

It is "World Federation of Democratic Youth" document? --- It is My Lord.

Do you hand it in? --- I do My Lord.

The next two are A.244 and A.245. Where did you find these documents? --- In the same offices 5
My Lord.

They both appear to be World Federation of Democratic Youth Documents? --- That is so My Lord.

Do you hand them in? --- I do my Lord.

BY MR. MAISELS : 10

My Lord, I think my learned friend, perhaps unconsciously or unwittingly, is not drawing the Court's attention to the fact that a number of these documents have been sent to us, these various news letters or whatever they're called, from various parts of the world, 15 appear to have been seized by the Police in unopened envelopes, which apparently, according to dates, have been lying there for months, and remarks on them. I think the proper way to present the evidence is - "I found an envelope, post dated so and so - I opened it on a sub- 20
sequent date and in that I found so and so." If any inference is to be drawn from the possession of these documents, it may be argued at some stage that the inference may even be less if it is shown to be a circular which wasn't even opened. I suggest, that possibly 25
should have been done My Lord.

BY THE PROSECUTOR :

My Lord, I shall hereafter ask the witness in each case, in what condition the document was that was found. 30

BY MR. MAISELS :

Just one moment, Mr. Hoexter. Do you want

me to go back and ask him about these when I have to cross-examine him then?

BY THE PROSECUTOR :

Well that - I suggest that as far as the documents that have gone in are concerned, that can stand 5 over for cross-examination. That may be the easiest way, unless Your Lordships would prefer me to....

BY MR. JUSTICE RUMPF :

No, You can just put that right, can't you. Are there only a few so far? 10

BY THE PROSECUTOR :

There are only a few so far.

BY MR. JUSTICE RUMPF :

Refer to them - put to the Witness - you can take them back. 15

BY THE PROSECUTOR :

I think the simplest would be for us to take them back, we can have a look at them and then I'll put that question to the witness later in the afternoon.

BY MR. JUSTICE RUMPF : 20

Why not now Mr. Hoexter? There are only a few, aren't there.

BY THE PROSECUTOR :

My Lord, I think the best would be if I gave them to the witness - as a group to the witness and ask 25 him to go through them one by one. Mr. Moeller will you look at the exhibits now before you, deal with them singly and in each case tell the Court in what condition you found them?

BY MR. JUSTICE RUMPF : 30

Well, as far as you can remember whether

the envelope was still closed, or not.

BY MR. MAISELS :

My Lord, to assist the witness, you will find at the back of a lot of the envelopes, he has made a note - he can't possibly remember now - the ones with the envelopes pinned on. 5

BY THE WITNESS :

Yes My Lord, I may mention at this stage, I remember My Lord, that a number of these documents were in sealed envelopes. 10

BY THE PROSECUTOR :

Did you make notes of that fact at the time?
--- I did make some notes on some of the envelopes, My Lord.

Well, will you just tell the Court in respect of what envelopes the contents were still sealed, when you found them? --- Well as far as A.196 - it doesn't apply, My Lord, it is "New Youth". 15

I think my learned friend's query relates only to those where the envelope is still part of the document - that is the position? --- A.131, My Lord, is as found - A.242 My Lord, I'm sorry. 20

Mr. Moeller, I think you can confine yourself to those that have envelopes. 25

BY MR. JUSTICE KENNEDY :

Just go through them - look at all those and see which have envelopes and which you have endorsed that they were unopened when you found them? --- Well, there is no endorsement on A.244, My Lord, nor is there an endorsement on A.238. 30

BY MR. JUSTICE RUMPF :

Well, what does that mean? --- To show that -

My Lord, I - at this stage I can't remember whether the document was opened or perhaps covered in the wrapper. A.239 appears open as was found, My Lord.

BY MR. JUSTICE RUMPF :

Just look at those with the envelopes attached to them? --- A.232 bears no endorsement as to how it was found - whether it was sealed or otherwise, My Lord. A. 237, the same applies, My Lord. On A.243 - "opened by me". A.235 has no endorsement, My Lord, nor has A.234, nor 233, nor 231, My Lord. 5
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BY THE PROSECUTOR :

The next two documents, My Lord, A.246 and A.247 - can you see where you found these two documents, and tell the Court whether the envelopes were open or unopened when you found them? --- A.246 was opened by me, My Lord. It was found at the African National Congress offices, My Lord. 15

To whom was it addressed? --- To the Secretary, African National Congress, Transvaal Branch, Rosenberg's Arcade, Market Street, Johannesburg. 20
A.247 was not opened by me, My Lord. It is addressed to The National Action Committee, 204 Chancellor House, 25 Fox Street, Johannesburg.

Look at the contents of those envelopes. Do they in each case appear to relate to the "Women's International Democratic Federation"? --- Yes My Lord. 25

Do you hand those documents in? --- I do My Lord.

The next document, My Lord, is A.248. Where did you find this document? --- In the same offices My Lord, 30

My Lord, this is a roneoed document, headed:

"The Peace Movement and the Congress of the People." I propose reading it:

"During the coming months intensive activity will be conducted among all sections of the population in preparation for the Congress of the People which 5 will formulate a Freedom Charter for South Africa. The COP presents the Peace Movement with an opportunity of reaching thousands of new people and of establishing itself on mass basis throughout the country. In order to utilise this opportunity 10 it is necessary for our movement to considerably improve its organisation and methods of work and correctly adapt the slogans of the Peace Movement to the particular conditions of South Africa.

Organisational problems are dealt with in Part 15 2 of this Report and the tasks of the Peace Movement in relation to the COP are dealt with in Part 1.

PART 1:

The overwhelming majority of the people of 20 South Africa are, whatever their views on other matters, opposed to war. At the same time the opinion is widely held that our country is so far removed from any possible war theatre, that our peace activities can have so little effect on the 25 course of events, that, therefore, energies should be expanded on what are regarded as more urgent and pressing problems. The struggle for liberation is regarded as completely independent of the work for peace and the COP and the Freedom Charter as 30 having no connection with the struggle for peaceful co-existence. Because our movement has failed

to show this connection, has failed to show that the struggle for peace and liberation are indivisible, that all our aspirations for a better life can only be realised in a world at peace and that our activities with those of other people can prevent war, we have not succeeded in building a mass peace movement having its roots firmly im-
planted among the people. 5

While the peace movement must not usurp the functions of the liberation movement nor lose its independent character, it must start from the viewpoint that every conquest won in the course of the struggle for national liberation constitutes an advance of the peace forces over the forces of aggression and every success of the peace movement represents an advance for the forces of liberation over the forces of aggression and oppression. The tasks of the peace movement are to constantly put forward the policy of the world movement, to show the connection between peace and liberation, to win the support of the liberation movement and all sections of the population in the struggle for peace, to bring the people into action on specific peace campaigns and to show the people that their activities together with those of other peoples have a profound influence on the course of events. 15 20 25

Peace Depends on the Action of the Peoples:

Great events during the past 18 months have brought a new hope to the world and rewarded the efforts of all who are working for peace. These events have shown that peace ultimately depends, 30

not only on the statemen and politicians, but above all on the actions of the people in all countries, and their determination to prevent war.

The signing of an armistice in Korea, the Four Power Conference in Berlin which paved the way for the Geneva Conference on Asian problems, the ending of the war in Indo-China as a result of the Geneva Conference, the rejection of EDC by the French Government, the increase in trade and cultural and other exchange between the East and West and the "Atom-for-Peace" proposals, have raised new hopes and have shown that problems can be solved by negotiation.

The proposals and campaigns of the World Peace Council made it possible to bring the peoples into action and organise their efforts. Millions of people in every country had a share in the winning of these victories which have led to a relaxation of international tension and opened the way to further successes.

