as a volunteer to lead a batch to go and appointed. defy I was approached by the Korsten Branch".

"And did you also recruit volunteers at that stage? --- I might have done it in this way, by calling upon while I am making a speech, all people who are prepared to sacrifice for their nation, they must come forward to the table at which they can join the Volunteer Corps."

"And everybody who came forward was accepted? --- Yes".

"They weren't put through any special test? --- No."

"No enquiries were made as to their religious background or their political background or anything like that? --- Not as far as I know".

"On that basis you selected approximately six thousand volunteers? On that basis approximately six thousand

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volunteers were enlisted in the Defiance Campaign? ---

Yes, My Lords."

"And you also played an important part in the Freedom Volunteer Corps? --- Correct".

MR. JUSTICE BEKKER :

What do you say about Cachalia's evidence? -

MR. TRENGOVE :

My Lords, what I say about Cachalia's evidence, that will be dealt with when Cachalia himself - the effect of his evidence is discussed, but we say, My Lords, that they might have had some kind of selection to see that they got the right kind of people, but that My Lords, does not...

MR. JUSTICE BEKKER :

The right people in what sense?

MR. TRENGOVE :

From their point of view.

MR. JUSTICE BEKKER :

That is to say?

MR. TRENGOVE :

The right people who would be prepared to discipline themselves and do what the A.N.C. tells them to do.

MR. JUSTICE BEKKER :

And not resort to violence?

MR. TRENGOVE :

If they are told not to.

MR. JUSTICE BEKKER :

Well, I don't think that is quite what Cachalia said. You know, there was some suggestion, I think it is hearsay evidence, that when the Indian Congress and

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the African National Congress formed a pact, there was an enquiry from the Indian Congress what really the policy of the African National Congress was, violence or not, and Cachalia suggested that the Indian Congress being satisfied that it was non-violence, they agreed to go in. That is just a background to what he later said, and when it came to the Defiance Campaign, he personally interviewed people with a view to satisfying himself that these people would not be inclined to forget themselves.

MR. TRENGOVE :

That may be Cachalia's personal position.

MR. JUSTICE BEKKER :

What inference can one draw from it?

MR. TRENGOVE :

The inference that we ask Your Lordships to draw from it is that when they say our policy is non-violent, then it will be seen ^{against} / the background of what the Crown alleges non-violence to be.

MR. JUSTICE BEKKER :

Might it not be interpreted in this sense, that as far as Cachalia is concerned, just taking him as an individual, he was anxious to avoid drawing in as a volunteer persons who might be inclined to become violent. And if that is so, why does he take the trouble?

MR. TRENGOVE :

My Lords, many people who joined the African National Congress might have been taken in by this alleged policy of non-violence; many people might have thought that their policy is a peaceful policy in the - non-violent in the sense of being peaceful, and that is My Lord why we are not charging everybody. We are

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charging the people who knew the policy and the real import of the policy, those are the people we are charging. Your Lordships saw towards the end of this case from all over the country they brought people who occupied what one might call very very minor positions in the organisation and they said well, they heard at meetings talks about peace, peace, non-violence and so on. Those people might have genuinely believed it, My Lords, but that wasn't the real policy. That was a misrepresentation of the policy in order to get recruits and in order to get the support of the masses. And there may be people who genuinely believed that the policy was peaceful. My Lords, this whole question of the discipline and the group who has to start and who has to be disciplined in order to prevent the vanguard being cut off from the masses, that My Lords, we say is a point which supports the contention of the Crown, this very strict discipline and they own statement, My Lords, that the time for the action must be tuned in with the political consciousness of the masses and to the extent that the masses would be prepared to carry out what the African National Congress considered opportune at that stage, and My Lords, that is why for instance in Exhibit A.40 which is the Presidential Address of Moretsele, that is why in the portion read in at page 304, the conclusion of his address, that is why he said the government has provoked an attack, but we have remained disciplined. Now he explains that, he says in other words, we have not allowed the government to choose the time, the place and the battleground, for us. Today

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I say to the African people, intensify your organisation, stand by awaiting instructions.

MR. JUSTICE BEKKER :

What document is that?

MR. TRENGOVE :

That is Moretsele's Presidential Address, 1954, Exhibit A.40.

MR. JUSTICE BEKKER :

Is this with reference to the Western Areas or generally?

MR. TRENGOVE :

My Lord, this was under the heading of Our Tasks, and he deals with the Western Areas Removal Scheme, and he details, My Lords, apparently their tasks of the future. Why they must be disciplined and why they mustn't allow the government to provoke, is because they don't want the government to choose the time, the place and the battleground, and if, My Lords, one gets a volunteer or a member who out of his turn provokes action, you may be fighting your battle at a time and a place and a battleground chosen by the government, by the state.

