

dom Charter day. Liberty lies in the hearts of men and women. Let us assemble in the greatest possible numbers at Kliptown. Let us make an oath and say we will only be satisfied when we have brought liberation and freedom to all in South Africa. Afrika, Mayibuye, Afrika." The next speaker was Kumalo, the chairman: "After the petitions were signed, we will decide on a day on which we will go and see the native commissioner. Before we close down I want to ask all members of Congress to please pay their fees, otherwise they will be expelled." The next speaker was Make, one of the Accused. (25). He said: "Sons and Daughters, I first wish to apologise for being late. The bus boycott is a subsidiary to the revolution. In our lifetime we must get liberation. The whites are doing all in their power to oppress us. We find the police suffering too. They sit here and are oppressed just as much as we are. Today a lot of acts have been passed against the Africans. If today the magistrate decides that you are not fit to live in Evaton, you can be removed without a court case. The men can tell you how much they have suffered through the pass laws. The women will suffer more one of these days. Dr. Verwoerd said when he announced the ..... the African child must be taught the simple things in life, merely to say 'Ja, Baas.' With the unity of the people we shall defeat our oppressors. We shall see to it that we own the land which is ours. We shall see to it that our women do not suffer and carry passes. Those of you who are not prepared to die for Afrika, for which other country do you want to die for? Mayibuye Afrika." That concludes my notes.

(Notes handed in Exh. G.418.)

FURTHER EXAMINATION BY P.P.:

(8/7/56.)

On 8/7/56, did you attend a meeting at Jada Square, Evaton  
?-- Yes.

What meeting was it ?-- It was a resident's meeting.

About what time did the meeting commence ?-- The meeting

commenced at 10.45 a.m., and concluded at 3 p.m.

How many persons attended the meeting ?-- Between 1,000 and 1500 people.

Who was the chairman at the meeting ?-- Limpe. He is not one of the Accused.

Did you take notes of the speeches at the meeting ?-- I did.

You have your notes before you ?-- Yes.

Did the chairman address the meeting ?-- Yes.

Will you read what he said ?-- "We are gathering here on the request of our leaders regarding the boycott. You know that since 25/7/56 we have been ably led by these brave men. When a leader of a people is in trouble, he appears in front of his people to tell his troubles. Now, we gather here today to hear what our leaders have to say. You all know what damage has already been done to us, but do you know of any struggle in the past without damage? I call on Mr. Matsohai," -- he is not one of the Accused.

Omit his speech. Who spoke then ?-- The next speaker was Mabitle, he is not one of the Accused.

Read what he said ?-- "My dear Africans, to the African people who are very honourable, you have fought this battle very well. Many battles greater than this have been fought. Today I speak to you, how you fought your battle, and how you saw it through. When we came to boycott against the increased fares, when we came out to this boycott, we did not realise that some of our people would be in graveyards. It happened in all other great battles. What is really painful is that those who died are all Africans. Those Africans died through sell-outs. There is no doubt that those who died, died an honourable death. Our great leader will lead us further and tell us what to do."

The next speaker was Kubeka, he is not one of the Accused.

Read what he said ?-- "Mr. Chairman, ladies and gentlemen: Our meetings have been banned for a while, but we meet here

again today. I am glad to see such a large crowd here today. I am glad, but this may also be our last meeting here today. I therefore appeal to you to be very patient and listen carefully to what we have to say. We carried on with the struggle for 11 months and during that period we were prepared to sacrifice. We never got big help from the capitalists. We carried on with the struggle on the bits, the pennies and tickes which you the boycotters gave us. Many of us suffered a lot, but we helped them all with the money you gave us. I have a strong belief that we will hear good news today. We were not fighting against a group, we were merely fighting against this white man who exploited us. We have come here today to test your confidence in us. I thank you very much for the opportunity you gave me to address you and for all the assistance you gave me as treasurer of the Evaton Peoples Transport Council."

Then who came there ?-- The next speaker was Make.

Did he take over the chair ?-- Yes, I have in my notes: "Chairman V. Make arrived. Chair handed over to him."

Is he one of the Accused ?-- Yes. (25.) He said: "Sons and Daughters of Africa. We are gathering here again today, and the previous speakers already gave you an idea why we gathered here. We have a draft memorandum here today. I call on our secretary Mr. Molefi to read the document to you. I want you to be very attentive and whatever decision is made must be accepted as law. I also want the Press who is here today to understand that whatever decision is taken will be that of the people and not of the Committee." The next speaker was Molife, one of the Accused. (43.)

Omit what he said. The next speaker ?-- Kubeka, the treasurer, he is not one of the Accused. He is the treasurer of the Evaton Peoples Transport Council, i.e. the bus boycott committee.

Will you read what he said: "Mr. Chairman and meeting. We

have met to take decisions. You are all aware that all that happened here in this township, happened through the Italians. Houses were broken into, burnt down, people were killed. None of the Italians were killed. We must therefore be very serious in our consideration. This committee led you in all your difficulties. We investigated all your complaints and helped all those who were arrested. We must however not be emotional over what happened in the past, but you all know what is happening at the present moment. People are lying ill, houses burnt down, some have to appear before Court, all on account of the bus company. If we come to think of everything that happened, then we feel that the war must go on. But as said before, no war was ever fought without loss of lives and I therefore believe that to end this struggle and to prevent further deaths and other inconveniences, we must end the boycott with E.P.S. The whole world, however, looks upon us how we are going to end this boycott."

Who was the next speaker?-- The next speaker was Iris Moore. She is not one of the Accused.

Read what she said?-- "Mr. Chairman, Ladies and Gentlemen. We are here today to try and end this boycott. I as a member of the boycott committee, am forced to tell you what I have on my heart. We were attacked by those who were against us, but we always tried to settle all disputes in a proper way. Lives were lost, damages were done to houses, etc., but as was said before, no struggle was ever won without the loss of lives, etc." Then I have in my notes here: 12.30 hundreds leave the meeting and shouted Azikwelwa. The next speaker was Timothy Dhlamini. He is not one of the Accused.

Omit his speech. The next speaker?-- The next speaker was Make, the chairman. (25). "Up to this moment no member of the E.P.T.C. gave his views about the memorandum. All we have done was to try and express our attitude towards the whole matter.

Why do you run away? Put your emotions aside and listen to us;" The next speaker was D. Letebela, not one of the Accused.

Omit his speech, and the next speaker?-- Mohamed Asmal, one of the Accused (No. 2.). He said " Mr. Chairman, Ladies and Gentlemen. It is really surprising to see such a large crowd here. You know very well the attitude of the Government against our boycott. Last week the press of the capitalists published the story. Who is after that the whole story of the Rand Daily Mail. The Rand Daily Mail accused you of being rogues and thieves. They accused you of working in the hands of Communists. They say you are all a lot of agitators and communists. This paper has accused your committee of having sent persons to Russia to study how to confuse you. I ask you. Do you believe in it and at the same time ask the Rand Daily Mail to answer us. The Rand Daily Mail is such a powerful machine that they make you people look small in the eyes of others. The people who looked at the communists with respect now disrespect us. Your committee has been fair. They went to the Evaton Passenger Service, and a memorandum is laid before you to accept or reject. You remember how the boycott started 11 months ago on 25/7/55. You are only involved in this struggle for 11 months, but we, the committee, have been involved for the past 2 $\frac{1}{2}$  years. You fought it only on one front. We fought it on different fronts. This boycott is the only one that was fought successfully so far in the Union. Owing to circumstances we are here to carry on with our work whether you accept or reject the E.P.S. offer. We are not here to shout and run around emotionally. We are here to discuss a very serious matter. I appeal to you to listen carefully to our leaders. " The next speaker was Molefi, one of the Accused. (43.) He said: "It is true that we lost lives. It is true that our property has been damaged. But how many of you ever patrolled these streets in Evaton to see that no properties are damaged? How many of you, you here in front of me -- have ever gone to the trouble to assist us, the committee, in our

many struggles. It is very easy and well for you to come here and shout Azikwelwa. Take note of the fact that you make a very big mistake if you think we came here to just hear you shout Azikwelwa. Today we are confronted with a task, a very big task. We as your leaders are confronted with that task. You either reject the offer of E.P.S. or accept it. Before you do so you must listen to me. I am however very disappointed in your behaviour here this morning, shouting down the speakers and leaving the meeting. I am positive that we are the most disciplined group the enemy has ever fought against, but your behaviour lets us down. Look at the behaviour and discipline of your enemy. I am not going to tell you to accept or reject the memorandum by E.P.S. You are the masters of your own minds. We will vote on this matter and I appeal to you to behave yourselves. We will accept your decision. I hand you over to the chairman."

The next speaker ?-- The next speaker was Make, the chairman. He said: "We have come almost to the climax of our meeting. Whatever the decision of the people, those in the minority will be bound by the decision of the majority. I may say that the Government will in future be more against this boycott than before, and some of our leaders will be deported on account of what they have said at our meetings. You must know too that this will most probably be our last meeting. You must also know that the police will keep on arresting you and there will be no funds to release you from gaol. People have been killed. They died for a good cause but we the committee have to settle accounts. Court cases etc., and in the meantime most of you just shout Azikwelwa and then run away. Who is going to fight this struggle if you all run away. You do not expect us who work in Johannesburg to guard your homes day and night while you sleep with your wives at the police station. Where were the men, the Azikwelwas, when our houses were attacked by Ralekeke

and his gang. This, however, I want to bring to your attention.

