

can refer us to the references in the record.

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MR. TERBLANCHE: I'll do so, my lords.

Now, my lords, this meeting was attended by members of the South African Congress of Democrats amongst others and by members of the African National Congress, the South African Indian Congress, the South African Federation of African Women. Now members of the South African Congress of Democrats who attended were Bernstein, - that was the evidence of van Pappendorff and Sharp, my lords - and Levy, L. Levy - - the evidence of van Pappendorff - - Helen Joseph, van Pappendorff and Sharp - - Joe Slovo, van Pappendorff and Sharp; and Ruth Slovo - van Pappendorff and Sharp.

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Now, my lords, there isn't one of these members where Sharp's evidence stands alone; Helen Joseph, my lords, has as a matter of fact disputed that she attended this meeting, and I'm not going to deal with that now because that will be dealt with when her personal position is dealt with.

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But amongst the speakers, my lords, was L. Bernstein, a prominent member of the South African Congress of Democrats, and this meeting was fully dealt with by my learned friend Mr. Trengove when he dealt with the African National Congress and I'm not going to refer in detail to the speech made by Bernstein at this meeting.

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My lords, the next meeting is that of the 28th August, 1955. It was a meeting of the Evaton People Transport Committee at Evaton, page 8210; D/Sgt. Wessels gave evidence of this meeting and, my lords, his position and his reliability has been dealt with and this meeting

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has also been dealt with at that time.

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Now, my lords, one of the speakers at this meeting was R. Press, a member of the South African Congress of Democrats. I'm not referring to his speech in detail as it has been dealt with already.

Then the next meeting, my lords, is the one of the 25th July, 1954, at page 7432 of the record. Perhaps your lordships have already seen that on the Schedule I handed in these meetings appear chronologically.

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RUMPF J: That was the basis for my question - why you threw them about again in your argument.

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MR. TERBLANCHE: My lord, the argument, if I may say so, was prepared before the Schedule was prepared; that was only prepared during the course of the adjournment we had last week, my lords. Now, my lords, in regard to this meeting at Evaton - - certain witnesses gave evidence to the effect that this meeting was purely an Economic matter, and if that were so, my lords, one wonders why a member of the South African Congress of Democrats went there to make a speech. . . .

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BEKKER J: Where on Schedule No.6 does this meeting occur; where is it listed? Which meeting is it, the one you are dealing with at the moment?

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MR. TERBLANCHE: The meeting of the 28th August, 1955, my lord.

BEKKER J: That's "J" on page 13?

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MR. TERBLANCHE: That's right, my lord. I am only saying, my lords, that in my submission the South African Congress of Democrats made use of this boycott of the buses at Evaton in order to place their support for the Liberatory Movement and the Freedom Charter before

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the people at Evaton, and that is the reason why Press..... 1

BEKKER J: On what do you base that submission?  
On the mere fact that Press was present, or on what he said  
at the meeting?

MR. TERBLANCHE: And what he said at the meeting,  
my lords. 5

BEKKER J: Well, what did he say?

MR. TERBLANCHE: My lords, this has been dealt  
with . . .

BEKKER J: Well, refresh my memory.

MR. TERBLANCHE: He said the actions of the 10  
Bus Company was to oppress the people- - he said the  
Government are the Bus Company to oppress the people, my  
lords; he brings that into this economic matter; he  
brings it in in relation to the Government, my lords.  
He said the Government asked these people to oppress.... 15  
and he said that if they were united not only could they  
throw the Bus Company out but also the Government, and he  
then referred, my lords, to the drawing up of the Freedom  
Charter at Kliptown. That is my submission is a short  
summary, my lords. 20

BEKKER J: Now when he spoke there did he speak  
- did he say "I'm speaking on behalf of the South African  
Congress of Democrats", or in what capacity did he address  
the meeting?

MR. TERBLANCHE: My lords, there is nothing 25  
in the notes or in the evidence to show that at any time  
he said that he was speaking on behalf of the Congress  
of Democrats.