These victories were not won without a most difficult struggle to overcome the activities of these circles who were determined to maintain the cold war, increase the division of the world into hostile groups and even plunge the nations into a terrible third world war. Only the actions of people everywhere prevented the U.S. from using the A.-Bomb in Korea and ensured the success of the armistice negotiations. The attempts of the American Government to wreck the Geneva Conference by exploding the H-Bomb, threatening intervention and finally by proposing an aggressive

military alliance in South East Asia were thwarted by the determination of the peace loving governments and the people to end the war in Vietnam. The H Bomb experiments roused an unprecedented world wide protest strengthening the peoples' determination for peace, isolating the war mongers. The people of France forced the downfall of the Laniel Government and its replacement by a Government committed to peace in Indo-China, thus ensuring the success of the negotiations. 5 10

Threats to Peace:

Nevertheless, other dangers remain in the world which still call for the vigilance of the forces of peace. One immediate threat hangs over Europe and may well destroy the results already obtained. 15 The reconstitution of a German Army as part of a military coalition, which still remains the objective of certain Governments, would perpetuate the division of Germany, sharpen the opposition between the two parts into which Europe has been arbitrary 20 separated, and stimulate the armaments race. Another threat hangs over Asia. The artificial maintainance of the aggressive Syngman Rhee Government and the supplying of arms to and support of the Chiang Kai Shek regime in Formosa continuously threaten to result in hostilities in the East. 25

The rearmament of Germany must be prevented and can still be prevented by the organised activities of the people in all countries supporting the opposition of the German French and other 30 peoples and the proposal of the USSR for a European security Conference. The solution of this problem

lies in the re-establishment of a democratic, peace loving Germany on the basis of free All-German elections. Germany must not be allowed to become part of any military alliance but must be included in a general European security agreement. 5

Peace in Asia can only be assured on the basis of the disarmament of Chiang Kai Shek, the return of Formosa to China, the recognition of China and its inclusion in the United Nations and the dissolution of the SEATO military alliance. 10

Military Alliances:

But these problems are only part of a much wider problem which has important implications for the whole world including Africa and South Africa. For the rearmament of Germany and the support of Chiang Kai Shek are aspects of the system of military alliances of a so-called defence nature which, in reality are techniques of maintaining the cold war and keeping the world divided into hostile camps. 15

While these military alliances such as NATO and SEATO purport to be organisations for peace they in fact increase the danger of war because they lead to the intensification of the armaments drive, the establishment of war bases throughout the world - in Spain, Pakistan, Japan, Africa and elsewhere, 20

the rearmament of Germany, the supply of arms to Formosa and interference in the affairs of different countries. 25

Military Alliances, Peace, Independence and

Liberation: 30

The establishment of military blocs is not a

question affecting only remote parts of Europe and Asia, it is a question which affects all people. Such alliances, in order to ensure the security of their war bases and the continuity in supply of strategic materials must see that sympathetic governments control those countries or that foreign rule is maintained. Thus follows interference in those countries, the crushing of movements of national independence and liberation. Recent history has shown that no people are exempted from this interference and deprivation of liberties. A few months ago the democratic government of Guatemala was crushed; today repression is mounting in Cyprus in order to maintain that island as a British base. The whole of the middle East is suffering the same fate.

Africa has not been left of this process. Under the guise of crushing 'terrorist' movements France is sending troops to North Africa where there are numerous American naval, military and air force bases. The Emperor of Ethiopia, whose people have been deprived of all democratic rights and whose country is regarded as safe, has been invited to England to discuss the establishment of military bases in that country. In Kenya, a possible gigantic military base and a rich source of strategic materials, the peoples movement for liberation is being violently and brutally crushed.

To prevent the triumph of those who are seeking national independence and liberation, the aggressors are trying to mobilise other peoples

and drag them into their military adventures. That is why they sign military pacts which are pacts for war and colonization. That is why they rearm countries and force them to bear the weight of military expenditure. With their hateful propaganda, they corrupt the minds of young people and the conscience of men and women; they foster local and regional hatred; they stir up political, racial and religious discrimination, and in a word, rob these people of their right of freely choosing their national and international policies. A war policy designed to stifle these national liberation movements, means, for many other people, although far removed from the centre of hostilities, the threat of being dragged into the fighting. For this reason, repression of national liberation movements is a direct threat to world peace. That is why national liberation and the struggle for peace proceed along the same path.

South Africa:

The Government of South Africa is part of the war camp and system of military alliances; an ally of those intent upon crushing liberation and independence movements and preparing for war.

As soon as the war in Korea broke out the Government sent troops to assist the aggressors against the people of North Korea. The Government has declared its readiness to join the proposed Middle East military pact, and is actively engaged in the efforts to prepare Africa for war. Recently Minister Erasmus held talks in other African

territories and in England on questions of "defence".
Then followed the proposal for the formation of a
military alliance on Nato lines for Africa. The
Government continuously suggests the need of co-
operation with the ruling circles in other terri- 5
tories in order to preserve white supremacy in
Africa - in other words -co-operation to suppress
the movements for independence and liberation if
necessary by force as in Kenya. Thus racialism
as preached and practised in South Africa contains 10
all the seeds of war. The herrenvolk theories of
the Nazi regime were used directly to creat the
atmosphere in which war could be waged. The Nazis
used racialism as an excuse to occupy other coun-
tries in order to "save" Germans living in those 15
countries. In the same way it is suggested that
troops be sent to Kenya and the Protectorates be
incorporated in order to save the White people and
preserve White Civilization. Huge quantities of
uranium are being supplied to the USA for the pro- 20
duction of weapons of mass destruction. The Go-
vernment declares itself ready to supply manpower
and materials in the event of a war against the
Socialist countries.

Realising that the people of South Africa do 25
not want war and will not become a party to an
aggressive war or to interference in the affairs of
other countries the Government suppresses and bans
all those working for peace and liberation, propa-
gates vicious racialism and attempts to stir up 30
hostility between the people of South African and
other peoples.

While the Government participates in the war preparations which are being made on the pretext of defence measures against the alleged aggressive intention of the USSR, China and the Eastern European countries, it uses the Suppression of Communism Act 5 at home in order to suppress the liberation and peace movements on the pretext of combatting communism. There can be no doubt that in the event of war the Government will even more rigorously oppress the people and attempt to destroy their organisations. 10

The South African Government is thus committed to a policy at home and abroad of preparing for war of aligning itself with military circles in order to defeat the movements for national liberation and independence, in order to prevent the victory of 15 the forces of liberation and peace.

It follows, therefore, that every blow struck against the present Government and its replacement by a peace loving government would represent an important victory for the peace forces. At the same 20 time the struggle for peace, the struggle to prevent the formation of military alliances the setting up of war bases, the struggle to outlaw propaganda which tends to divide people and make them hostile to one another, and the struggle to end foreign 25 occupations and interference in various countries weakens the aggressive forces and aids the movement for liberation.

The Congress of the People:

The COP through the Freedom Charter will express 30 the deepest aspirations of the people to live in a

democratic South Africa free of racialism. During the course of the preparations on the local, regional and national level the people will raise hundreds of problems and suggest the solutions to them.

It must be our task at all levels to show the link between these problems and the struggle for peace; to show the people how the Government is part of the war camp and that their aspirations for a better life can only be realised in a world at peace, where our people can live in friendship and co-operation with other peoples.

Thus it is the specific task of the Peace Movement to ensure that the demands for peace and friendship between all peoples is written into the Freedom Charter. And in our campaigning on this we must put before the people our demands for :-

(a) the settlement of all international problems by negotiation.

(b) An end to military alliances and their replacement by security arrangements designed to ensure peaceful co-existence, security and independence for all states.