We have won this struggle, you have heard the offers of E.P.S. which prove that we have won. We will look like fools in the eyes of the world if we do not accept the offer of E.P.S. Their memorandum is enough proof that we have won and that they gave in. Ladies and Gentlemen, let us be clear in our minds. We have won this struggle. So let us not vote against our own belief. Let us vote as the victors. " I have in my notes, the names Victor Ntechane, Make and Molefi, came together with the gathering. Make came back and addressed the meeting as follows: "We have decided to that to vote here on this issue today will be disastrous. We will wait until such time we receive a full memorandum from the E.P.S. We will not vote today and in the meantime we go on with the boycott. Azikwelwa."

The next speaker ?-- J.M. Kumalo, one of the Accused. (19). "Sons and Daughters of Africa, we have now reached the crossroads. When we had the meeting of capitalists we told them that the committee will not decide, the people will decide. It is true that when we discussed the matter we made certain decisions, but we cannot tell you now what were decided. The memorandum is not complete yet and within a few days time we will have a complete memorandum. In the meantime you people must go to your homes and think it over. We have already won the struggle. I would like to mention that the African National Congress regrets and sympathises with relatives of those Africans who have been killed in the past few days. Afrika, Mayibuye!"

Were there other speakers after him ?-- Make started speaking. I have in my notes, "Ladies and Gentlemen, a great Russian leader....." I did not take any further notes of what he said.

Was that the end of the meeting ?-- That was not the end of the meeting. Molefi, one of the Accused gave a report on the boycott, which I did not take notes of.

(Notes handed in G.419)

FURTHER EXAMINATION BY P.P.:

(25/3/56.)

On 25th March, 1956, did you attend a meeting?-- Yes.

Where?-- At Jada's Square, Evaton.

What meeting was it?-- It was an African National Congress meeting.

About what time did the meeting commence?-- The meeting commenced at 10.30 a.m. and concluded at 2.30 p.m. the same day.

How many persons attended the meeting?-- Approximately 300 native men and 100 women and one Indian.

Who was the chairman?-- J.M. Kumalo, one of the Accused (19)

Did you take notes at the meeting?-- I did.

You have your notes before you?-- I have.

Did the chairman address the meeting?-- Yes.

Omit his speech. Who spoke after him?-- Sibande was the next speaker.

He is not one of the Accused?-- He is one of the Accused.  
(71.)

What language did he speak?-- A native language.

Did he continue right through in the native language, or not?-- Yes.

Was his speech later translated into English?-- No.

Just refer to your notes?-- No.

Who was the next speaker?-- Frank Ntechane, not one of the/ <sup>Accused.</sup>

What language did he speak?-- He spoke in English.

Will you read what he said. ?-- I am sorry. It was the next page on my notes. He was not the next speaker. The next speaker was Molefi. It was Sibande, he spoke in a native language.

Let us get it clear, to whom are you referring now?-- Sibande, one of the Accused. (71) His speech was interpreted by Molefi, into English.

But did Molefi act as interpreter right from the beginning of his speech?-- No. Not from the beginning.



Will you read from where Molefi interpreted ?--

"Because this policeman at my back, police boy, will never say the truth that is said. We were talking about the passes, the evils thereof. I told you that you will be arrested by Verwoerd. You will be taken to the nearest police station. You will be convicted to 6 months. Your wife will also be arrested and fine £3 or more for not being in possession of a pass. When they arrest her she will sit in the cells until she is sent to gaol. You will be taken aside and asked if you have any money. If you have no money you will go the farm for one month or longer. You will have to work there like a slave. You will not be allowed to see your people. You will be a slave on the farm from early in the morning until late. Your wives will go through the same hell as us. It is left to you today to think what is going to happen to you when you land into these farm traps of Verwoerd. Your wives are in your hands. Are you going to let them carry passes. Are you going to hand your wife over to the farmers? The women who are here today have seen the pass troubles with their husbands and sons. They must decide whether these passes will be good to them. I know that no-one here can say that passes are good. If there is any one let him stand up. We the men are guardians of our women. We must look after them. On this new method of oppression you women must stand up and fight against the stanic laws of Verwoerd. Most of our women are at this moment in churches where a lot of lies are told to them. God created them, not to believe rotten rubbish, to use their brains. Do they believe that God will help them out of the hands of Verwoerd? I am talking about ladies who sacrifice. You must fight for your rights. Wherever there is trouble you will be there too. Despite our prayers, Verwoerd and Strijdom managed to increase their oppression on us. God will be with us, the African people. We will therefore pray to God to help us in this struggle. We

We must not slumber and think God will free us from Dr. Vuilgoed. He says he is the Moses of the black man. We are not going to allow him to call himself Moses. The chairman said that he invited the chairman of the A.N.C. Women's League to be here. Next week we are going to make new plans to fight this issue. You must wait patiently. Bantu Education. This Bantu Education originates from the word Bantu which you like very much, I am trespassing on unknown land. You remember the youth camp trap. Our youths were taught how to work on the lands, how to operate a tractor. It was a trap. They were caught in that trap. The youth camps were created to help the farmer to get school slaves. The farmers in Bethal went to Sekukuniland where they collected women to work on their potato farms. They were told a lot of lies because they were eventually locked up in a large store. Some of the women were expecting mothers. Now, women, this new passes are going to take you to the same place. We fight for the freedom of all people, even the police too. Even Wessels must be free to stay away from us. This thing which does not make him free. When we go away here we are free, but he will not be free. He is not a big dog, he is only a small dog. He does not get equal rights and equal pay. The black dog sitting next to him is still smaller, he not even gets half the pay of a white dog. Afrika, Mayibuye, Afrika." The next speaker was Kumalo, one of the Accused. (19). He said: "A black man in Africa is a slave. He is oppressed. Black women will not have the right to look up to their men, they will have to look up to Verwoerd. I now wish to introduce the secretary of the Women's League, African National Congress, Mrs. Rantha."

Is she one of the Accused?-- I do not know.

Did she address the meeting?-- Yes. She said:

"Afrika, Mayibuye, Afrika, Afrika. Sons and Daughters of Africa; I salute you in the name of the African National

Congress. The African National Congress is the mouthpiece of Africa. I think you all know that African women are going to be issued with identification cards, books, plain passes. I tell you people that we women are not prepared to carry these passes. I am sorry that only about 100 women are here today. We all know that last week women were issued with books called identity books. These are passes, tags, hanging down their breasts. I would like to tell you that we are all human beings. Stand up and fight for your rights. Every woman is being told in church what she is going to get in heaven. Let each and every woman know that she looks silly in the eyes of God. Under the Nationalist Government the police are in love with us, they are in love with the black women. These policemen will take the black women to places where they think it is fit to satisfy themselves. What is going to happen to our women? I feel very sorry to talk this way. My stomach was given to me to carry a child of my own people, not from a white policeman. Are you going to allow this Government to do all this to us. The Nationalist Government previously tried to force passes on us. They fortunately did not succeed. Today they will not succeed either. We will fight them. We will win again because we are more united today than during those years ago. Are you going to allow to be arrested for being in possession of a pass. Today when my husband leaves for his work, I am not sure whether he will return just because of his pass. Do you agree to be arrested for not having a pass? Are you prepared to be arrested for propagating and telling you not to carry passes? I can be arrested now for telling you not to carry passes. I am not afraid. They can take me now. The Freedom Charter was adopted and the people will rule. We are determined to fight for our freedom and we will get it. This Herrenvolk oppressing Government is telling us a lot of fairy tales. Women in China decided to fight for their rights. Why can't you African women? Not

do the same. It is the duty of our African women to stand together and fight this oppressing Government. Last year we went to the Union Buildings to see Vuilgoed. When we got there a coward decided to address us. Verwoerd was scared. Freedom lies in our hands. We must sacrifice ourselves and see what we can do for our children. I want this policeman to tell Verwoerd that we intend to go to Pretoria again, and we intend to see him definitely. We know what we want and we know what to do; I say this without the slightest hesitation. We are going to win. I say this because the Nationalist Government is a coward Government. Last night a deputation went to the native commissioner at Germiston. He told us that he does not make laws, he is only carrying out the laws of the Government. He further told us that our identity cards will show who you are, where you come from, whether you are married, etc. He also said that when you die in the street, you will be known. Our husbands have been carrying these passes for years. Hundreds of them died and never was it published that Mr. Mlefi of so-and-so, pass, No. so-and-so, died. It is just published 'a native boy died, etc.' In conclusion I want to tell this meeting that we are not alone. There are many countries standing behind us. We will stand behind our men-folk. We will sacrifice and fight to the bitter end. We will go forward in spite of all difficulties. Let us fight for our rights. Let us stand together shoulder against shoulder and fight this Nationalist Government, a coward government which is going to be defeated. We will rule and this policemen and his colleagues will be taken to the concentration camps they are building for us. The Freedom Charter says: The will of the people will rule. Mayibuye, Afrika, Afrika, Afrika."

Who was the next speaker?-- Kumalo, the chairman.

Omit what he said, and who was the next speaker?--  
Bob Surtee, who is Mohamed Asmal, one of the Accused. (No. 2.)