BEKKER J: Well, then why must we hold that he  
did? 30

MR. TERBLANCHE: My lords, in my submission he was 1  
a member of the South African Congress of Democrats; it  
was usual for these different organisations to hold joint  
meetings; members of the one speaking at meetings of the  
others, and where they, in my submission, did not give to  
the audience their own personal views, but they gave the 5  
views which they held as members of certain organisations.  
This applies to Press at this meeting, my lords. He was  
not speaking in a purely personal capacity when he attended  
the meetings of these other organisations, and although  
this was a meeting arranged by the Evaton Peoples Trans- 10  
port Committee the African National Congress, too, as  
is to be seen from the evidence, made use of this meeting  
and other meetings - sent speakers out to these meetings -  
and in the same way it is my submission, my lords, that  
the only inference to be drawn is that Press was speaking 15  
at this meeting, if not on behalf of the Congress of  
Democrats . . .

RUMPF J: Well, is your argument that he made  
a speech - - he was not announced as a representative of  
the S.A.C.O.D. but what he said was consistent with what 20  
you submit the policy was of the S.A.C.O.D. Is that what  
your submission is?

MR. TERBLANCHE: Yes, my lord, that is my sub-  
mission.

RUMPF J : Yes. 25

MR. TERBLANCHE: That that inference can be  
drawn, my lords. Now, my lords, the next meeting is  
the one of the 25th July, 1954 which was a meeting under  
the auspices of the African National Congress, S.A.C.P.O  
the Transvaal Indian Congress and the South African Congress 30



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of Democrats, held in the Trades Hall, Johannesburg. 1

D/Sgt. Coetzee gave evidence on this meeting and so also  
did Coloured D/Sgt. Sharp, but his evidence is of no im-  
port as far as my submissions are concerned, my lords.

Now, my lords, this meeting has also been dealt  
with fully and I'm not intending to refer to the speeches 5  
made there.

BEKKER J: Well, just a minute; you know, Mr.  
Terblanche, this statement says the speech relied on is  
that of J. Slovo and B. Beyleveld also spoke; now there  
are many issues covered in your submissions. When you 10  
say this speech relied on is that of J. Slovo, is it in  
respect of one particular submission or the whole lot?

MR. TERBLANCHE: My lords, I'll refer to these  
meetings again when I deal with the other issues. . .

BEKKER J: But when you say the speech of J. 15  
Slovo is relied on, relied upon for what?

MR. TERBLANCHE: In this instance, my lords,  
to support the allegations and the submissions which I  
made . . .

BEKKER J: All of them, or only some of them? 20

MR. TERBLANCHE: Only some of them, my lords.

BEKKER J: Well then, which?

MR. TERBLANCHE: My lords . . . .

BEKKER J: Otherwise we've got to read it and  
we've got to guess for which submission is the Crown seek- 25  
ing to rely on Slovo; for one or all - - if you'll tell  
us I think it may be easier.

MR. TERBLANCHE: I realise that, my lords, but I  
tried to avoid having to go through this same speech  
more than once, because my learned friend Mr. Trengove 30

has already gone through this speech, my lords. 1

BEKKER J: He was arguing A.N.C. You are arguing on a different organisation.

MR. TERBLANCHE: But he dealt with the meeting as a whole, my lords.

BEKKER J: What I am trying to avoid, Mr. Terblanche, is having to guess what you mean when you say the speech of Slovo is relied upon. 5

MR. TERBLANCHE: I realise that, my lord, and therefore I'll go back and also give what I submit is a correct summary of his speech. 10

BEKKER J: Well, you see, if you could for instance by way of argument say "Well, now, I rely on the speech of J. Slovo in support of paragraph 3 of my heads of argument, or my submissions; or in support of paragraph 2". Then we would know. 15

MR. TERBLANCHE: My lords,

BEKKER J: But you've got listed here eight submissions, eight main submissions; now when you say you rely on J. Slovo's speech, could you not indicate to us insofar as it touches upon submission No.5 for example, submission No.3 . . . or the whole lot. 20

MR. TERBLANCHE: Will your lordships allow me to try to do that from tomorrow. I didn't work it out in that way. I may say, my lords, that I think it might prove to be an almost impossible thing to do at this stage because certain things that he said may be paragraph 1; others may be paragraph 7. . . 25

BEKKER J: Yes, well then say, paragraph 1, paragraph 7. . .