(c) The outlawing of weapons of mass destruction and agreement on General Disarmament.

(d) The closing down of war bases, withdrawal of foreign troops.

(e) The immediate ending of the brutal wars in Malaya and Kenya with recognition of the rights of the people;

and more particularly the peaceful unification of Germany and the return of Formosa to China and the expulsion of Chiang Kia Shek."

Do you hand in this document? --- I do My Lord.

The next document, My Lord, is A.249. Where was this document found? --- In the same offices, My Lord.

My Lord this is a roneoed document, issued 5
by - apparently issued by the Secretariat of the South
African Peace Council, dated December 1954, Johannesburg.
It is headed : "Document 2 : Problems of Organisation.
Peace Circles must Strengthen the Peace Movement". I
shall quote two passages from this document merely, My 10
Lord. I quote from the first page:

"The World peace Council has issued a document:

'Recommendations on Problems of Organisation' which highlights the victories and underlines the weaknesses of the world movement for peace. Your Secretariat has examined the document in detail, discussing those aspects which appear to apply to our movement, and submits to you for discussion and comment the following points :

1. It is essential in our work to 'make the ais of 20
the struggle for peace more real by linking them
closely with the national and local interests of
the population'. The World Peace Council points out
that each committee in each country must find the
best methods to do this, and must adapt the cam- 25
paigns launched on a world scale to their own con-
ditions. In some countries, where the world cam-
paign has not been adapted to particular national
conditions through specific national campaigns,
there has been a limited or intermittent level of 30
activity, generally arising from narrow aims or aims

which tend to present the struggle for peace along the lines of the abstract formula 'peace is better than war'.

Our propaganda must stress that peace is fundamental to, and closely allied with, all the other 5 aspirations of the people. Kenya must be cited as one example of how closely interdependent the struggles for peace and national independence and peoples' liberties are. War threatens peoples' living standards and their civil liberties. The war powers 10 today are those that hold colonial peoples in suppression. World war threatens all because of the determination of States to suppress the attempt of colonial people to self-government and national independence." 15

Then I quote a further passage from page 5 of this document My Lords, paragraph 6:

"6. A great movement is at present taking place among the people of South Africa, namely the Congress of the People. Peace must be one of the 20 pressing and urgent needs of the people, for inclusion in their Freedom Charter. Peace groups must speak out firmly for the need to work actively for peace and the ferment of activity among the people is an opportunity for supporters to be enlisted in 25 the campaign for peace.

7. The Peace Movement must strive to be as broad and democratic in character as possible. At all levels committees in which different trends of opinion are represented as fully as possible must 30 be set up. We must seek out other groups which

desire peace, arrange joint discussions with them, invite them to participate in specific campaigns, inaugurate activities under joint auspices if possible."

I omit paragraph, and the document concludes 5
as follows :

"Next year the World Peace Assembly will be held. It will be discussed at the November Council meeting of the World Peace Council and although decisions will not be made known for some while, it is clear 10 that preparations for South African participation in the Congress must start soon. But this time preparations for representation at this International Congress must go hand in hand with a consistent and solid attempt to build South African peace circles. 15 Let us see, starting from January 1955, a doubling of the organised peace forces in our country."

Do you hand in this document? --- I do My Lord.

The next document, My Lord, is A.250. Where did you find this document? --- At the same offices My 20 Lord.

My Lord, this is a roneoed document, circular, apparently issued by the South African Peace Council. It is signed by somebody on behalf of the Rev. D.C. Thompson, Chairman. I propose omitting the bulkiest 25 paragraphs from it - I shall quote very briefly from it My Lord. The address is P.O. Box 10528, Johannesburg, a date has been written in in ink - 24th February 1954. It reads :

"Dear Friends, In recent months the widespread 30 support given by the most diverse circles to the

idea of settling international differences by negotiation, and the growing public support in favour of a meeting of the Five Great Powers have brought hopes of a relaxation of international tension."

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I omit the next paragraph My Lords.

"Yet agreement is proving difficult on many questions of vital importance to the peace of the world.

The World Peace Council, which has conducted 10 campaigns for the outlawing of the Atom Bomb, the settlement of international differences by negotiation and not by recourse to war and for a Big Five Agreement, believes that there is an urgent need today for renewed efforts for the peaceful settlement 15 of international problems still in dispute.

The World Council urges that a way be found to eliminate weapons of mass destruction, to ensure the participation of the Government of the People's Republic of China in the solution of international 20 problems; and agreement reached on the German question.

For these reasons the World Council of Peace has proposed a meeting of all organisations and individuals who desire a relaxation of international 25 tension. The Council, aware of the fact that many people, who do not have contact with it, are becoming increasingly interested in finding a solution to the problems which maintain international tension, suggests that this meeting take place in 30 May 1954. In its letter to us the Council states:

916.

(T.E.E. MOELLER)
(A.250; A.251, 252,
253)

'In its desire to remove any obstacles which might hinder the participation of personalities or organisations likely to take part in such a meeting, the World Council has refrained from laying down any rules. The World Council's point of view on the main international issues is expressed in its General Resolution (attached), but the World Council does not subordinate the holding of the meeting to acceptance of its point of view.'

We enclose certain relevant material, which we hope will be of interest to you.

We trust that, in the interests of world peace, you will support the calling of the world meeting proposed by the Council."

And then there is a form annexed to the letter, bearing the address : "The Chairman, South African Peace Council, P.O. Box 10528, Johannesburg", and it reads: "I support the proposal of the World Peace Council to call a meeting of all individuals and organisations who desire a relaxation on international tension and I am interested in receiving further material in this connection. Signed....." with a blank space - and further :

"I am interested in receiving further material in connection with the proposed meeting of all organisations and individuals who desire a relaxation of international tension. Signed:..." - blank space and : "Address: ..." - blank.

Do you hand in this document? --- I do My Lord.

The next three documents, My Lord, are A.251, A.252 and A.253. Where did you find these three documents? --- In the same offices My Lord.

Now, Mr. Moeller, do these three documents appear to relate to the World Peace Council? My Lords, these are all Column 3, Schedule 2, documents? --- Yes My Lord.

Do you hand them in? --- I do My Lord. 5

The next document, My Lord, is A.254. Where did you find this document Mr. Moeller? --- This was also found in the same offices My Lord.

Will you hand it to me please? My Lord, this is a printed pamphlet - "South Africans for Peace", described to be the bulletin of the South African Peace Council. It bears the date, December, 1954, New Series Vol. 1, No. 3. I propose, with Your Lordships' permission, reading only the editorial, which is brief, and a small note which appears on the editorial page. The Editorial is : 15

"Peace Comment - Stop the Nazis re-Arming". "At the end of the Second World War, there was one thing upon which the whole world was agreed - that Germany should be, and remain, completely disarmed, 20 The reasons for this agreement scarcely need to be restated. Then can be summed up in a sentence: German disarmament was essential to the survival of the free world. It was several years before anyone dared to challenge this decision, which had 25 been written into the Potsdam Agreement and was universally regarded as irrevocable. Then came the Korean War and the panic which this war enabled reactionary elements, to create in Western Europe. The people of France, Britain and neighbouring countries were told that they were in imminent danger of invasion by the Red Army, and that 30

the only force which could possibly stop an invasion was a new West German Army. The matter was urgent, cried the warmongers. There must be a German Army by the end of 1950, or Western Europe was doomed.

THE PEOPLE STAND FIRM:

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This propaganda had its effect, but it failed to stampede the majority of the peoples who had experienced the scourge of Nazism. The 'threat' to Western Europe remained 'imminent' for four years, and the 'urgency' of German rearmament was never more hysterically proclaimed, but the mass of the people stood firm.