He said: Mr. Chairman, ladies and Gentlemen. Ever since the white man landed in Africa, he made laws to oppress Africans. Not a single law has been passed for the benefit of the African. They sit in their big farms and in their big businesses thinking out new oppressing laws. There are so many laws made for the Africans that we cannot even count them. They are, however, all oppressing laws. There is, however, one law under which the people are really suffering, the pass law. Hundreds and thousands of people have been locked up for years just because of a pass. Pass laws force people out of their houses in places where he need not work to go and work. Magnates on the mines urge the Government to tighten up the pass laws to get more labour in the mines. This Government has tightened up the pass laws to such an extent that every African is in danger to go to farm gaols. Now they are running short of women labour. Now they work out a scheme to force our women folk to farms and farm prisons. For the betterment of the farmer the Nationalist Government will do anything. This time they tacked the wrong section of our people. Our women will never carry passes. I really believe these are the last days of the Nationalist Government. A mad Government, there is a saying that when God wants to destroy a man he first makes him mad. They are all mad. We are going to talk wherever we go against this oppressing Government, and the oppressing pass laws. We will organise right into the farm gaols. We will even decide what to do with those who accept the pass. Afrika." The next speaker was Moses Kekane, not an Accused.

Read what he said ?-- "My people of Afrika, I speak to you in English, not that I love the language. God says, I am God, Lord of Hosts. He never said: I am Lord God of cowards. If we are cowards then we are dead already. A challenge is made to our women to carry passes. The question is, are we going to accept that challenge. This Nationalist Government

this started/long before we realised it. The Broederbond Government has decided long ago what to do with the African. They made laws like the Bantu Education and Influx Control to drive us back to the black ages. I discussed with a broederbonder one day. We discussed the Bantu Education Act. He or they, the Broederbonders, wanted me to join them. I did not and was kicked out of the profession of teaching."

Yes, omit what follows, to the last portion of his speech ?-- "Please Africans, stop being foolish. The white man does not love you. They are hypocrites. They bluff us. Charity starts at home and we have our own homes. We must stop this inferior complex of loving a white man. Let us start our own commerce. Let us start our own factories. We will then not carry passes. ...."

Omit the rest. Who was the next speaker ?-- Molefi, one of the Accused (43.) He said: "I am invited to speak on Bantu Education. I am afraid I cannot say much which you do not know. I then decided to speak on the pass laws, but Messrs. Sibande and Kekane said everything I wanted to say. I think it is well established fact in Africa today that the life of an African is the same as that of a wild beast in the jung. We are being hunted by the Nationalists, policemen. All hunters. As you sit here you can be arrested by the police because 80% of you have no passes here. They say the pass laws are going to be of advantage to us. They say women can then be traced by their husbands when they a run away. What a lot of nonsense. What has Verwoerd got to do with our women when they want to run away? The time has come that we must not only shout at meetings. The time has come that we must act. We can expect the Native Affairs Department here in due course to issue passes to our women. Azipatwa (We will not carry passes) is going to be our slogan. This Government of Strijdom wants to make us

to make us believe that passes for women will be a good thing. They think so, but we and our women will never think so. One speaker mentioned something about women labour on farms. Here in our midst, here on farms around Evaton, farmers have complained about the same thing. Are you going to allow your mother, wives and daughters to go and work on the farms for a lousy salary? I am telling Strijdom that his Government is 300 years behind the time. They have touched a very soft spot and I think that is going to be the end of this Government. There are so many unrests around us, and I wish to advise this Government not to provoke further trouble here in South Africa. We are just as equal to other races and this new pass for women is just another way to give us an inferior complex. We trust then and we hope our women will show us what to do. They can be very vicious, so all concerned, be careful. Next week at Orlando a conference will be held by the African National Congress. The Evaton Peoples Transport Council will send its African National Congress members to this conference to bring this issue to the notice of the African National Congress. I appeal to you to attend that conference. See that you join the Congress otherwise you will not be able to enter the conference. I have a pile of membership cards here and appeal to you to approach me and join the Congress."

Who was the next speaker?-- The next speaker was Iris Moore. She is not one of the Accused.

Omit her speech. The next speaker?-- V.J. Ntechane, junior. He is not one of the Accused.

Will you read what he said?-- "Mr. Chairman, ladies and gentlemen. Not very long ago -- today here in Evaton we are on the verge of having a revolution. Mainly because our womenfolk have to carry passes. You remember how the French asked the queer Marie-Antoinette for bread and she invited them to come and get cakes. Today certain of our women were sent to

Pretoria, to ask Vuilgoed for bread. He did not even offer them crumbs. Vuilgoed made a very big mistake. I am single but will never get married to a woman who carries a pass. I am glad that I am single because I will be privileged to look for a brave young woman without a pass. We will get our freedom and through refusal we will get freedom. I appeal to the women of Evaton to show to the whole of Africa that we are not going to carry passes. I am going to read the resolution now."

Did he read the resolution?-- Yes. "This meeting of the African National Congress, branch Evaton, held at Evaton on 25/3/1956, places on record its disapproval of the new pass laws forced on women which is designed to oppress the people. We condemn the pass laws as enemy No. 1, denying them freedom of movement denying them the right to form their own trade unions, the freedom of organising, the freedom of citizenship."

And then?-- The next speaker was Frank Ntechane, the father.

What did he say?-- "I second this motion. Feeling that my emotion is growing. It is not the first occasion in our history that an attempt is made to force our women to carry passes. I remember how the women at Kroonstad went to the magistrate and asked him to let the Government know of their refusal. That was a very long time ago. We are not going to allow our women to carry passes. We are warning them, the same warning we gave the women not to board the E.P.S. buses. Not my daughters, nor my wife, are going to carry this pass. I have carried one all my life and if she wants to carry one I am going to burn mine. I advise the women here in Evaton, go to the native commissioner and protest. He must send your protest to higher authorities."

Was he the last speaker?-- Yes.

(Notes handed in G.420.)

(No further questions.)

CROSS-EXAMINATION RESERVED:



ANDRIES JOHANNES KRUGER: duly sworn,

EXAMINED BY P.P.:

You have already given evidence ?-- I have.

On 8th September, 1953, did you attend a public meeting, and by whom was it organised ?-- It was organised by the S.A. Congress of Democrats, and the Springbok Legion.

Where was it held ?-- At the Darragh Hall, district of Johannesburg.

Who was the chairman ?-- The chairman was one P. Beyleveld, he is an accused. (No. 6.)

Did you make a statement the next day in connection with that meeting ?-- Yes.

And you have your statement before you ?-- Yes, I have.

You now refer to your statement. About what time did the meeting commenced ?-- I have recorded it as 8.15 p.m.

Until when ?-- Until 9.30 p.m. on the same date.

The chairman, did he open the meeting, Pieter Beyleveld ?-- Yes. I have recorded here: "P. Beyleveld acted as chairman and in his introductory remarks stated that he brought a wire recorder machine with him on which speeches have been recorded of several persons who had been banned by the Minister of Justice. Beyleveld then switched the machine on and played speeches by the following persons, the names of whom he announced:"

Will you read the names ?-- The first one I have is M. Harmel. The second one is A. Selby, the third one H. Bernstein (Mrs.); the fourth one is N. Mandela and the fifth one C. Williams.

Any of those names of the Accused in Court ?-- N. Mandela. (Accused No. 32.)

Do you know that the names you read out, if those persons were banned from attending meetings ?-- At that time yes.

Do you know whether there was another person by the name of N. Mandela, who was banned ?-- No, the Accused is the only

person by that name who was banned.

After the announcement was made, what happened then ?--  
Then this machine was put on and the speeches were played to  
the audience.

Could you hear what was said ?-- Very distinctly.

At the meeting ?-- Yes.

That is the speeches played on the tape recorder ?-- Yes.

And were all the speeches played on the tape recorder ?--  
That is so.

After they had been played, what happened then ?-- I have  
to rely on my memory. I have made no notes. I had noticed that  
after the speeches were played, this machine was still running,  
and I decided then to go up to the platform to take possession  
of the machine, which I did. And afterwards when we played  
these speeches back it was found that a portion of Michael  
Harmel's speech, he was the first speaker, had already then  
been erased.

Just go back. You took possession of the machine ?--  
I did.

What did you do with the machine ?-- I handed the machine  
with the discs to a constable Schoeman early the next morning,  
the 9th September, and requested him to make a transcript of  
what was recorded.

Did he make a transcript from the tape ?-- He did make a  
transcript.

Do you know, or can you recognise the voices of any of  
the names you mentioned ?-- Yes, I can.

All of them ?-- All of them.

As the speeches were played at the meeting, could you  
recognise who was speaking ?-- Yes.

Can you tell the Court in what order they spoke ?-- As  
I have recorded them here, Harmel first, Selby second, Mrs.  
Bernstein third, Mandela fourth, Williams fifth.

Are you prepared to say the voice you heard, or the person announced as Mandela, is he the Accused in Court ?-- It is difficult to say now, but at that time I was satisfied it was him. I haven't got the recording here to listen to it today.

If you were satisfied then you must be satisfied now, unless something happened in the meantime to make you uncertain about it ?-- No, I'm not uncertain. I only mean that at that time I was satisfied that that was the speech of the Accused Mandela.

What happened to the tape recorder ?-- It was subsequently handed back to Mr. Beyleveld. (Accused No. 6.)

And the disc ?-- That was also handed back.