MR. TERBLANCHE: If your lordships will allow me 30

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to try to do that during the adjournment from this afternoon till tomorrow. 1

RUMPF J: It's no good doing that in connection with the one meeting only.

MR. TERBLANCHE: No, my lords, I'll try to do it with all the meetings I've dealt with so far, and with all the others. 5

BEKKER J: And the same with documents.

RUMPF J: May I ask you about this statement of yours - - the statement that you've got to come back to all these meetings again; what do you mean by that? 10

MR. TERBLANCHE: My lords, what I mean is that in the Policy Schedule we refer to the same meeting under more than one head. I'll therefore just have to draw your lordships' attention to the fact that this meeting - we also rely on it under this other head. 15

RUMPF J: Is that all that you are going to do? You're not going to deal with the particulars of the meeting?

MR. TERBLANCHE: Not unless it is the same speaker; then I won't deal with it again, my lord. 20

RUMPF J: If you've dealt with it now?

MR. TERBLANCHE: If I've dealt with it now.

RUMPF J: Yes. Mr. Terblanche, how long is your argument going to be on the part of the case that you've got to deal with? At this stage. You may have to come back later, I don't know, but are you going to argue for some days still? 25

MR. TERBLANCHE: My lords, I may indicate that it will go faster as I proceed . . .

RUMPF J: I'm just interested in an estimate at 30

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the moment. I'm not suggesting you should alter your  
argument at this stage.

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MR. TERBLANCHE: I estimate, my lords, that I  
should finish either tomorrow or on Thursday morning.

RUMPF J: Will somebody else then take over from  
you?

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MR. TERBLANCHE: Yes, my lord, someone else will  
take over from me.

RUMPF J: Yes. Will you then at a later stage  
again argue a portion of this case?

MR. TERBLANCHE: I'll at a later stage argue the  
position of individuals, my lords.

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RUMPF J: Have you finished that argument; are  
you ready to do so?

MR. TERBLANCHE: Not quite, my lord.

RUMPF J: I'm thinking of this, that if you go  
on as you have been going on now and if you have finished  
with your argument now, or if you do finish now, whether  
you could not re-draft this Schedule 6 in a different  
form, so as to contain your submissions and under each  
submission the reference to the documents and meetings  
and speeches to which you have referred us in this docu-  
ment.

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MR. TERBLANCHE: My lords . . .

RUMPF J: I don't think you'll be able to do it  
this afternoon at all. With respect I don't think it's  
worthwhile having only one reference to one of these meet-  
ings and speeches in connection with one little matter.  
We would like to have a re-draft of this schedule 6, so  
as to bring under each submission a reference to the  
document on which the Crown relies for that submission, and

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a reference to the speeches on which the Crown relies  
for that submission.

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MR. TERBLANCHE: My lords, that was really the  
intention - to do it that way, but time was short. I  
did under the National Action Council and the Congress  
of the People and the National Consultative Committee  
do it in the way your lordship now suggests.

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RUMPF J: Well, would you try and do it after the  
conclusion of the argument at this stage; tomorrow or  
Thursday or Friday - I don't know when.

MR. TERBLANCHE: I'll do it, my lords, even if I  
have to do it during the adjournment in December.

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RUMPF J: We don't want you to introduce any new  
stuff; just a re-draft of the present Schedule 6.

MR. TERBLANCHE: That I understand, my lord; I'll  
certainly do that, my lords; it will be ready for the  
Court at least before the Defence argument starts, my  
lords.

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RUMPF J: Yes.

MR. TERBLANCHE: My lords, in dealing with the  
meeting of the 25th July, 1954, according to the evidence  
of D/Sgt. Coetzee, amongst the speakers were J. Slovo  
and P. Beyleveld, both prominent members of the South  
African Congress of Democrats. Now, my lords, the  
Chairman called upon Slovo to address the meeting on  
the 18th, the meeting of the Congress of the People;  
now he referred to the Call made by the African National  
Congress, the South African Congress of Democrats and  
other organisations at two meetings and that it had laid  
the foundation for the Congress of the People, and he  
said this in regard to the Congress of the People - - and

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that's why I didn't repeat it, my lords, because your lordships' attention was specially drawn to this portion by Mr. Trengove when he said . . . 1

BEKKER J: Yes, but it's humanly impossible to remember everything that is said. You see, if you deal with the Congress of Democrats you may just refresh our memories to some extent; it will help. 5

MR. TERBLANCHE: My lords, I appreciate that but may I just say that we are trying all we can to shorten the proceedings and we know, my lords . . . .