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AFTER E.D.C.:

The struggle which has been waged on this question ever since has passed through numerous phases. In 1952, the European Defence Community Treaty was signed and the victory of the war camp seemed assured. Ratification of the treaty by the end of 1952 was first confidently predicted, then hysterically demanded, but it did not come to pass. As 1953 went by, it became clear that the French and Italian Governments were afraid to press the issue in their parliaments. Popular opposition grew even stronger, and eventually the people of Western Europe killed E.D.C.

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Unfortunately this victory has not ended the struggle. The reply of the war camp has been swift and terrible. No sooner was E.D.C. buried than the London Agreement replaced it, calling for a German army with still fewer checks on it than E.D.C. had provided. By way of safeguard, Britain

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has undertaken obligations which mean, in effect, that she can never disarm or reduce the war burden on her people.

THE LAST ROUND :

The London Agreement must not be carried out. 5
The Nazi armies must not march again. The last round in this four-year struggle is now beginning, and it is a round which the peace forces cannot afford to lose. There is no limit to the support which can be mobilised on this issue. It must be 10 mobilised NOW."

The only other thing I read, is on the leader page, a small notice under the heading "More Bans and A Blow to Peace." - very short, it says :

"The banning of Ruth First, a member of the execu- 15
tive of the South African Peace Council and Dr. H. J. Simons, Chairman of the Cape Town Peace Council shows the Government's fear of peace, says a protest statement issued by the Council It is one more proof of the alignment of the Nationalist Govern- 20
ment with those forces trying to provoke a third world war."

Do you hand in this document? --- I do My Lord.

MR. VAN NIEKERK TAKES OVER AS PROSECUTOR.

BY THE PROSECUTOR : 25

Mr. Moeller, the next document is A.255? ---
This was also found in the offices of the African National Congress My Lord.

My Lord it is one of the W.F.D.Y. publications.
There is no envelope or anything attached to it? --- No 30
My Lord.

Do you hand in that document? --- I do My Lord.

920.

(T.E.EM MOELLER)
(A.256; A.257; A.258;
A.259)

It is a column 3 document, A.255. A.256.
Where did you find that document? --- That was also
found in the same offices My Lord, and it is a Bulletin
of the World Council of Peace.

A.256 is a World Peace Council Bulletin My Lord, Column 3. Do you hand in that document? --- I
do My Lord. 5

A.257? --- This was also found in the same of-
fices, My Lord.

And is it printed? --- It is a printed pamphlet 10
My Lord.

"South Africans for Peace. Bulletin of the
South African Peace Council, May 1955"? --- That is so
My Lord.

And - with respect My Lord, I'm not going to 15
read this document - does it refer to H. Bombs, to
Nuclear Bombs - Destroy the Bombs? --- Yes, My Lord.

And on page 2 - "If an atomic war begins -
there's no place to hide"? --- That is so My Lord.

"An abridged Statement by Professor Joliot-Curie 20
France's leading atomic physicist, and President of the
World Peace Council"? --- That is so, My Lord.

Do you hand in that document? --- I do My Lord.

A.258? --- It was found in the same offices My
Lord, and it is a Bulletin of the World Council of Peace, 25
dated June 1, 1955.

And that is A.258? --- Yes My Lord.

World Peace Council, My Lord, Column 3. Do
you hand in that document? --- I do My Lord.

A.259. Where did you find that document? --- It 30
was also found in the same offices, My Lord.

What is that? --- It is a document entitled

"World Assembly for Peace" - "Supplement to the Bulletin of the World Council of Peace; dated June 10, 1955.

This is a column 3 document, My Lord, World Peace Council. Do you hand in that document? --- I do My Lord. 5

A.260. Where did you find that document? --- This was also found in the offices of the African National Congress, My Lord.

4 I'm sorry My Lord, this document is being omitted. A.260 is omitted. A.261 is omitted My Lord, because it is a duplicate of A.257. A.262? --- This was also found in the same offices My Lord. 10

Now, what is that? --- It is a poster, My Lord, together with hand bills, My Lord.

Will you just read the hand bill? --- The hand bill reads: 15

"Why Friendship with Russia? The Big Four Meeting at Geneva - and its meaning for the future. Public Meeting, Trades Hall, Sunday 11th September, 2 p.m. Chairman: Rev. D.C. Thompson; Speakers: Mrs. Lilian Ngoyi, Mr. Leslie Massina, Dr. H.M. Moosa. Auspices S.A. Society for Peace and Friendship with the Soviet Union." 20

Do you hand in those documents? --- I do My Lord.

A.263 - There are three documents in A.263; 25 where did you find these documents? --- These were also found in the same offices, My Lord.

And the one is marked A.263 (1) - the one on top? --- Yes My Lord.

Will you please read that? --- It is on the letter head of the Transvaal Peace Council, 3B Somerset 30

House, 110 Fox Street, Johannesburg. Address all correspondence to: The Secretary. Dated 22nd February, 1955 :

"The African National Congress, Johannesburg.

Dear Friend, please find enclosed notice of enlarged Council Meeting which the Transvaal Peace Council has convened for February 26th, 1955, at 2.30 p.m. 5

From the liberatory movement we have always drawn our strength and courage and we look forward to your sending duly credited delegates to attend. With Peace greetings, Yours fraternally, Leon Levy, Secretary, Transvaal Peace Council." 10

Do you know Levy? --- Yes, he is Accused No. 4 My Lord. 15

Now, will you read the second document? --- The second document is a roneoed document, My Lord, headed:

"The Transvaal Peace Council. 3B, Somerset House, 110 Fox Street, Johannesburg.

Dear Friend, An enlarged meeting of the Transvaal Peace Council will take place on Saturday, 26th February, 1955 at 2.30 p.m. in the Board Room, 5th Floor, Kholvad House, 27, Market Street, Johannesburg. 20

This enlarged Council meeting will include all peace members and supporters and it is absolutely imperative that as many people attend as possible. 25

We are enclosing a copy of the "Address to the Peoples", which was issued at Stockholm on the 23rd November, 1954, and we trust that you will pass this document onto as many organisations and individuals with whom you are familiar. 30

The Agenda for the meeting is as follows: -

- 1) Secretary's Report.
- 2) Discussion on the policy and organisational reports submitted by the South African Peace Council. 5
- 3) Election of Officials and an Executive Committee.
- 4) Future Peace Campaigns.
- 5) General.

Looking forward to seeing you at the meeting,
Yours fraternally, Leon Levy. (Secretary)." 10

And the following document? --- The following is on the Letter Head of the South African Peace Council, Johannesburg, dated 23rd February, 1955., addressed to African National Congress, 38 Barclay Arcade, Johannesburg:

"Dear Friend, A meeting of the South African Peace Council will take place on Friday the 4th March, 1955, at 2 p.m. at Kholvad House, Market Street, Johannesburg. 15

This meeting will discuss important questions of policy and organization and will consider ways and means of considerably strengthening the peace movement. Attention will also be given to South African participation in and the development of support for the forthcoming great World Assembly. 20

The South African Peace Council has great pleasure in inviting your organization to send a representative to this important meeting. 25

Kindly inform us of the name of your representative by the 25th February, 1955. Yours sincerely, 'L.L.' for Secretariat." 30

Do you hand in those documents? --- Yes My Lord.

924.

(T.E.E. MOELLER)
(A.265, 266, 268)

A.264 is being omitted, My Lord. A.265, where did you find that document? --- This was also found in the Offices of the African National Congress on the same day, My Lord.

It is one of the documents, My Lord. in 5
column 2 of the Schedule. Do you hand in that document?
--- I do My Lord.