You don't know where it is today ?-- No, I wouldn't know.  
(No further questions)

CROSS-EXAMINED BY MR. SLOVO:

Under what authority did you take this machine and the discs ?-- I had no authority whatever in writing. At the time I thought it was an offence to play these recordings and I did take it on that.

As soon as you received a demand from an attorney you realised that your view was mistaken, and you immediately handed everything back, is that correct ?-- I don't say that. After the transcription was made I placed the matter before the local Senior Public Prosecutor, and he declined to prosecute in the matter.

You subsequently ascertained that you had no right to take that machine, did you not ?-- I can't say whether I have ascertained that I have no right to take it.

DISCUSSION BETWEEN MAGISTRATE AND MR. SLOVO:

CROSS-EXAMINATION BY MR. SLOVO CONTD.:

This constable Schoeman who did the recording -- is that his name ?-- That is correct.

Did he do it the following day ?-- Yes, it was handed to him the following day.

You just handed it to him, and as far as you know you thereafter received the transcript ?-- Yes, shortly afterwards.

You weren't there when he did it ?-- No, I was not there.

And at this meeting were you alone, or were you together with other members of the Force ?-- I was accompanied by other members of the Force.

Who were they ?-- If I remember correctly it is Det. Sgt. Viviers and I think Det. Sgt. Strachan.

Is constable Schoeman a member of the Special Branch ?-- He is.

Was he at that stage ?-- He was.

He wasn't at that meeting ?-- He was not present at the meeting.

You are certain of that ?-- Yes, very sure.

(No further questions)

MR. COAKER: NO QUESTIONS:

NO RE-EXAMINATION:

JOHANNES STEPHANUS VIVIERS, duly sworn.

EXAMINED BY P.P.:

Have you already given evidence in this case ?-- I have.

On 8th September, 1953, did you attend a meeting of the Springbok Legion and Congress of Democrats, Darragh Hall, Johannesburg ?-- I did.

Did you make notes at the meeting ?-- I did.

You have your notes now before you ?-- Yes.

Who was the chairman ?-- Mr. Beyleveld.

You did not make notes of what he said ?-- No.

What happened then at the meeting ?-- "Recording of speeches by the following played back at meeting, Michael Harmel, Arnold Selby, Hilda Watts, Nelson Mandela and Cecil Williams." Lionel Bernstein, -he was the first speaker.

Did he do it the following day ?-- Yes, it was handed to him the following day.

You just handed it to him, and as far as you know you thereafter received the transcript ?-- Yes, shortly afterwards.

You weren't there when he did it ?-- No, I was not there.

And at this meeting were you alone, or were you together with other members of the Force ?-- I was accompanied by other members of the Force.

Who were they ?-- If I remember correctly it is Det. Sgt. Viviers and I think Det. Sgt. Strachan.

Is constable Schoeman a member of the Special Branch ?-- He is.

Was he at that stage ?-- He was.

He wasn't at that meeting ?-- He was not present at the meeting.

You are certain of that ?-- Yes, very sure.

(No further questions)

MR. COAKER: NO QUESTIONS:

NO RE-EXAMINATION:

JOHANNES STEPHANUS VIVIERS. duly sworn.

EXAMINED BY P.P.:

Have you already given evidence in this case ?-- I have.

On 8th September, 1953, did you attend a meeting of the Springbok Legion and Congress of Democrats, Darragh Hall, Johannesburg ?-- I did.

Did you make notes at the meeting ?-- I did.

You have your notes now before you ?-- Yes.

Who was the chairman ?-- Mr. Beyleveld.

You did not make notes of what he said ?-- No.

What happened then at the meeting ?-- "Recording of speeches by the following played back at meeting, Michael Harmel, Arnold Selby, Hilda Watts, Nelson Mandela and Cecil Williams." Lionel Bernstein, he was the first speaker.

Is he one of the Accused ?-- He is. (No. 5.)

Did you take notes of his speech ?-- I did.

Will you read what he said. ?-- "A great silence is creeping over South Africa. This silence started more than two years ago. It has been casting its shadow over parliament, the churches, the trade unions and social life in South Africa. Parliament has been silenced and not a single member dares to utter one word against the Government. In the churches, no minister of religion dares to air his views. Ministers of the Anglican, Methodist and Presbyterian Churches are expecting any day that the doors of their churches will be nailed and the churches themselves broken down brick by brick. This silence has even crept over the Press in South Africa. The same Press which protested with thundering voice when discriminatory legislation was being passed by parliament is silent today when the leaders of the people are banned from leading the people." Bernstein said that new leaders must come forth to take the places of those banned.

(Notes handed in G.421)

(No further questions)

CROSS-EXAMINED BY MR. COAKER:

Did you take down every word that was said by Mr. Bernstein ?-- No.

You did your best to get down what you could ?-- Yes.

And you are not certain what else he said ?-- I just took down what I could manage.

BY THE COURT: Can you only remember what you have taken down ?-- That is all.

(No further questions)

MR. SLOVO: NO QUESTIONS:

NO RE-EXAMINATION:

NICHOLAS JOHANNES VAN ZYL SCHOEMAN, duly sworn.

EXAMINED BY P.P.:

You have already given evidence ?-- Yes, I have.

On the 9th September, 1953, did you receive a recording machine from Det. Sgt. Kruger ?-- I did.

What did you do after you received it ?-- I took down speeches that were on the recording machine.

And did you make a transcript of it ?-- I made a transcript of it.

You have the transcript before you ?-- Yes.

Is that a correct transcript ?-- That is the correct transcript.

Will you read from your transcript ?-- Yes. Part of speech by Michael Harmel. "Not stop the people's movement for peace and liberty, but they can unless we find the answer. They can gravely cripple those movements. That is what they intended to do. When men of the calibre of Brahm Fisher and Alan Lipman are told to get out of the Peace Council, it is a serious blow to the Peace Council. When Nelson Mandela and Dan Xluma are told by a tinpot dictator, to quit the African National Congress, which they have given their best years to building up, when that happens, it is a very serious handicap to Congress, and we have got to find the answer. That dear friends depend on you and people like you outside this meeting. It is for you to come forward now. It is for you to come forward and replace the Fischers and the Lipmans and the Xluma's and the Mandela, and the Williams, and the Selby's. New leaders, new speakers, new forces, they must come from you. It is up to you to give the right answer to Mr. Swart and to his fascist minded government." Arnold Selby "Mr. Chairman and Friends, the intensification of oppressive measures against the workingclass, the non-white people and all democrats, is gaining momentum. The main starters up to now have been the national liberation movement and the trade union move-

ment. We democrats have learnt the lessons of the largest fascist dictatorship in Germany, Italy and elsewhere. We have learned the lessons of the gas chambers, the destruction of the trade union movement, democratic parties and all opposition and we have learnt the lesson of the resultant second world war from such dictatorship. We must not allow that to happen there as their roots have already gone a long way towards a naked fascist dictatorship. But that can be stopped. In fact, they must be stopped. We must fight back. We must organise all anti-government forces to co-operate in militant struggle. The vanguard of such a movement because of its organisation and because they suffer most are the workers organisations, the trade union movement and the national liberation movement. The fascist Nationalist Government knows this and that is why these organisations have up to now been the main targets of their attacks. It is clear that those individuals who have been banned are the most militant officials in the organisations they belong to. They have continuously exposed the menace which the Government holds to the peace and security of our land. They have organised the workers to fight back. Today it is the officials of the trade union movement, national liberation movement, and the peace movement who have been banned. Tomorrow it will be the officials of other organisations. The Minister of Justice has banned me because in my trade union work I have constantly exposed the plan of the Government to set up a fascist dictatorship. I have constantly exposed the plan of the Government to control our trade unions. We democrats have gathered here this evening to protest against the deprivation of freedom of religion, education and civil liberties. The banning of Advocate Fischer, Mr. Williams, and leaders of other organisations, by our efforts at this meeting, we are striking a blow at the policies of the Government. But to bring about real democracy we must all co-operate. All the anti-Government forces must come



come together. We must make the Congress of Democrats a really strong organisation." Hilda Watts: "Mr. Chairman and Friends, the Peace Movement was slow in taking hold .....

BY THE COURT:

Who is Hilda Watts, the previous witness mentioned a Mrs. Bernstein?

EXAMINATION BY P.P. CONTD.:

Is that Hilda Watts, now Mrs. H. Bernstein?-- I don't know.

BY MR. COAKER: I have no instructions on the matter, so I cannot admit it. She is not before the Court.