BEKKER J: We've been a long time; I don't know why there should be a rush at the moment. 10

MR. TERBLANCHE: No, my lords, not a rush, but we are trying. "The Congress of the People is a most constitutional, a most legal and a most democratic business that has ever originated in the history of South Africa", and then he also said that "the basic aim of this assembly will be to adopt the Freedom Charter". He explained the campaign for the demands and the election of representatives. Then at page 7461 . . . 15

BEKKER J: Well, is that a further reference to a further portion of the speech by Slovo? 20

MR. TERBLANCHE: Yes, my lords. Page 7461, my lords, at page 25 - at line 25 rather, my lords, when he says "Let me end, Mr. Chairman, by reading a paragraph from a circular sent out by the National Action Council. Those people and those organisations that refuse to take part in the Congress of the People will stand exposed as enemies of the democratically expressed opinions of the majority of the South African citizens and will lose the support of all decent freedom loving 25 30

people. Let us all say together "Long live the voice of  
Freedom, long live the Congress of the People." My lords,  
I'm not referring to anything said by P. Beyleveld, I'm  
only referring - - I'm only relying on the fact that he  
also spoke.

My lords, the next meeting is one of the 25th  
and 26th June, 1955; that's a Congress of the People meet-  
ing at Kliptown, Johannesburg, where the Freedom Charter  
was drawn. This appears at page 10270, my lords. Mr.  
Schoeman, shorthand writer, gave evidence in regard to  
this meeting, but his evidence, my lords - the transcript  
of his shorthand evidence was admitted by the Defence as  
proved and was typed into the record - admission was at  
page 10269, my lords. Now amongst the speakers were the  
following members of the South African Congress of Demo-  
crats. Firstly, Dr. Press, and he read the messages, my  
lords. Amongst those messages was one from Mr Choa-n-Lai  
in China, and then at page 10272, my lords, Beyleveld spoke  
making a presentation to Chief Luthuli on behalf of the  
African National Congress, the S.A.I.C., the S.A.C.O.D. and  
the S.A.C.P.O, referring to the fact that he, Luthuli, had  
sacrificed his position for the cause of leading the people  
on the road to liberation, and he also read the draft  
Freedom Charter in English and he read the preamble to the  
draft Freedom Charter, and he also discussed it, saying  
that they pledged themselves to strive together to achieve  
the Freedom Charter. And in my submission he ended  
by saying, my lords, . . .

KENNEDY J: What do you want this for, Mr. Ter-  
blanche? Because again, as I understood it, as I under-  
stand it, there is no dispute about this.



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MR. TERBLANCHE: My lords, I'm not quite certain, 1  
with respect, whether there is any dispute about the  
pledging. Your lordships will remember that there were a  
lot of questions about this. . .

KENNEDY J: The pledging to support the Freedom 5  
Charter?

MR. TERBLANCHE: Yes, my lord.

RUMPF J: Then why don't you deal with it -  
the question of pledging. We know that this happened.  
What is the inference, from what you've just read; what  
is the inference . . . 10

MR. TERBLANCHE: As far as Peter Beyleveld is  
concerned, and as far as the Congress of Democrats is  
concerned, there was an actual pledging to work, to strive  
together, to achieve the aims of the Freedom Charter.

RUMPF J: Yes. 15

MR. TERBLANCHE: And it is further said, my  
lords, that what is demanded there is freedom and that  
the creator of apartheid and the creator of oppression  
- - - Turok, my lords, at page 10293 moved the clause  
that the people shall share in the country's wealth. 20  
Turok was a member of the South African Congress of  
Democrats, as I have already pointed out. Now, my lords,  
I submit that his speech clearly shows that as far as he  
he was concerned, or as far as the South African Congress  
of Democrats was concerned, it was really intended to 25  
have a State, though perhaps based on the Freedom Charter  
it was really intended to have a State differing even  
from the Freedom Charter - it would go much further than  
the Freedom Charter went.