BY MR. JUSTICE BEKKER :

How was it found? --- My Lord, it was in an
envelope. 10

BY THE PROSECUTOR :

Is there an address on the envelope? --- Yes
My Lord. It is addressed to : Albert J. Luthuli, Pre-
sident, A.N.C., 2 & 3 New Court Chambers, Johannesburg,
South Africa. 15

Do you know whether it was opened or not,
when you found it? --- It was opened My Lord.

A.266? --- This was also found in the offices
of the African National Congress, My Lord.

It is a document, My Lord, it is an exhibit 20
in column 2 - A.266. Is it a booklet? --- It is a book-
let My Lord.

Entitled? --- Entitled "Africa Bulletin".

Do you hand in that document? --- I do My Lord.

My Lord, A.267 is omitted. A.268 - where 25
did you find that? --- In the same offices, My Lord.

And is it a letter signed by? --- It is on
the letter head of the African National Congress, 38
Market Street, Johannesburg, and signed by J. Nkadimeng,
Secretary. 30

Do you hand in that document? --- I do My Lord.

A.269 and A.270 are omitted, My Lord. Then

925.

(T.E.E. MOELLER)
(A.271, 277, 278)

A.271? --- This was also found in the same offices,
My Lord

What is it? --- It is an invoice My Lord,
from the Royal Printers.

Addressed to? --- Directed to the Resist 5
Apartheid Committee, dated the 25th January, 1955, for
20,000 leaflets "We shall not move" - and the price,
My Lord.

Is there an endorsement on it? --- Just 10
in pencil - "Robert please".

A.272 omitted, My Lord, A.273 up to A.276
My Lord are omitted. A.277? --- This was also found
in those offices My Lord.

And is it a letter? --- It is a type-written 15
letter My Lord.

Emanating from? --- From the African National
Congress (Office of Treasurer-General), P.O. Box 13,
Umzimkulu, C.P. 11th July, 1955.

Is it signed? --- Yes My Lord. The signature 20
appears to be W.Z. Conco.

You hand in that document? --- I do My Lord.

A.278 - where did you find that document?
--- In the same offices My Lord.

What is it? --- It is the - a type-written 25
letter on the letter head of the South African Congress
of Democrats, Head Office, 5, Somerset House, 110, Fox
Street, P.O. Box 4088, Johannesburg, dated 18th July,
1955 - addressed to the Acting Secretary-General, The
African National Congress, P.O. Box 9207, Johannesburg.

"Dear Friend, Thank you for your letter of the 8th 30
July which was considered by my National Executive

Committee, and I have been asked to advise you that we have pleasure in accepting your invitation to the Conference in Durban.

We anticipate that approximately eight of our Executive Members will be able to attend, and we shall contact you again at a later date for final details. With best wishes, Yours fraternally,
for National Secretary." There is some signature.

Do you hand in that document? --- I do My Lord.

My Lord, Nos. 279 to A.285 are omitted. The next is A.286. Where did you find that document? --- This was also found in the offices of the African National Congress My Lord. It is a type-written letter on the letter head of the South African Congress of Trade Unions, 30 Progress Buildings, 156 Commissioner Street, Johannesburg, dated the 1st September, 1955. Addressed to The Provincial Secretary, African National Congress, 26 Barclay Arcade, 38 Market Street, Johannesburg.

"Dear Sir, Please be advised that since its inception the South African Congress of Trade Unions wished to bring home the message of the Trade Union movement to the overwhelming masses of African Workers, and decided that the only way to do this is to get the co-operation of the African National Congress.

That when and where there's a meeting of the African National Congress a speaker need be invited to speak on behalf of the South African Congress of Trade Unions, this will ensure a smooth co-operation and signify the understanding of the liberatory forces of the need to consolidate

a powerful Trade Union Movement, which will enhance the Liberation struggle to an undoubtful victory.

Yours with Trade Union greetings and solidarity of the struggling people of our country." Signed, 5
J. Nkadimeng, Secretary.

You have identified Nkadimeng? --- I have my Lord.

Do you hand in that document? --- I do My Lord. 10

A.287 is omitted My Lord. A.288, where did you find that document? --- This was also found in the Offices of the African National Congress, My Lord.

What type of document is it? --- The first portion is the type-written circular letter to the African National Congress Regions and Branches. 15

And the other two documents? --- The other one document My Lord. It is a circular letter to the African National Congress Regions and Branches.

Is it the same? --- Yes My Lord, it is the same. 20

My Lord, I'm only reading the first three lines :

"Dear Sir, we have written to the provinces informing them about the bulletin of the African National Congress "Izwi", "Lentswe" (Congress Voice) which is coming out at the end of this month. Please give us the names of the branch officials and their addresses in your region." 25

My Lord, this is just a notice, signed by O.R. Tambo, 30
Acting Secretary General. It shows the nature of those two publications. Do you hand in this document? --- I

do My Lord.

I'm omitting A.289 My Lord, because the witness' mark is not on the document. A.290 is omitted My Lord, and these are omitted up to A.296 - A.297, My Lord. My Lord that concludes the evidence of this witness on 5 the documents that he seized at the offices of the African National Congress. I now proceed. He has conducted a few other searches too - one of searched persons at COP, and the first one, My Lord, is the document, W.S. 54 to 56. W.S. 54 - where did you find that document? 10 --- My Lord this document was found in the envelope produced, in the house of W.M. Sisulu, 7372 Orlando, on the 13th December, 1956.

What is it? --- The contents of the envelope is a Membership Card, My Lord. 15

Of what organisation? --- Of the African National Congress.

Is that signed? --- It is signed by P. Mathole.

What is the date on which you found it? --- 20 On the 13th December, 1956, My Lord. There is no other date on the document.

Whose Membership Card is it? --- Walter Ntlapho, Phomolong, Transvaal.

You hand in that document? --- I do My Lord. 25

BY MR. JUSTICE BEKKER :

Whose membership card is this. Is it Sisulu's Membership Card, or...? --- No My Lord, it is not in his name. Although found in his possession, it was not in his name, My Lord. It is Walter Ntlapho's. 30

It was found in his house? --- It was found in his house, My Lord.

BY THE PROSECUTOR :

My Lord, the reason why this is produced, is to show the position of P. Mathole. You have identified Mathole? --- Yes, I have identified him - Accused No. 8.

W.S.55 - where did you find that document? 5

--- This was also found at the house of W.M. Sisulu, My Lord, 7372 Orlando, on the 13th December, 1956.

And is it - where did that document emanate from? --- It is a roneed document, it is a questionnaire issued by the S.A. Congress of Democrats. 10

And do you hand in that document? --- I do My Lord.

My Lord that is merely to show possession of this type of document by this particular Accused. W.S. 56 - where did you find that document? --- This was 15 also found at the same house, My Lord, on the same date.

What type of document is it? --- It is a roneed document, My Lord.

And entitled? --- It is titled: "The Trans-vaal Provincial Executive has prepared a set of 20 lecture notes 'WHAT EVERY CONGRESS MEMBER SHOULD KNOW' to be used in classes and discussions for new members. There are 8 lectures in all: here is the first one. It is planned to issue all the lectures in a small booklet to be used for 25 Congress Education throught the Province.

Just hand it to me? My Lord, this document is referred to on page 9, item 41, of the Further Particulars, 2nd of June, 1959, under the number LLM.137 - I am reading from lecture 2, My Lord. I 30 might say this is a set of four lectures. I am only reading the first three paragraphs of lecture 2:

"WHAT EVERY CONGRESS MEMBER SHOULD KNOW.How South Africa is Governed:

Before the Europeans came, the country was governed on the tribal system. The Chief was the head of the tribe. But when laws had to be made or decisions taken, the chief called together the people in a 'pitso' or 'Lokgotla' etc. That was 'Government by consent'. The people agreed to the laws and obeyed them because they were consulted, and they helped to make the laws and run the government.⁵¹⁰

Today, the power of Government, of the State, which makes the laws, is not held by the people. Power is held by the ruling classes of white mine-owners living both in South Africa and in Britain and America; it is held by the wealthy owners of large-scale factories and financial concerns; it is held by the Afrikaner farmers. These classes are represented by the Nationalist and United Parties. The power of state is not exercised for the benefit of the people. It is used to permanently subject the people. It is used against the people to ensure the profits of the few.