MR. JUSTICE BEKKER :

I don't know whether you are still going to deal with it, but you remember yesterday I asked you about the evidence of Resha who said the volunteers in the Western Areas just had to go and watch and see that nothing untoward happened. You said you are going to contend or submit that that was untruthful. Are you going to deal with that?

MR. TRENGOVE :

My Lords, when I deal with Resha's evidence I'll

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deal fully with his part in the Western Areas, but I want to say at this stage, My Lord...

MR. JUSTICE BEKKER :

You needn't deal with it now.

MR. TRENGOVE :

As Your Lordship pleases. My Lords, that concludes, My Lords, the evidence that we rely on up to this stage on the whole question of the volunteers. My Lords, that of course still has to be seen and taken together with the evidence of the meetings and the speeches to which we will be referring individually, but we submit, My Lords, that on the evidence that Your Lordships have of volunteers, it is quite clear that they were being prepared to play the role as they in fact say, of being the top brigade or the shock brigade in this army of liberation. As far as they were concerned, they were being subjected to discipline which would - by which they bound themselves to obey orders, legal and illegal. And My Lords, we submit that on the evidence that Your Lordships have they were not only being prepared for overthrowing the state by unconstitutional means, but they were also being prepared and conditioned to accept orders to commit acts of violence and to murder if those instructions should come to them from their Volunteer-in-Chief.

MR. JUSTICE BEKKER :

For this latter submission, the last part of your submission, are you relying just on the two speeches of Resha and Ndimba?

MR. TRENGOVE :

We are relying on those two speeches for that, My Lords, and the other speeches at meetings to which we

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will still be referring. Those My Lords, - I may say this, My Lords, those - My Lords, we say those are the only two speeches, if I may put it at its lowest, the only two speeches, My Lords, at which direct - a direct statement is made that if you are told to kill, you must kill. If you are told to be violent, you must not only be violent, you must murder. There are other speeches, My Lord, which we say indicate that they had to be prepared to commit, unconstitutional, illegal and violent action. My Lord, but of course Your Lordships will still view this in the light of our general contention that this has to be taken in conjunction with the rest of the case and the aim of the African National Congress to overthrow the existing order. Now My Lords, there are one or two other matters set out in our Summary of Facts and our Policy Schedule which will, My Lords, really be dealt with more fully in the other parts of the argument, but just to connect it with the African National Congress, I just invite Your Lordships' attention to this evidence at this stage.

MR. JUSTICE BEKKER :

Before you step off the volunteers, what do you make of the special volunteers? Do you make any point of that?

MR. TRENGOVE :

My Lords, Luthuli in his address, in his foreword to N.A.81 said that he wanted a special corps calls Luthuli's Special, and My Lords, he said that that had to be - as I understood his evidence - that that had to be even more committed, a group of people committed in the sense of being more committed to him

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personally, but he was going to - My Lords, we cannot, we haven't got the evidence to show that that corps had to go any further than the other, it is hardly possible to think, My Lords, that the special corps would go - we don't need My Lords to go any further than the injunction to the ordinary volunteer. That on our case, My Lords, is bad enough.

My Lords, in our Summary of Facts Your Lordships will remember that we make in paragraph 2 of our Summary of Facts, - we make mention of the World Peace Council and other organisations such as the World Federation of Democratic Youth, the Women's International Democratic Federation and the World Federation of Trade Unions. My Lords, at this stage I merely invite the Court's attention to the fact that the African National Congress was working in affiliation, in close affiliation with some of these world organisations. As far as the...

MR. JUSTICE KENNEDY :

Do you mean thereby that it was affiliated or that it was working in conjunction?

MR. TRENGOVE :

In connection with some it was working in conjunction, and in others it was actually affiliated. My Lords, as far as the World Federation of Democratic Youth is concerned, that is a world youth organisation, the full significance of that organisation and its work will be dealt with under different heading. The African National Congress Youth League was affiliated to this World Youth Organisation. My Lords, as part of its affiliation with the World Federation of Democratic Youth

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arising out of that, the African National Congress Youth League, together with the other Congress youth organisations, formed the Congress Youth League - the Youth Action Committee, I am sorry, My Lords, the Youth Action Committee. And it was through that Youth Action Committee My Lords, that the Colonial Youth Days were organised in the Union on the 21st of February, when they held these Youth Days expressing their support and solidarity with the struggles of the youth in other countries. My Lords, we have already referred to some of these documents. Now in this connection, My Lords, I don't want to argue the significance of this evidence, I just want to provide Your Lordships with the information at this stage, there is firstly Exhibit A.9, which is the document, Significance of World Youth Day to which I have already referred. Then My Lords, one finds in Reports such as A.37, the African National Congress Report, one finds fraternal greetings from the World Federation of Democratic Youth. Then My Lords, Exhibit A.44, a document handed in at page 308, is a circular letter by the Secretary of the Colonial Youth Day Committee. Then My Lords, there is A.49 which is the African National Congress Youth League Report, of the 29th of May, 1955, which at page 316, deals with the Colonial Youth Day which is celebrated by the Youth Congresses, as part of the International Day of Solidarity and at page 316, the Presidential Report was read into the record. It starts off with a statement by the President of the World Federation of Democratic Youth explaining the nature of the struggle in colonial countries, and at 321, My Lords, of this report, there is