Your lordships will also remember that I pointed 30



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out when dealing with the documents that the meeting, the 1  
annual meeting of the South African Congress of Democrats was  
held the day before the Congress of the People and that  
there, according to that document, they said they had to  
decide there what policy they were going to propagate at  
the Congress of the People. Now, my lords, I submit that 5  
what Turok said is a clear reflection of the kind of State  
the South African Congress of Democrats wanted to achieve.  
He set out what the South African Congress of Democrats  
really wanted, and the views expressed are not inconsis-  
tent with the views expressed in other documents with 10  
which I have already dealt. His whole speech in my  
submission is clearly concerned with the class struggle,  
and right at the beginning of his speech at page 10293  
he says: "We know that in Johannesburg exploitation of  
the workers has always gone hand in hand with their 15  
oppression", and a little further on he says "In these  
gold mines you will find cheap labour" and again at page  
10294 he says "Friends, with the beginning of the gold  
mines in our country came the beginning of the worst  
oppression in the country". He also said, my lords, 20  
that the system of the gold mines was a curse and not a  
benefit for South Africa, and that they say it must come  
to an end.

Now, my lords, this seems to indicate more than  
a mere Nationalisation of the gold mines, but he went 25  
further, my lords . . .

KENNEDY J: Why, Mr. Terblanche?

MR. TERBLANCHE: In his speech, my lords.

KENNEDY J: Well, what does he say?

MR. TERBLANCHE: At page 10295, my lords, 30

MR. TERBLANCHE

he says this: at line 9, my lords: "Mr.Chairman and  
Friends, not only the gold mines are a curse to South  
Africa; it is also the monopoly industries. It is also  
the big factories that exist throughout the country. It  
is also the factories we find outside Johannesburg, inside  
Johannesburg, in Cape Town, in Port Elizabeth, in every  
big town. Wherever you find big factories you find many  
workers, and where you find many workers you find low  
wages. Where you find low wages you find a fat boss, a  
rich boss, a boss of oppression. Friends, you know that  
the owners of the big factories take an active part in  
South Africa; they will not have these lovely big  
Buicks that they drive around in. The whole system of  
the big factories and the gold mines in this country....."

KENNEDY J: What clause is he moving?

MR. TERBLANCHE: He's moving a clause "The people  
shall share in the country's wealth." My lords, in the  
Freedom Charter itself there is only a reference to the  
gold mines, the monopoly industries, and the banks, and  
the land but this goes much further. This goes so far  
as to bring in every factory, the whole system of the big  
factories and gold mines in this country are enemies of  
the people. "Let us only look at the time when the  
workers are demanding higher wages. We see when they go  
on strike that they are hauled in by the pickets and  
pushed around from pillar to post. Friends, let us see  
an end to the big factories and an end to the big gold  
mines which give profits to the rich only....."

RUMPF J: Well now, is that your reference to  
the speech which in your submission goes further than  
the Freedom Charter?

MR. TERBLANCHE: Yes, my lords.

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RUMPF J: It refers to the big factories?

MR. TERBLANCHE: Yes, my lord, the big factories,  
all factories are mentioned.

RUMPF J: Does he say all factories?

MR. TERBLANCHE: Yes, my lord.

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RUMPF J: Well, just say where.

MR. TERBLANCHE: "Also the factories we find outside  
Johannesburg; wherever you find big factories....."

RUMPF J: Well, why do you say he goes much further  
than the Freedom Charter in his speech. You read something  
about Buicks and so on. What has that got to do with it?

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MR. TERBLANCHE: Because he refers to the factories,  
my lord; the Freedom Charter only refers to mines, banks,  
monopoly industries and the land, my lords, not the fac-  
tories as such.

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RUMPF J: That is the way to express the monopoly  
- the big monopolies, to say the big factories; what is  
the difference?