EXAMINATION BY P.P. CONTD.:

Will you proceed reading?-- Hilda Watts: "Mr. Chairman and Friends. The Peace Movement was slow in taking hold in South Africa, but since the beginning of this year, it has made tremendous strides. In a few months the Transvaal Peace Council organised dozens of meetings, large and small in Johannesburg and surrounding places. We found intense interest among all sections of the people on the question of peace and war, searching for information as regards the action. We began receiving letters from many parts of South Africa, asking for information about the Peace Council. What is most gratifying was the remarkable understanding among African and Indian people, not only in the towns, but in remote country districts of how important is the peace struggle to those who are most vitally concerned with the fight for liberation and human rights. With this great interest and understanding arose the first National Peace Congress held in South Africa. 275 delegates from the Transvaal, Natal, the Cape, Basutoland and Swaziland attended the Congress. Delegates would also have come from Southern Rhodesia and Nyasaland if they had been able to obtain permits. This Congress elected the first South African Peace Council and laid the foundations for developing peace work throughout South Africa, and in addi-

tion we have made valuable contacts outside the Union in areas where organised peace movements have not yet existed. Just before the Congress was held, the leading member of the Peace Council, and the opening speaker, Brahm Fischer, was banned. Cecil Williams spoke in his place. After the Congress Cecil was banned. Dan Xluma was elected one of the big vice-presidents for the new council. Dan has been banned. Alan Lipman was elected to the new executive committee of the council. Alan has been banned. I am secretary of the Transvaal Peace Council and acting secretary of the new South African Peace Council. I have been banned. What other construction can one put upon these events in that the Government of South Africa is a Government that hates peace, that fears peace activity, that wants to hold down the peoples' oppression of their desire for peace. What other construction that the Government of South Africa is aligned with those forces in the world working towards a new and most dreadful world war. What other construction in the fight for peace in South Africa assumes a new and greater urgency and importance becomes the vital concern of every single individual. Someone said to me the other day, where is all this getting you? Meaning where are you getting with all your political activity, what are you accomplishing? I would like to give this answer, even if we were not achieving anything, and we are, but even if we were not, how dare any individual remain passive with the situation in South Africa today. Remember Germany. How many people do you think said at each new stage of Hitler's oppression and atrocities, where would I get by protesting. I have got my job, my family, my position to think about. What good would it do. Until a whole nation acquiesced in the committing of the most ghastly crimes humanity has ever known, and even those who did not actively participate, was guilty by their silence, by their acquiescence. Don't let this happen to you. It is true the Government can gag individuals. They can't gag ideas. It is true

the Government can prevent some of us from speaking at certain times. They can't prevent the voice of the people being heard if the people desire it. It is true they can retard the activities of an organisation by removing their most active workers. They can't prevent the need for that organisation, nor can they ultimately prevent it from becoming a powerful force among the people if it will build the need as the peace movement will build the need. I make this direct and urgent appeal to each of you. Make the work of the Peace Council your personal concern. There are other organisations that have a call on you. This peace work becomes part of whatever you are doing. By your additional efforts, help fill those gaps that have been created in our ranks. Speak out for peace and freedom, and speak out loudly. There are worse things that can happen to you than that you should have restrictions placed on you for your activities and your abuse. It is worse to remain silent today. It is worse to have to think that you have done nothing, any time to offend this Government. The South African Government is going directly against the trend of world events. There is no real future for them in South Africa, and in the world today, and I assure you that everyone of us who is blamed today will be speaking on the platforms of this country long after Swarts and his henchmen have been silenced forever. Long live the people of South Africa."

Nelson Mandela. "The Minister of Justice has ordered me to resign from the African National Congress and other organisations. He has prohibited me from attending gatherings for two years. He has confined me to Johannesburg also for two years. These bans are designed to immobilise all the active workers in our organisations. To frighten away from the growing movement of democracy the millions of people who feel outraged by the racial policies of the Government. The attitude of the rulers of South Africa is, accept white baasskap or resist at your peril. In this situation our choice is a simple one. Either we submit to this dictatorship

leave out all political activity and permit the continuation of the rule of force and violence, or resort to positive action to resist this onslaught. To submit is to surrender our honour, to betray the trust and confidence placed upon us by our Congress and to be false to our own principles. But<sup>we</sup>/are refusing to bow down to reaction and fascism. We are defending the cause for which thousands of our comrades have painfully laboured and who are encouraging and consolidating the forces that work for democracy. What could be better proof of this fact than the magnificent conduct of the first victims of the Suppression of Communism Act. Conscious of the trust and confidence placed upon them by the people, they refused to bend their knee to the Government and to surrender their rights, without giving battle. Their courage and devotion (emotion) to the cause of freedom won us many friends and aroused the people to a high level of political understanding and militancy. For my own part I want to say with all the emphasis at my command that these restrictions have not in any way deterred or frightened me. On the contrary they have made me even more determined to play my part in the great struggle, for truth and justice, that is raging in our country today. I am convinced that the Government cannot hold our forward march to freedom if we stand together and fight in a disciplined and united manner. It is our own weaknesses, the lack of unity and solidarity, the defensive nature of our struggle that gives the Nationalists a chance to strike at us one by one and to cripple our organisation. Our first concern is to strengthen the Congresses and to make them in theory and in fact the fighting organisation of the people. If we carry out this task earnestly and diligently, the clique of small and frightened men that rule South Africa today will never be permitted to work their wicked way upon us. If we make action the corner-stone of our political activity, the people of South Africa will ultimately achieve

victory and finally defeat the racial policies of the Government." Cecil Williams: "Hullo Everybody: At the outset I would like to take this opportunity of placing on record my gratitude to those friends who have landed me where I am today. Don't misunderstand me. I want very sincerely to acknowledge the debt I owe in particular to the Springbok Legion and to the men in the Legion who over the years have given me political education, practical guidance and unfailing inspiration. Some of them of course must have grown tired of me, or of something, and are today no longer with us. But the real stalwarts are still with us leading and encouraging us. I would like to mention in particular Jack Hodgson. Jack has the supreme quality of tenacity, despite all adversities. In these past few years, for instance, it has been his vision and his tenacity which has held us together, and carried us forward. To him and all the others my humble thanks. I wish I could have found out before the time of this recording who Mrs. Pattington was. I believe she was demented old lady who tried with a cup or bucket to empty away the multitude in the sea, but I could not find out anything about her. However, I can remember that there was a corny old English character, centuries ago, by the name of Canute. He sat on the sea-shore and commanded the waves not to approach the foot of his throne. History records that King Canute was forced to beat a hasty and ridiculous retreat. Now in South Africa, there is another Canute, Charles Robert Swart, by name. He believes he can beat the fast-flowing full tide of progress to be still, to desist, to come no further. How deluded can a man become. By a series of analysable and understandable accidents, Charles Robert Swart, has become South Africa's Minister of Justice. He has taken to himself a number of tyrannical powers by means of which he hopes to compel the people of South Africa to conform to his many evils, egotistical fantastic patterns of thought and living. In fact he hopes to

mould the whole world to his backveld pattern of thinking. Shame, why doesn't his best friend tell him. Another Canute, and the same fate awaits him. Make no mistake about that my friends, for both in South Africa and in the wide world today, the forces of progress are running at full flood. I see those forces. I read of their achievements, not imaginary forces, not just the potentiality, but the unconquerable actuality. All those men and women throughout the world, north, south, east and west, white black, red and yellow, men and women who are putting the world to rights, preparing that world of happiness, security and peace for all mankind to enter in and enjoy. It is because I see this happening, because I know it must happen, and that nothing and nobody can stop it, because of all this I can be even at this moment light-hearted. I know that the ban on my meeting you and talking with you can be only a temporary one and a short one at that. I am sorry I am being forced to push some extra work on to you all because you have all been doing fine work, but I would like to ask personally, each one of you, to consider a little more responsibilities, to shoulder a little more responsibilities. Give a little extra time, energy, a little extra money too, so that we, the people, the people of the future can prove to Swart and all his supporters wherever they may be found that they can muzzle a voice but they cannot stifle an idea. They can ban an individual, but they cannot hold back the people. They can fill their goals today, but liberty floods the land tomorrow. They can twist and distort history, for the brief year, they cannot deflect mankind from his path of destiny. Forward to freedom."

(Transcript handed in G.422.)

(No further questions)

CROSS-EXAMINATION BY MR. COAKER:

I take it you had no assistance from anyone else in making this transcript ?-- No, I did not.

You were in a room by yourself, were you, while you did this work ?-- That is correct.

And did you remain alone from beginning to end of the whole process of preparing this transcript from the recording ?-- I took down the transcript by myself. I can't remember if anybody entered the room while I was busy with it. It is quite a while ago.

Did you take it down in shorthand or in longhand ?-- No, in longhand.

And then from your longhand you made a typed transcript ?-- I typed it out, as a matter of fact.

Did you type it directly on to a machine ?-- I can't remember if I typed it directly, or if I first wrote it down and then wrote it afterwards.

Did you play the speeches over to yourself once or more than once ?-- In places where it wasn't clear I played it over a couple of times, to make certain that it was correct.

(No further questions)

MR. SLOVO: NO QUESTIONS:

RE-EXAMINED BY P.P.:

Was that the first time you worked with a recording machine ?-- Yes, that was the first time I worked with a recording machine.

(No further questions)

ANDRIES JOHANNES KRUGER, duly sworn, (Recalled)

EXAMINED BY P.P.:

You have already given evidence ?-- I have.

The person mentioned by you, H. Bernstein, was she also known as Hilda Watts ?-- I have here recorded on my statement,

nee Watts. Apart from the statement I know that Mrs. Bernstein was formerly known as Hilda Watts, and Hilda Schwartz.

(No further questions)

NO CROSS-EXAMINATION:

COURT ADJOURNS:

COURT RESUMES 30/4/57:

MR. COAKER ADDRESSES COURT:

(Accused Absent: No. 19, J.M. Kumalo,  
No. 55, L. Nkosi,  
No. 80, J. Busa,  
No.100, Rev. Calata,  
No.101, S. Damons,  
No.118, D. Mqota,  
No. 132, A.J. Luthuli.