Congress aims to replace this Government of the few, with a government of People's democracy. In a peoples' democratic state, the power of state will be exercised by the people. That is by the working people of all colours, together with all other democratic classes who will work for the changes set out in the Freedom Charter. This will be a government of the people as a whole; of the present oppressed and exploited classes used to achieve their maximum well-being, and to prevent

the 'few' exploiters from regaining state power."

My Lord, I'm not reading any further - more from that document, My Lord. Do you hand that in, Mr. Moeller? --- I do My Lord.

Now, Mr. Moeller, did you attend the conference - the Congress of the People Conference at Klip- 5
town? --- I did, My Lord.

My Lord, I'm dealing with this matter now, because the witness has got documents in front of him. I'm not going to put in these documents. I want him to 10
refresh his memory from those documents. And what documents have you got in front of you - where did you get those documents? --- These I got from the Accused, Moretsele, My Lord.

And where did you get those documents - where 15
did you take them? --- From his person.

Where? --- At the Congress of the People, on the afternoon of the 26th of June, 1955.

BY MR. JUSTICE BEKKER :

What's happening to those documents? 20

BY THE PROSECUTOR :

My Lord, I'm not putting the documents in, because it will just be a duplication, and it will be burdening the record.

BY MR. JUSTICE BEKKER : 25

Well is the only thing you want, that on this particular person, the documents were found?

BY THE PROSECUTOR :

No. My Lord, the evidence is to this effect, that on the 26th of June, 1955, Moretsele had attended 30
the conference of the Congress of the People at Kliptown.

BY MR. JUSTICE BEKKER :

Did you see Moretsele at the Congress? ---
My Lord, I said I searched him there - searched his
person.

BY THE PROSECUTOR :

5

Mr. Moeller, did you also search another per-
son at Kliptown? --- I did, My Lord.

Did that person give a name? --- Yes, My
Lord, he gave his name as C.J. Mayekiso, 33, Ferguson
Street, Port Elizabeth.

10

And did you take certain documents from
Mayekiso? --- I did, My Lord.

BY MR. JUSTICE BEKKER :

On what date? --- On the same date, the 26th
June, 1955.

15

BY MR. JUSTICE KENNEDY :

Are those documents not going in now? ---
These are going in, My Lord.

BY THE PROSECUTOR :

Will you have a look at these documents,
numbered, My Lord, C.M. 45?

20

BY MR. JUSTICE KENNEDY :

Mr. Moeller, did you say you got it from Ac-
cused No. 22 - from Mayekiso? --- My Lord, I'm not too
certain of....

25

I thought you said previously, you are un-
certain about his identity? --- I'm uncertain about his
identity. I've only seen him once before, My Lord.

Well, is this evidence going to be sufficient
for your purposes if the identity of the person is
dubious?

30

BY THE PROSECUTOR :

With respect My Lord, I will read to the Court an admission that was made by the Defence at the Preparatory examination in which they admitted that these documents were taken from Accused Mayekiso. 5

BY MR. JUSTICE KENNEDY :

But that is not evidence before us.

BY THE PROSECUTOR :

Your Lordship please, that is what the Section says, My Lord. My Lord, May I proceed, My Lord, or would Your Lordships rather wait until I quote the admission made, My Lord. 10

BY MR. JUSTICE BEKKER :

Well, the witness apparently searched this person? 15

BY THE PROSECUTOR :

He searched the person, yes, My Lord.

BY MR. JUSTICE BEKKER :

Can't he point out the person he searched?

BY THE PROSECUTOR : 20

My Lord, he has already said that he is not sure of the identity of this person.

BY MR. JUSTICE RUMPF :

Yes, proceed Mr. van Niekerk.

BY THE PROSECUTOR : 25

From this person by the name of C.J. Mayekiso, did you take a Delegate Card? --- Yes My Lord. Delegate Card for the Congress of the People, Kliptown, June 25th - 26th, 1955.

BY MR. JUSTICE BEKKER : 30

What is the document number?

BY THE PROSECUTOR :

The exhibit is C.M. 38 - and C.M.39, is that.....? --- This is C.M.38 and C.M.39.

C.M.39 - what is C.M.39? --- C.M.38 is the Delegate's Card, and C.M.39, My Lord, is the lapel badge, with the word 'Afrika' on it. 5

Now, the next one is C.J.M.40 - at least, C.M.40? --- Yes My Lord.

Where did you get that? --- From Mayekiso.

And what is that? --- It is a manuscript of some document or other, My Lord. 10

And does there appear on page 3: "Address by C.J. Mayekiso, to the Congress of the People"? --- That does appear My Lord.

Now, will you just hand that document back. Does it read as follows : 15

"Mr. Chairman, fellow South Africans, Proudly today the birds and other creatures of God are singing songs of joy, because the gigantic Congress of the People of South Africa has met to discuss and solve the problems that may....." 20

BY MR. MAISELS :

My Lord, if this is being read, could it be read in such a way that we at least can understand it. I'm not talking about the people behind, My Lord. We just can't understand this at all. 25

BY THE PROSECUTOR :

This document is headed: "There shall be Peace and Friendship." The address by C.J. Mayekiso, to the C.O.P. : 30

"Mr. Chairman, fellow South Africans, proudly to say that today the birds and other creatures of

God are singing songs of joy and glory, because
the gigantic Congress of the People has met to
discuss and solve the problems that make even
their lives a misery. The Freedom Charter which
is to be drawn by this glorius Congress of the 5
People, will rid this Country from the horrible
sounds of the machines of human destruction. We
are assembled here today at a time when the lives
of the underdog are at stake, at a time when the
Nationalist Government is madly turning South Afri-10
ca into a plice state. The United Party which is
supposed to be an opposition to the Nationalist
Government, is hopelessly failing to stop the for-
ward march of the Nationalist Government. We say
it is failing precisely because what it says, is 15
what the Nationalists say. The United Party say
segregation and the Nationalists say Apartheid.
Indeed and in fact segregation and apartheid are
two different words meaning the same thing. Con-
sequently the clear-minded followers of the U.P. 20
at the last electiøn voted for the Nats, because
the leader of the U.P. failed to give a clear
policy. Instead it told them, when he gets into
power, he would rid South Africa from the tsotsis
and hooligans, and conveniently forgot that the 25
latter ~~were~~ created by segregation and oppression.
Today we are leading members of the U.P. leaving
the party because they feel that the party has no
clear policy, and cannot stop the Nats' onslaught.
In the House of Parliament the Nats and the U.P. 30
talk of 2/3rd majority. What hope have they of

ever having this two-thirds majority, when they,
 the U.P. and the Nats put together are not even
 a quarter of the people of South Africa. Ladies
 and gentlemen, this shows clearly that greedy,
 insane people are busy fighting over a country 5
 that has its original owners. For over 45 years
 the A.N.C. has been appealing to these people to
 allow the voice of the majority to be heard in
 this country, but all in vain, and because these
 appeals and demands have fallen to deaf ears. 10
 The ordinary African, and indeed the majority of
 the African people, are beginning to look upon
 all Europeans with suspicion. These people can-
 not be blamed for this. The Whites as a whole,
 are to blame for the present state of affairs. 15
 We of the caricatured and lampooned A.N.C. is and
 will always fight for a South Africa with no se-
 gregation, apartheid and oppression. Today it
 does appear that the day is dawn when the forces
 of progress have decided to come together and 20
 crush the forces of oppression. This C.O.P. is
 a harbinger which will fight for the forces of
 progress. Time has come when all peace-loving
 White have to go from door to door and....." -
 I can't make out this word, My Lord - 25
 "... the racial nurture which is so dominant in
 the minds of the majority of the Whites. This
 is the only way whereby the people of South
 Africa can come together and live together in
 happiness. There are already signs which show 30
 that the chains with which the people of South