MR. TERBLANCHE: I am under the impression, my  
lords, that there is a difference between monopoly indus-  
tries, as explained by certain witnesses, and factories,  
my lord. But my lords, if not, then . . . .

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RUMPF J: Your submission is that because he uses  
the words 'big factories' it's not monopoly industries.  
He goes further.

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MR. TERBLANCHE: He uses monopoly industries, my  
lords, and also big factories.

RUMPF J: Yes.

MR. TERBLANCHE: It's not as if he's left out  
the monopolies, my lords.

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RUMPF J: You have referred twice to the class struggle being used or stressed by speakers, or in a document. Where is the reference to the class struggle in your submissions in Schedule? Have you made a reference to that? 1

MR. TERBLANCHE: My lords, I cannot say offhand. There is a reference to the part played by the workers. 5

KENNEDY J: In any event isn't it logical to say, Mr. Terblanche, that if at a meeting of the Congress of the People specially called to discuss the ideal for the future, and where they are called to discuss the Freedom Charter in particular, and when he is called to deal with a particular clause, he is confining himself to that clause specifically? 10

MR. TERBLANCHE: My lords, I agree that he is confining himself to the limits of that clause, but not in a way in which it appeared in the Freedom Charter; that's my submission, my lords. 15

KENNEDY J: He's not moving a different clause, is he?

MR. TERBLANCHE: No, my lords, but he is . . . 20

KENNEDY J: He may have expanded on it, or perhaps gone outside, but does it matter?

MR. TERBLANCHE: My lords, in my submission it shows how that clause should be . . .

RUMPF J: I thought you referred to this to show what the policy of the S.A.C.O.D. was? 25

MR. TERBLANCHE: Yes, my lords. Because although they accepted the Freedom Charter it is my submission that they really wanted to go further than the Freedom Charter.

RUMPF J: And they succeeded and the clause should 30



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be read in terms of their policy? Apart from any other  
evidence?

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MR. TERBLANCHE: As far as the South African  
Congress of Democrats is concerned that clause should be  
read to show what they were actually aiming at. Although  
the Freedom Charter may only say monopoly industries  
- it may only say the banks should be nationalised - - the  
banks must be nationalised according to this speech and  
to be run by peoples committees, which in my submission,  
my lords. . . .

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RUMPF J: Well, that's a different matter.

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MR. TERBLANCHE: Page 1296, my lords, he also says  
"Wherever there are factories the workers must take over  
and run the factories. That's something quite different  
my lords, in my submission.

KENNEDY J: Well, I really don't know what that  
means, and I don't think there is any evidence to show what  
it means. I don't know. If a Peoples Committee run it  
or if it is nationalised . . . . Are we to take judicial  
cognisance of any difference that may be there; I really  
don't know if there is a difference.

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MR. TERBLANCHE: My lords, my submission is that  
the Court should take judicial notice of how a nationalised  
industry, even in South Africa, are run. There are nationa-  
lised industries in South Africa.

RUMPF J: What is your submission?

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MR. TERBLANCHE: My submission is that the Court  
should take cognisance of how those industries are run,  
not by Peoples Committees.

RUMPF J: We should take cognisance of how a  
nationalised industry is being run in this country?

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Why do you say that?

MR. TERBLANCHE: My lords . . . it's generally known. 1

RUMPF J: Then I'm afraid I must confess my abysmal ignorance, because I don't know. •

MR. TERBLANCHE: As your lordship pleases. I'll leave that, my lords. My lords, the next meeting I deal with is the one on the 26th June, 1956; that was a meeting of the Congress of the People at Kliptown; again Mr. Schoeman was the stenographer; he gave evidence in regard to this meeting, and this meeting has also been dealt with but at this meeting Helen Joseph spoke and she said that at that same place they adopted the Freedom Charter which was their answer to the Nationalist Government, and that to-day - that is on that day - they dedicated themselves once more to the struggle for freedom, and she refers to the Bantu Education Act and says that these vicious acts that have been passed during this session of Parliament cries out to the world these Fascist laws they have to suffer under. And she again confirms that they have pledged themselves to fight for the Freedom Charter. 15  
Dr. Press also spoke, my lords, at page 7864; he read the resolutions and he said "The Sun is setting on racialism and apartheid, and that tomorrow the Sun will rise on a happy land, the land of the Freedom Charter." 20  
And the resolution was that they work for the Freedom Charter. 25

BEKKER J: Well now, what is it you invite us to find on what you've read? That they supported the Freedom Charter?