The following Accused, being Moslems, granted leave of absence to participate in the feast of Ramadan :

Accused No. 1. Farrid Adams,  
No. 2. Asmal,  
No.18, Kathrada,  
No. 9, Esakjee,  
No. 44, Moola,  
No. 45, Moosa,  
No. 50, Nathie,  
No. 58, Patel,  
No. 82, Assa Dawood  
No. 134, I.C. Meer,  
No. 138, Motala,  
No. 134, D.A. Seedat.

Certificate handed in, F. Carneson, Accused 81.

Accused No. 145, Pillay, certificate handed in; excused from proceedings for hospitalisation.

Accused No. 105, Mrs. C. Jasson, certificate handed in; excused from proceedings.

JOHANNES PETRUS COETZEE, duly sworn.

EXAMINED BY P.P. (MR. VAN DER WALT):

You have already given evidence in this case ?-- Yes.

On 1/12/55, did you attend a meeting of the S.A.Congress of Democrats ?-- Yes.

Where was it held ?-- In a room at the Skyline Hotel, Hill-brow, Johannesburg.



About what time did the meeting commence ?-- At approximately 8.30 p.m.

Until when ?-- I did not record when the meeting concluded.

Who was the chairman at the meeting ?-- Dr. R.E. Press.

Is he one of the Accused ?-- Yes. (No. 60).

Did you take shorthand notes at the meeting ?-- I did.

You have a transcript of your shorthand notes ?-- Yes, I transcribed it and I have the transcription before me.

Did the chairman address the meeting ?-- Yes, at the commencement, and at intervals during the meeting.

Will you read what he said ?-- "Good evening ladies and gentlemen. I am very glad to welcome you all here this evening. You know what our meeting tonight is for. It is to discuss the Freedom Charter. It is important that we know what the Freedom Charter is, what it stands for, and that is why we are here tonight. I want to welcome you all and our first speaker tonight will be the Rev. D.C. Thompson, who will speak to you about what the Freedom Charter means to South Africa and the South African political scene in general." The Rev. D.C. Thompson thereupon spoke.

Is he one of the Accused ?-- Yes. (78)

Will you read what he said: ?-- "Mr. Chairman and dear friends. It is my intention to speak to you tonight about the meaning, the inspiration and the significance of the Freedom Charter. I want to begin this address by giving you two quotations. The first is by Professor Dr. I. Nesborne, the eminent theologian. He said: 'How well does he understand the question of group conflict; how difficult it is for one group to be just towards another group; how true that the group is less moral than the individuals who form it.' The second quotation is by Mr. Leo Marquard, one of the few rational South Africans we have in this country at the present time. It is from his book, 'The Story of South Africa.' The sting is in the tail of the quota-

tion: How difficult is the situation, how dark the future of South Africa. We all realise that of the 12 million people in South Africa, 2 million are in effective political control, 2 million whites control 10 million who have no say in the running of the country, in the government of the country, the affairs of the country. I think you will agree with me that these problems are ably dealt with in the Freedom Charter, all of them. All the difficulties which beset South Africa today. This racially cast society, where the white minority govern the majority. The history of South Africa, the history over the last 300 years is a history of division, of a house divided against itself, of clashes between white and black, Boer and British, until 1910 it is a story of wars between English and Afrikaners. Yes, friends, South Africa is a country of contrasts and contradiction between white and non-white, poverty and riches, signs and superstitions, Christianity and heathendom, and yet we live side by side whilst these conditions, this situation exists and continues to exist. So much by way of introduction, as a background. Out of this situation white South Africa is trying to build for itself a fortress, a fortress around itself. I speak also tonight as a Christian minister working in South Africa, as one who loves South Africa, who sees that South Africa is not what it ought to be, is not playing its part in the committee of nations. It is a nation divided against itself, and no nation divided against itself can continue to exist. For years it has played an inferior part in the international affairs. It has not taken its rightful place in international spheres. So much by way of introduction. Now, I want to proceed to the Congress of the People, and the adoption of the Freedom Charter. There are three points to remember, you know, firstly the events leading up to the Congress of the People, secondly the events at the Congress of the People, and the adoption of the Freedom Charter, and thirdly the way forward with the Freedom Charter. We

must try to keep abreast of things. That is why we must look at the future. The way forward with the Freedom Charter. Now, the great Congress of the People was sponsored by the African National Congress, the S.A. Indian Congress, the S.A. Coloured Peoples Organisation, S.African Congress of Democrats and many other progressive people. Previous to the Congress of the People and the acceptance of the Freedom Charter, many of us felt and indeed asked ourselves the question, what about the future. We saw the national congresses, but we felt dissatisfied, because, after all, we are a multi-racial society and some of us dare to propagate a multi-racial front in a multi-racial South Africa. We saw all the portents of this coming. We saw the realisation of that. We saw fulfilment in that great meeting, the Congress of the People. Much hard work lay behind that great gathering, and only the efforts of masses of people made it possible, made it possible that we could come together in Kliptown in June this year. The Congress of the People marked an epoch in South African history. The situation cannot be reversed. We shall go on from that point. Another milestone was reached in South African history. The discipline of the people at Kliptown was wonderful, was such that it could not do otherwise but impress everybody. I shall never forget that sunny afternoon in June why even the elements seemed to favour us on that sunny afternoon. The people were in a happy mood, gathered together determined that their demands should be heard and discussed that afternoon. They who were there were determined that that was going to be the turning-point in South African history. They wanted to clarify their objective, potentialities, now and for the future. The common programme now and for the future, a charter to be drawn up by the people of the people and for the people, a charter expressing the people's demands, expressing their aspirations, their hopes embodying their rights and their duties. All this was set forth in this great document, that responsible document. Yes, it is a responsible

document. All those who agree with it will realise that it is a responsible document, built on principles, giving a picture of the South Africa of the future, when suppression shall be superseded. All who love freedom will be happy to work for it. Remember that our forefathers had to work and to fight for their rights. The American Bill of Rights was not easily achieved by the American people. The Magna Charta obtained by the English people in 1215 from King John, was only obtained after a hard struggle. The achievements of the Charta was not easily achieved. No, it had to be fought for. It was a fight of the people, according to conditions prevalent at the time, for a better way of life. Surely this is what we see, a better way of life for ourselves, our children and those who belong to us. The achievement of the Congress of the People is the Freedom Charter, a charter of the people by the people and for the people. It must become life in due course. It will be known throughout the country, that the people is on the onward course. In the modern world it is imminent(?) that we should give to the people their rights and their freedom. If we deny them their freedom we shall also be denied our freedom. If we deny other people their rights we will also be denied our rights. In the world in which we live today freedom is indivisible. You either ally yourself with the people, with the people engaged in the liberatory struggle, or else you ally yourself with the forces of reaction, of the enemies of mankind, of civilisation. A lessening of tension, of racial tension in South Africa, can only be found if we are prepared to free all peoples as persons, irrespective of their colour, if we remember that every human being is essential for us. The basis for this must be the recognition of their common humanity which binds us all irrespective of racial differences. The Freedom Charter as I have examined it, is a Charter which includes these aspects all very ably. It specifically the wishes, demands and aspirations of the people. It is a Charter which will extri-

cate us from the press and turmoil of racial strife. In South Africa we are on the right track, following the Freedom Charter and we must try to understand it and send it to the houses of the people throughout the country, and I am sure that they will recognise it as a document with which they fundamentally agree. I don't want the chairman to pull at my coat-tails, and in conclusion I want to say that I have no doubt that the Freedom Charter will appeal to all progressive South Africans. Thank you, Mr. Chairman."

Who was the next speaker?-- The chairman, Dr. R.E. Press, thereupon spoke, and introduced another speaker. He said "Thank you very much Rev. Thompson. I must also say at this stage that besides Rev. Thompson, there is Father Trevor Huddleston who has aligned himself with the people of South Africa. Mr. Peter Beyleveld will now speak on the political significance of the Freedom Charter and its political context in South Africa." Mr. Peter Beyleveld thereupon spoke.

Is he one of the Accused?-- Yes. (No. 6.) He said: "Mr. Chairman, Ladies and Gentlemen, I just want to say something ..... Our little leaflet evidently offended the Black Sash movement. I want to assure them that it was not the intention of the Congress of Democrats to encroach on their preserves. I also want to advise the black sash movement not to be so touchy and I want to tell them that the Organisation responsible, one of the organisations responsible for the formation of the Congress of Democrats, the Springbok Legion, five years ago, carried out the symbolic burial of the South African Constitution at the Cenotaph. So it would appear as if the Black Sash movement are a little behind times. We thought of it at least five years ago. We are five years in front, and I can only say to the Black Sash women that I hope that in another five years time they will stand where we now stand. Mr. Chairman, before I go on to the role that the South African Congress of Democrats played in South Africa, it

is necessary that we review developments in this country over the last five years, I mean the last ten years. Ever since the Nationalists came into power nearly ten years ago. The Nationalist Party came into power committed to a specific programme. Since they came into power the Government has taken steps to translate their policy, that programme on which they came into power into through legislation, and that legislation has not left South Africa unaffected, that legislation, its application has not left South Africa unaffected. I don't want at this stage to go into this legislation passed by the Nationalist Government, but we all know that it is of an oppressive nature, it is a dictatorial policy and the people whom it affects have and had no say in its formation. No regard was taken of them when the Nationalists formed the Government. No regard was taken of them in the framing of the policy of apartheid, a policy which affected them more than anybody else. I don't know what the Nationalist Party theorists had in mind when they formulated this policy of apartheid, of dividing South Africa into black and white. They talked vaguely about objects and objectives they had, but to the ordinary man in the street to their supporters, their policy means simply putting the native, the kaffir, in his place. But by putting the native in his place there is no question of carrying out the wishes of the Africans. Their policy is to be implemented without regard to the African's wishes. Apartheid is in essence an oppressive policy. It is simply a question of forcing down the throats of people the ideas of one section of the people and a minority section of the people at that. Irrespective of what views the Nationalist party theorists may hold, the fact remains that even though they have overcome some of the vagueness belonging to their policy, to the ordinary man in the street it still remains one of putting the kaffir in his place. The Africans understand it like that, that the legislation passed in the nearly ten years since the Nationalists came into power, is intended to keep them in an inferior position