Africa are chained are rusty and are going to break. The oppressors are warned to release the people before they break the chains themselves, their wrath may embitter the position of the oppressor. Throughout the world the oppressed 5 people are demanding freedom in their lifetime. Time has come when the reaction of the oppressed people can no longer be stopped by unjust laws, but by freedom for which they are prepared to pay any price. The notorious Minister of Native 10 Affairs is busy removing people from their original homes. The people can stop these masts removals by united action. Fellow Africans, we are on the threshold of the gate to freedom, but if we are not united, we will never push the door of freedom. 15 We have already seen that the laws of this country have failed, hence the insane instructions to the police by the Minister of Justice, Mr. C.R. Swart, to shoot first and ask questions afterwards. Ladies and gentlemen, we know that when the law of the op- 20 pressor can no longer be tolerated, then he resorts to violence. My friends, if these mountains and the grass you see could but speak, would bear me out that they are tired of human blood. For how long will these merciless massacres continue, when 25 and where the children of good rest. In this country you are imprisoned for daring to say the truth. Our leaders are banned and deported for having dared to say that we are oppressed. I hope that this freedom charter which is to be drawn by this 30 conference will be a weapon with which the sons and

daughters of this land will merit the noble struggle of liberating the great masses of South Africa. Let us with one voice say, 'Cry the beloved Country, South Africa'. Let your tears wash the dirty boiling pots of tyranny in which your people cry, bleed and 5 die. Blessed are those who bleed and die in the struggle for the emancipation of the oppressed people woe, and to those who have their tongues black from licking the boots that kick them. Boldly, Ladies and Gentlemen, let us say - Hail unto 10 the gallant sons of Africa who are today lying deep in this earth for having fought for freedom, peace and justice in this country." and then follows

the word : "Mayebuye."

BY MR. MAISELS :

15

My Lord, this is an overt act of treason, on page 9 of Schedule D.

BY THE PROSECUTOR :

My Lord, I am - will you have a look at C.M. 45? --- Yes, My Lord.

20

Mr. Moeller is that a manuscript document? --- It is My Lord.

Does it appear to be almost similar to the one that has just been read? ---It does My Lord. "Mr. Chairman, fellow South Africans..." - it appears to be a speech My Lord.

25

BY MR. JUSTICE RUMPF :

Did you say , it is almost similar to C.M.40? --- Well, I have not read through it, My Lord.

BY THE PROSECUTOR :

30

I thought, Mr. Moeller, you had read through

939.

{ T.E.E. MOELLER)
(C.M.45)

it? --- No, I have not read through it yet.

THE COURT ADJOURNS.

COURT RESUMES 14/8 /1959:

APPEARANCES AS BEFORE:

BY MR. VAN NIEKERK: May it please Your Lordships, referring to the matter of yesterday afternoon about the identification of the Accused, Mayekiso, No. 22, I wish to refer Your Lordships to the Criminal Procedure Act 1955, (5 Section 284(ii), "an admission made by an Accused or his representative in his presence at a Preparatory Examination which the magistrate presiding thereat has noted on the record may be proved at a subsequent trial of the Accused by the production by any person of a document (10 purporting to constitute that record." Now, Milords, I wish to refer to the Preparatory Examination record, at page 1541 where Mr. Liebenberg, as P.P., says the following: "I now deal with Accused No. 133, C. Mayekiso." "On 27/9/1955 Det. Sgt. Nortje of the S.A. Police, Port Elizabeth searched the house of the Accused....." and (15 then further "on 5/12/1956 Sgt. Davis of Port Elizabeth searched the house of the Accused at 33.....Road, New Brighton....." and further along "On 26/6/1955 this Accused was searched at the Kliptown C.O.P. Conference by Det. Sgt. Moeller of the S.A. Police, Johannesburg, and (20 documents now handed in as C.M.38 to 48 were taken possession of." To this Mr. Coaker replied: "With regard to the present Accused, C. Mayekiso, No. 113, in regard to the search of 27/9/1955, the Defence admits that such a search took place at that address, but does not admit (25 that the Accused was present." "With regard to the other searches, the Defence admits the facts set out by my learned friend." The searches in question refer to the one on 5/12/56 at Port Elizabeth and the one on 26/6/55 at Kliptown, i.e. the search that this witness deals with. (30

THEODORE EMIL EDUARD EMIL MOELLER, duly sworn,

EXAMINED BY MR. HOEXTER: The next document I wish to deal with is C.M.45. Where did you find this document?-- It was taken possession of from the person, Mayekiso.

It is a manuscript document, in pencil?-- Yes. 5

Yesterday you handed in a document C.M.40?-- That is correct.

Did you yesterday check the contents of C.M.40, against the contents of the document now in your hands?-- I did.

And what did you find?-- I find they are on the whole (10 the same.

On the whole?-- Yes.

Milords, my instructions were that the witness would testify to complete correspondence; it maybe as well for this document to stand down. I proceed to the next one. (15

BY MR. JUSTICE RUMPF: Mr. Hoexter, does the Crown propose to continue reading documents that are relevant to the summary in connection with violence and other documents?

BY MR. HOEXTER: Yes, Milord, there are....but not for long; we have nearly done with the present witness. I imagine (20 it will take about half-an-hour.

BY MR. JUSTICE RUMPF: And thereafter?

BY MR. HOEXTER: I'm not sure, Milord. I understood that thereafter my learned friend would cross-examine on the documents so far handed in by Mr. Moeller. I don't know (25 whether that is correct.

BY MR. JUSTICE RUMPF: Yes, we are really not concerned with that at the moment. You intend to complete the evidence?

BY MR. HOEXTER: Yes, Milord. (30

BY MR. JUSTICE RUMPF: As far as the documents are concerned given by this witness?

BY MR. HOEXTER: Yes, by this witness.

EXAMINATION BY MR. HOEXTER CONTD.: I omit C.M. 41, and the next document is C.M.42. Where did you find this document?-- This was also seized from the person C.M. Mayekiso. (5)

On the same day?-- The same day, 26/6/55.

This is a roneod form headed "Agenda." It is very brief, I propose reading it into the record.

"Agenda, Saturday June 25th. First Session 2 p.m.

Chairman: Dr. Conco. (1) National Anthem; (2) (10)

Prayers, Rev. Gawe. (2a) Welcome to Delegates, Mr.

E.P. Moretsele. (3) Opening Address, Chief A.J.

Luthuli. (4) Explanation of Agenda and Procedure,

Chairman. (5) Messages, Dr. R.E. Press. (6)

Isitwalandwe, Chairman, (7) Presentation of Isitwa- (15

landeweto Chief Luthuli, Rev. Huddleston and Dr.

Y.M. Dadoo. Chairman. 8. Report of National Council

of Congress of People, Mr. A.E. Patel.

Second Session, 3.50 p.m., Chairman, Mr. Hurbans.

9. Reading of the whole charter in Zulu, Sotho and (20

English. 10. Preamble, moved by Mr. A.S. Hutchinson.