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a statement in support of the World Federation of Democratic Youth. Then My Lords, as part of A.49 there are also the draft resolutions, page 321 of the record, also saluting the Festival for Youth and Friendship arranged by the World Federation of Democratic Youth and the International Union of Students. Then My Lords, there is also Exhibit A.204, - My Lords, A.9 was read in at page 156; A.37 was read in at page 236; A.44, page 308. Then My Lords, there is an African Lodestar, A.204 of May 1954, at page 860 which says that the African National Congress at its Annual Conference in 1953 adopted a resolution which directed the National Executive to affiliate with progressive international organisations and that the National Executive then affiliated with the World Federation of Democratic Youth. A.205, My Lords, a Lodestar of January, 1954, page 869, which talks about the necessity to co-ordinate the work of the youth organisations in this country which are affiliated with the World Federation of Democratic Youth. And My Lords, A.205 also contains an article, The Paths (?) of Youth Movements, in which it speaks of the work that has already begun with the affiliation to the World Federation of Democratic Youth, and activities such as the Colonial Youth Day Celebrations. My Lords, then there are a number of documents with which we will deal when we get to Tshume's position, but My Lords there are also the Exhibits which were handed in and which were put to Resha, Exhibits found in his possession, R.R. 52, page 3266, dealing with the affiliation with the World Federation of Democratic Youth, and R.R. 53, My Lords, at 3268 and 3271, also My Lords dealing with the

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Youth Action Committee and the World Federation of Democratic Youth. My Lords, Z.K.M. 6, which is a National Executive Report, African National Congress 1953, page 4459, deals with the visit of the Secretary-General Mr. Sisulu to the Festival Committee of the World Federation of Democratic Youth. Then My Lords, Your Lordships have the evidence of a press statement, P.D.N. 129, issued by the Colonial Youth Day Committee, the name is - that is typed in is D. Nokwe, Secretary, dealing with the fight against colonialism and February the 21st, at 2821. Then Your Lordships also have the P.D.N. 55, 2845, which is the Report of the South African Delegation to the Third World Youth Congress. There is also My Lords N.R.M. 49, page 2876 which is the report of the South African Delegation to the Fourth World Festival of Youth and Students in 1953, and it deals with the members of the African National Congress who are alleged to have attended that Conference. Then My Lords, there are a number of documents apart from those in possession of individuals, possession - documents in the possession of the African National Congress which are W.F.D.Y. publications, such as Exhibit A.224, handed in at page 890; A.227, page 891; A.243 and 245 handed in at pages 898 to 899; and A.255, ^{page 919.} My Lords, Resha in his evidence also dealt with this question of the Colonial Youth Day and the World Federation of Democratic Youth. My Lords, as far as the factual part is concerned we will deal with that when we get to Resha's evidence. My Lords, then there was the organisation the World Peace Council. As far as the World Peace Council is concerned and the

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African National Congress attitude towards the World Peace Council, they had in their possession My Lords, certain documents emanating or purporting to emanate from an organisation called the World Peace Council, and we refer, My Lords, to Exhibit A.251 to A.253, page 917 of the record; A.256, page 920; also A. 258 and A.259 at page 920. In addition to that, My Lords, we will also be relying on the connection between the African National Congress and the South African Peace Council. My Lords when the membership of the South African Peace Council is dealt with, it will appear, we submit, that many of the most prominent Executive Members of the African National Congress were at one time or another also Executive members of the South African Peace Council. My Lords, the African National Congress knew that the Peace Council was the South African representative of the World Peace Council, and that the African National Congress also knew exactly what the functions and duties of the Peace Council were, and what their attitude towards the liberatory struggle was. In this connection, My Lords, we rely particularly on the fact that the African National Congress had in its possession the two - one might call it lectures, My Lords, produced by the South African Peace Council, Exhibits A.248 and A.249, the document entitled the Peace Movement and the Congress of the People, and the document dealing with Problems of Organisation and it sets forth, My Lord, the attitude of the Peace Council towards the liberatory struggle. It is the same thing that one gets in the report A.37, that peace and freedom are inextricably bound together, and that in order to get freedom - in order

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