The Africans cannot think in any other way of the legislation passed by the Government. Let us examine the native labour settlement of disputes act. It is intended to prohibit the Africans from organising into trade unions. Over the last ten years we have had a tremendous increase of employment of Africans in industry in South Africa, so that today you realise that 70% of the workers employed in industry are African, then you must realise how necessary it is to organise them into trade unions, and these acts of the Government deny the Africans that right to organise themselves into trade unions and to sell their labour to the highest bidder. That is how the Africans see it. They see it for what it is, an act to give them cheap labour in this country, in the industrial life of this country. Then the Group Areas Act. Let me say this, Mr. Chairman, and I say it without fear of contradiction, this Act is intended to give the Europeans the economic advantage over the Indians. I say this after noticing what happened in several country towns in the Transvaal where they wanted to shift the Indians right out of town, up to 7 miles out of town. It shows you that they are regarding the Indians as competitors in business, and just want to remove them. Then the Government also now intends to introduce passes to the African women. The African women have a record of struggle against the pass laws second to none in the world. Now they have to face this threat, that they will have to carry passes. The African women are aware of the hardships and sufferings connected with carrying passes. Their husbands have been carrying them for years. These things show you that you cannot expect the non-European to regard the Nationalist Party policy otherwise than that is designed to keep the non-Europeans as slaves. Now, friends, let us examine the effect of this policy on the non-Europeans. It has caused them to progress politically. It has resulted in the liberatory struggle of the Congress movement. The African National Congress was

originally established on a non-political basis merely looking after the cultural heritage of the people whom they represented. With the introduction of the policies of the present Government, resulted in the African National Congress turning to politics. They began to politically educate the African people, resulting in the course of time in the Defiance Campaign. I don't want to dwell on that, but it shows that the African National Congress succeeded in making the African politically conscious, a consciousness which culminated in the Congress of the People. In that statement which embodies the aims and aspirations, which sets out the objectives of the African people, the non-European people, in the Freedom Charter. In future they, the supporters of the Freedom Charter, will form the real opposition to the Nationalist Government in South Africa. At this stage in South Africa, South African politics, we have reached two extreme poles. On the one hand we have the Nationalist Party with its policy of apartheid, demanding that the European should forever hold a dominant political power, should forever be the baas in South Africa. They believe in a policy of baasskap. On the other hand we have the non-European people engaged in the struggle for liberation, for the recognition of their democratic rights and they have developed to be the real opposition to this Government. I believe that the time has come for us Europeans to say where we stand, to choose where we want to stand, and I believe that we have chosen the correct pole. I believe that it is impossible for the Europeans to maintain baasskap in South Africa. We have seen the official opposition party, the United Party, fail to oppose the Nationalist Party effectively. The United Party is going through a process of disintegration. Mr. Bekker has formed his own party, and Mr. Bernard Friedman has broken away. This disintegration is going on in the United Party itself. Let us examine the signs of this disintegration and also the formation of the new Liberal Party and the trend towards the



left in the Labour Party. What does it portend. That to me is a sure sign that the Europeans are becoming more and more dissatisfied with the official Opposition and are striving to form a more effective opposition to the Nationalists. The Europeans are going through political turmoil of making up their minds in this conflict between the baasskap policies of the Nationalists and the struggle for liberation of the non-Europeans. I want to stress that the Europeans will have to decide for themselves. Whether to acquiesce in the Nationalist Party Government and its policy or whether to throw in their weight with those fighting for liberation. Let me repeat, Mr. Chairman, what the Rev. Thompson has said. Freedom is indivisible. It is useless for the Europeans to say we want to preserve democracy unless they are prepared to give it to those who do not have it, the coloureds, Africans and Indians. In the South African constitution it was the inherent weakness, that left the door wide open for abuse, by a group of people such as the Nationalists and we must realise that it is impossible to save South Africa as a democratic country unless we are prepared to extend political rights to the non-European people. Now, I want to come to the Congress of Democrats. After all, that is why this meeting is being held tonight, to discuss ourselves and our place in South African politics. As far back as 1952 Europeans in South Africa began to realise the truth that it was impossible to preserve democracy unless political rights were extended to the non-Europeans and so the S.A. Congress of Democrats was formed. It seeks closer co-operation with the liberatory movement. It seeks a policy which would bring about partnership of the different races in South Africa. It seeks to mobilise the Europeans to assist the non-Europeans in their struggle for democratic rights in South Africa. We want the non-Europeans to have a say in the government of the country, to have an economic place in the industry and economy of South Africa, to have individual freedom, freedom

of movement, freedom from restrictive laws, yes, freedom from the restrictions placed on the non-Europeans ever since the Act of Union. Well, before that. But let us confine ourselves to the Act of Union, 1910, the period since the Act of Union. It was not possible for us to think that we could be in a position of superiority and the non-Europeans in a position of inferiority forever. It is against development which is going on all over the world. Colonial peoples are getting their freedom all over the world. History has proved that the struggle for the underprivileged for rights will be successful. To deny them that is against world development in general. This organisation realises that the future of South Africa can only be built on a basis of partnership between the different races in South Africa, and that is why we gladly accepted the invitation of the African National Congress to sponsor the Congress of the People together with other progressive organisations. The Congress of Democrats was not the only organisation invited. Other organisations were also invited, the Liberal Party, the Labour Party, and the United Party were invited to co-sponsor the Congress of the People, to come together and to try and find a basis on which that partnership can be brought about. I had the honour to be elected chairman of the committee; over a period of more than a year meetings were held, demands were gathered and eventually these demands were correlated into the Freedom Charter, and the purpose of the coming campaign of bringing the Freedom Charter to the people is to bring about harmony between the different races of South Africa. I want to conclude by saying that it is useless to defend a Constitution which in itself denies human rights to people. That Constitution is basically the cause of racialism in South Africa. If we want to save South Africa we must make it a place fit for everybody to live in and we must remove the scourge of racialism. We must bring the Freedom Charter to the people. Thank you." The chairman again spoke, Dr. R.E. Press.

"Thank you, Mr. Beyleveld. Mr. Beyleveld has spoken about the two extreme poles in South African politics. The one pole where racialism is rife, and the other pole where a democratic loving people fighting for freedom are gathered, and the Government is frightened of them. But why is the Government so frightened. What is this other pole they are so frightened of? Is it something described in America's horror comics? No, they are afraid of the Freedom Charter. Mrs. Helen Joseph is going to tell you about this Freedom Charter, compare it with the United Nations Declaration of Human Rights. That comparison is so similar, but I will ask Mrs. Joseph to start and tell you about this Freedom Charter." Mrs. Helen Joseph then addressed the meeting. She is amongst the Accused. (No. 13.) She said: "Mr. Chairman and Friends, I must say that I feel honoured to be called upon to speak about the Freedom Charter. It is a most important subject. You will all remember that when the second world war drew to a close, the nations of the world came together and formed the United Nations Organisation. The countries who had suffered under war, those countries which sought peace, came together and formulated their human charter, the Declaration of Human Rights. Now, I know that South Africa was not a signatory to some of the clauses of the Declaration of Human Rights, but nevertheless it was accepted by the majority of the nations of the world. It was a charter for the future. The world was excited at the time by this Declaration of Human Rights. Every clause was discussed by the people, but I don't think it was discussed more in any other place than in South Africa, and yet it was forgotten soon after the war to defeat Nazism was ended. In South Africa it was also forgotten, even by those who accepted it at the time. Then came the preparations for the Congress of the People, and the message went forth to the four corners of the land, to the factories, to the kraals, to the towns, villages, mines, mine compounds, and the people dis-

cussed together, what is it that worries you most in this country, and then the demands came in. The people told of their sorrows and hopes and heartaches. It came on little scraps of paper and exercise books, scribbling books, etc. It came from groups of people meeting in the Transkei, people meeting right here on your droostep, and all this resulted in the Freedom Charter adopted by the Congress of the People. And what is perhaps the most important, the people felt when listening to these demands it was not something new, it was something they had heard before, it was an expression of their own hopes and desires. Take a look at the United Nations Declaration of Human Rights. Compare it with our own Freedom Charter, and you will find that fundamentally they are one, the same thing. It is what was born out of the second great world war, peace, understanding and the brotherhood of man, but in this country, when the police came to investigate alleged charges of treason and sedition they took that freedom charter. I want to say, Mr. Chairman, that if what is in the Freedom Charter is treason or sedition then the whole world is guilty of treason and sedition. The Freedom Charter is something that I feel which every person should carry it with him. In it lies the future of South Africa. Every weakness in the South African Constitution for it you will find a remedy in the Freedom Charter. Its fundamental strength lies in the fact that it was born out of the desires of human beings, and that is why no power on earth can destroy it because it is the volkswil of South Africa. You know, I noticed something strange when I examined the Declaration of Human Rights and compared it with our Freedom Charter. The Declaration of Human Rights is written in the present time, the present tense throughout, whereas our Freedom Charter is written in the future tense. What is the reason for that? It is that we are still fighting for the future. Another difference, though small is that the Freedom Charter goes into detail, but a little more