11. The People Shall Govern, moved by Mr. N.T.

Naicker. 12. All national groups shall have equal

rights, moved by Dr. Letele. Closure and Supper.

Third Session, Sunday 26th, 9 a.m. Chairman Mr. (25

George Peake. 13. The people shall share in the

country's wealth, moved by Mr. B. Turok. 14. The

land shall be shared amongst those who work it,

moved by Mr. T.E. Tshunungwa. 15. All shall be

equal before the law, moved by Dr. A. Sader. (30

16. All shall enjoy equal human rights moved by Mrs.

S. Bunting. 17. There shall be work and security,

moved by Mr. L. Masina. Lunch Break. Fourth Session, 1.20 p.m., Chairman, Mr. P. Beyleveld. Agenda Fourth Session 1.20 p.m., Chairman Mr. P. Beyleveld. 18. The doors of learning and culture shall be opened, moved by Mr. E. Mphahlele. 19. There shall be houses (5 security and comfort, moved by Mrs. H. Joseph. 20. There shall be peace and friendship, moved by Mr. Mayekiso. 21. Appeal for donations, Mr. E.P. Moretsele. 22. Report of Credentials Committee, Mr. R. Resha. 23. Whole Freedom Charter, put to vote, Chairman. (10 24. Resolution moved by Dr. H.M. Moosa, seconded Mr. Adam Daniels. 25. General. 26 Closing Address, Dr. Conco, National Anthem."

You hand in this document ?-- I do.

C.M. 43 is omitted; C.M. 44 is omitted, it is a draft (15 resolution of the Freedom Charter. The next I deal with is C.M. 46. Where did you find this document ?-- In the possession of the same person, the same date.

This is a printed card headed "Credential Form". It says "We, the people of" and then there is written (20 in "New Brighton" have appointed written in "Caleb J. Mayekiso address Ferguson Street Lower, to speak for us at the Congress of the People on June 25th and 26th 1955 in Kliptown, Johannesburg. Signed by the Chairman of the Meeting, W. Besakwe, dated 23rd June, 1955. Number (25 of people voting for the delegate 50." And thereafter certain details are given as to the mode of filling in the form and how....the address to which it should be posted. You hand in this document ?-- I do.

The next document is C.M.47. Where did you find this (30 document ?-- In the possession of the same person..

This is a typewritten letter, the papers bears the

letterhead of the National Action Council of the Congress of the People. It is dated 17th June, 1955, it is signed "Yours for freedom," apparently 'Moolla' for National Action Council, and it is addressed to Mr. George Mayekiso, P.O. Box 1294, Port Elizabeth. It says: (5

"Dear Mr. Mayekiso, This is to inform you that you have been nominated as one of the chief speakers at the Congress of the people. The section of the Freedom Charter which you are asked to introduce falls under the title of Foreign Affairs." (10

And then details as to the time to be taken by the speech. Just look at this document again, look at the signature at the bottom of the letter; what does that signature appear to you to be ?-- M. Moolla.

And for whom does he sign ?-- For National Action Council. (15

You hand that document in ?-- I do.

C.M.48 is omitted. I return, in conclusion to two "A" documents. The first one I wish to deal with is A.270. Yesterday my learned friend Mr. Van Niekerk (20 intimated to Your Lordships that this was being omitted. Subject to the Court's approval and subject to any objection by my learned friends, I propose to read a very brief portion of this document.. Where did you find it, Mr. Moeller ?-- This was found in the offices of the African (25 National Congress on the 27th September, 1955.

This exhibit consists of three typewritten pages. It is headed "Benoni Location Sunday 23rd January, 1955." And the opening paragraph says "In view of the instructions from the Provincial Executive that I should go to (30 address meetings in Benoni and Natalspruit, I did so in good faith....." and on the second page.... it ends

"Yours for Africa, J. Nkadimeng," together with a signature in ink. Would you look at the signature in ink, and tell the Court what it appears to be?-- J.Nkadimeng.

You hand in that document. The next document is A.309. Where did you find this document Mr. Moeller?-- (5
In the offices of the African National Congress on the 27th September, 1955.

Will you hand it to me? This is a document which is cited in various portions of the particulars relating to alleged violent policy of the organisations under the (10
new denunciation of states, the liberation movement and the encouragement of illegal actions. It is therefore necessary for me to read it. It is a roneod booklet, the title is -- I read from the cover "No easy walk to Freedom," by N.R. Mandela.." Have you identified the (15
Accused Mandela?-- I have not identified him yet.

Would you do so please?-- Accused No. 6. I read first the introduction :

"Introduction: At this critical stage for our struggle for freedom and democracy in our country (20
And at a time when the Government is making it impossible for the oppressed people to meet and discuss their destiny as human beings and banning the leaders of the people with the hope of crushing the liberatory movement, it has become more important (25
than ever before that we compile our literature so that the people who are going to continue the struggle for a happy and prosperous South Africa are educated and guided on the tasks that lie ahead. Here we produce a statement submitted to the African (30
National Congress (Tvl.) by Mr. Nelson Rolihlahla Mandela, then president of the A.N.C. (Tvl.) before

he was banned by Minister Swart from talking to his people and leading them to freedom. But because the statement gave a thorough analysis of the political situation particularly in our country, the Executive of the A.N.C. (Tvl.) decided to submit this (5 statement to the recent Conference of the province as a Presidential Address. To us, the Youth League and the African people, Mr. Mandela, although banned by the clique of frightened men in Parliament, is and will remain the leader of the people. This dynamic (10 and historic address, which in fact is the best ever in the annals of the oppressed peoples movement in South Africa, should serve as an inspiration to all those engaged in the struggle for freedom and the elimination of man's inhumanity to man. To Rolihlahla Man- (15 dela, the illustrious son of Africa, the gallant and courageous fighter for lasting peace and democracy, we say that no matter where he may find himself today, no matter what hardships he may suffer, the masses can not be bluffed nor intimidated. Thus his suffer- (20 ings are but temporary. What he has taught us is invaluable -- the lead he has given us is enough to make us carry on the struggle and we shall not rest nor tire until oppression, exploitation of man by man, until domination of one group over another is (25 completely abolished and eradicated in this our Motherland, South Africa. Africa's cause must triumph. R.N. Resha. President, A.N.C.Y.L. (Tvl.)."

That is the introduction, and the booklet reads as follows:

Since 1921 and year after year thereafter, in their (30 homes and local areas, in provincial and national

and national gatherings, on trains and buses, in the factories and on the farms, in cities, villages, shanty towns, schools and prisons, the African people have discussed the shameful misdeeds of those who rule the country. Year after year, they have raised their voices in condemnation of the grinding poverty of the people, the low wages, the acute shortage of land, the inhuman exploitation and the whole policy of white domination. But instead of more freedom repression began to grow in volume and intensity and it seemed that all their sacrifices would end up in smoke and dust. Today the entire country knows that their labours were not in vain for a new spirit and new ideas have gripped our people. Today the people speak the language of action: There is a might awakening among the men and women of our country and the year 1952 stands out as the year of this upsurge of national consciousness. In June 1952, the African National Congress and the South African Indian Congress, bearing in mind their responsibility as the representatives of the downtrodden and oppressed people of South Africa, took the plunge and launched the campaign for the Defiance of the Unjust Laws. Starting off in Port Elizabeth in the early hours of June 26 and with only thirty-three defiers in action and then in Johannesburg in the afternoon of the same day with one hundred and six defiers, it spread throughout the country like wild fire. Factory and office workers, doctors, lawyers, teachers, students and the clergy; Africans, Coloureds, Indians and Europeans, old and young, all rallied to the national call and defied the pass laws and the curfew and the railway apartheid regulations. At the end of the year, more than 8,000 people of all races had defied.

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