detail, things like apartheid, the pass laws, whereas I don't think that the people responsible for UNO's Declaration of Human Rights could not possibly conceive what a pass means. Let us look at the Freedom Charter, the preamble to the Freedom Charter. This Government cannot claim a mandate to govern the people. This Government is not based on the will of the people. It is not even based on the will of the white people of this country, only on the will of an infinitesimal section of the whites. It is a minority Government. This is the preamble. We, the people of South Africa, declare for all our country and the world to know that South Africa belongs to all who live in it, black and white, and that no Government can justly claim authority unless it is based on the will of all the people; that our people have been robbed of their birthright to land, liberty and peace by a form of government founded on injustice and inequality; that our country will never be prosperous or free, until all our people live in brotherhood enjoying equal rights and opportunity; that only a democratic State, based on the will of all the people can secure to all their birthright without distinction of colour, race, sex or belief. Unless the non-Europeans are free, we the Europeans, will never be free, will never be prosperous. You may say: Look, I am prosperous, I am staying in Houghton, but you will never be free. I want to say to you that you will never be free, because fear stalks the country. Let us examine sometimes our own hearts, our own injustices, the injustice of man to man and forget for a bit about the injustice of the Government. Let me assure you that only a democratic government based on the will of all the people will bring peace in South Africa, and that is why we say in the first part of the Freedom Charter: The people shall govern. Every man and woman shall have the right to vote for and to stand as a candidate for all bodies which make laws. All people shall be entitled to take part in the administration

of the country. The rights of the people shall be the same regardless of race, colour or sex. All bodies of minority rule, advisory boards, councils and authorities shall be replaced by democratic organs of self-government. It says the same in UNO's Declaration of human rights here. Section 21: Everyone has the right to take part in the government of the country. Here in South Africa the non-Europeans have no direct say in the Government of the country. It is true that they may choose a limited number of European representatives, but the last three persons elected by them Sam Kahn, Brian Bunting and Ray Alexander were not allowed to take their place in the House of Parliament. I want to say this, take this Declaration of Human Rights of UNO and you will find that almost every law in South Africa violates it. It violates the whole of the Declaration, not only those clauses which South Africa objected to. In the Freedom Charter we say: All national groups shall have equal rights. The Declaration of Human Rights says: All human beings to love..... in dignity and freedom. The leaders of the nations framed the last one and the people of South Africa the first. It is the same. The Freedom Charter says all national groups shall have equal rights, and the Declaration says everyone is entitled to all the rights set forth in this Charter. The same as ours. In the Freedom Charter we also say: The people shall share in the country's wealth. That you will not find in UNO's Declaration of Human Rights. Those people could not conceive that the conditions which they fought to eliminate could continue to exist in South Africa amongst the non-European people. It is necessary that all the people of South Africa should share in the country's wealth. The African people have suffered for hundreds of years. Their land has been taken away from them, and that is why they are so specifically mentioned in our Charter, and you may not find them specifically mentioned in UNO's Charter. The land shall be shared amongst those who work

it. So says our Charter. It is the same as the Declaration, article 17. Everyone has the right to own property, alone or in association with others. Compare it with the position in this country where the non-Europeans are not allowed to sell their labour on the best market. For hundreds of years they have been used as cheap labour, where they are not allowed to own land and property under the Group Areas Act. Yes, it is the same in UNO's Declaration. Everyone shall have the right to own property. The Freedom Charter says: All shall be equal before the law. UNO's Declaration of Human Rights says: All are equal before the law and nobody shall be discriminated against. That is what the world pledged itself to work for. The Freedom Charter says: All shall enjoy equal human rights, the law shall guarantee to all the right to speak, to organise, to meet together to publish to preach to worship and to educate their children. In UNO's Declaration we find the same thing. It says here: Everybody has the right to peaceful assembly and association. Here in South Africa, a great many people are denied that right. Here in South Africa there is no privacy in the houses from police raids. The non-Europeans are subject to arbitrary interference of their rights of privacy and dignity. In the Freedom Charter, it says: All shall be free to travel without restriction from countryside to town, from Province to Province and from South Africa abroad. UNO's Human Rights Declaration says the same: Everybody has the right to leave any country including his own to go to any other country. The next section of the Freedom Charter tell us there shall be work and security. Then the same in UNO's Declaration of Human Rights. That you, the individual, shall have the right to employment and good remuneration. You see now, that all these things are in the Declaration of Human Rights. Human rights are universal. Surely what is good enough for the world is good enough for South Africa. The Freedom Charter says: The doors of learning and culture shall

be opened. Those doors have been closed by the actions of the Government, by the Bantu Education Act, particularly, for the African population. But they shall be opened. The Government shall discover, develop and encourage national talent for the enhancement of our national life. So says our Freedom Charter. And further: Education shall be free, compulsory, universal and equal for all children. Here we have it again in Article 19 of the Declaration of Human Rights. Everyone has the right to free and compulsory education, regardless of frontiers. That is the aim of true education. There is one significant omission in the Declaration of Human Rights, of the word 'universal.' Nobody in the world could have conceived of a state in the world differentiating between education for its children on the ground of colour. Further, the Freedom Charter continues: Higher education and technical training shall be open to all by means of State allowances and scholarships awarded on the basis of merit. Compare that with the position in South Africa, where we have the potential skill, but do not make use of it. We all know of the desire of the African people for higher education. Teachers shall have the rights of other citizens. Again, that you will not find in UNO's Declaration of Human Rights, because it is evident that the teachers should have that right. They are the people responsible for directing and leading their pupils. There shall be houses, security and comfort. All people shall have the right to love where they choose, be decently housed and to bring up their families in comfort and security. Unused housing space shall be made available to the people. Rent and prices shall be lowered. Food plentiful, and no-one shall go hungry. A preventative health scheme shall be run by the State. Free medical care and hospitalisation shall be provided for all, with special care for mothers and young children. Fenced locations and ghettos shall be abolished. All these things you will find in UNO's Declaration of Human Rights. Is this treason, or is it



humanity. There shall be peace and friendship; there shall be no more wars. That is what we want. The people said, away with restrictions on travel. We want to live. What is good for the Europeans must be good for the non-Europeans. What is good for one is good for all. Thank you." The chairman concluded: "Thank you Mrs. Joseph. I would like to say that the turning point has been reached. The Government and its henchmen are trembling in their boots. Surely if we say: I want a thing, these things in the Freedom Charter, for myself, then they must be good for other people. We will now allow questions from the floor on the subjects that have been discussed this evening." Only one question asked by an elderly unknown gentleman, who wanted to know whether the S.A. Congress of Democrats really and sincerely believed that if what they had preached that evening from the platform would come about, South Africa would be a happy and prosperous country, or whether revolution and bloodshed would be the result. This questioner was assured by Mr. Piet Beyleveld that the African National Congress and its allies had the best intentions. The Chairman, Dr. R.E. Press, "We have now come to the close of our meeting. This meeting is part of the Charter campaign so we will be glad if you will fill in one of these forms. We also have a small booklet here. 'We are many' and copies of the Freedom Charter which everybody is free to take away. Thank you very much."

(Shorthand notes handed in G.423; Transcript G.424.)

(No further questions)

CROSS-EXAMINED BY MR. BERRANGE:

It is clear from your notes that at the beginning of his speech the Rev. Thompson delivered himself of two quotations ?--  
Yes.

And you did not make a note of these quotations ?-- No.  
I merely stated that.....

One was a quotation by Dr. Neibuhr ?-- It is possible. A name was mentioned, I cannot say it.

You have got it recorded as Nesborn, but I think that is probably a typist's error ?-- Yes, it may be.

And the other one was by Leo Marquard ?-- Yes.

I would just like to have these quotations read into the record, so I propose to read them out to you and ask you whether you will agree that this is what the Rev. Thompson quoted: So far as the first quotation by Neibuhr is concerned, the following is the quotation: 'Human collectives, races, nations and classes are less moral than the individuals which compose them, and justice between groups can therefore not be achieved purely by educational means. Injustice must be resisted. The problem is to find forms of resistance, which will not destroy the meagre re-sources or rational and moral action which groups do possess.' And the other one by Marquard is as follows: "Whether or not South Africa becomes a republic, she cannot evade her oldest and most crucial problem, the reconciliation of her colonial subjects. The history of South Africa has been dominated by the fact that its population has always consisted of people of different cultures and languages who had to adapt themselves to the different situations created by the contact of those cultures. Such adaptation is never easy, but on it depends the future of South Africa. The Union is a multi-racial state of 12½ million people, of whom 2½ million are in effective political and economic control. The remaining 10 million are colonial subjects, with very little say in the councils of the nation, and to a large extent they are debarred by law and custom from playing that part in the building of a nation which their ambition and abilities urge and entitle them. Whether South Africa will sink into oblivion, a classic example of a multi-racial society that failed, or become the greatest force for the maintenance of Western culture on the Continent of Africa, depends primarily on whether her

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