MR. TERBLANCHE: That's one thing, my lords, and the other is how they describe the different acts of 30

the Government. That I will deal with, my lords, when I 1  
 deal with the campaigns, under the heading of 'Campaigns'.  
 But I'm dealing with it fully now, my lords. My lords,  
 then there's a meeting on the 4th March, 1956, an African  
 National Congress meeting held at Ermelo; the witness was  
 D/Head Constable Fourie and he took his notes in longhand. 5  
 There was no cross examination on his ability to report in  
 longhand and, my lords, one should only take into account  
 how far it's possible to take a speech down in longhand,  
 not because of any cross examination directed against him.

Now, my lords, according to Fourie's evidence 10  
 it is the Crown's submission that what he reported cor-  
 rectly reflected what the speakers said at this meeting.  
 He explained how he took down his notes, and as I said  
 there was no cross examination. According to him, my  
 lords, one of the speakers at this meeting was R. Press 15  
 at page 10612.

BEKKER J: Is it the same R. Press who spoke at  
 Evaton?

MR. TERBLANCHE: It's the same person, my lords.

BEKKER J: Why do you say that? 20

MR. TERBLANCHE: Because, my lords, the witness  
 said it was Press who was an accused at the Preparatory  
 Examination. My lords, his speech in my submission was  
 to the effect that after he told the people what the  
 Government was not doing for them said this: "Why are 25  
 we never told what is being done for the people in the  
 U.S.S.R?" That's at page 10613, my lords, line 15.  
 He says "They must be careful, I want to warn them that  
 they are loading too much on the backs of the oppressed  
 people and it may be that they will put one straw too much 30

on them. You remember the story of the Camel; he was  
over burdened and he sat down and refused to move. The  
people will not sit down like the Camel, but they will  
say 'We want freedom and we want the Freedom Charter -  
all shall be equal'. I don't want to work for the Govern-  
ment, I want to work for the people. There shall be free-  
dom and security for all."

And then a few lines lower down, my lords, "Why  
are we never told what is being done for the people in the  
U.S.S.R? Why were the English driven out of India? You  
can no longer pull the wool over the sheep's eyes. There  
are spies indeed among you. Don't listen to them. We  
are not frightened of the police. They cannot hold down  
the people. The light of Congress is shining and leading  
the way to freedom and equality."

My lords, then there is a reference to "There  
is nothing better than to live in peace and friendship  
with your neighbour. We have brothers and sisters in  
Bechuanaland, in Kenya and also in the U.S.S.R and in  
China." Then he refers to taking the part of the East  
against the West.

My lords, then there is the meeting of March  
18th at Lady Selborne - 18th March, 1956, at which D/Sgt.  
Ellis took notes and on which he gave evidence; it was  
a meeting of the African National Congress and S. Shall,  
a member of the African Congress of Democrats, from  
Johannesburg, spoke at this meeting; he spoke in support  
of the Freedom Charter.

Then there's a meeting, my lords, of the 22nd  
February, 1953, a Colonial Youth Day Rally at Alexandra,  
at page 8761 of the record. That was a meeting and Native



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D/Sgt. Moshelele gave evidence on this meeting, my lords. 1  
 His position as a witness has already been dealt with,  
 and according to him amongst the speakers was one S. Shall  
 a member of the South African Congress of Democrats.  
 And it was at this meeting where he said at page 8768  
 in my submission, that the people should join the Congress 5  
 and he said "We shall have freedom in five years".

BEKKER J: I didn't hear what you said.

MR. TERBLANCHE: In my submission, my lord,  
 he called upon the people to join the Congress Movement  
 and he said if they did that they would have freedom in 10  
 five years.

BEKKER J: Well, I see he happened to be a mem-  
 ber of the Congress of Democrats, the National Action  
 Council and the South African Peace Council.

MR. TERBLANCHE: Yes, my lord. 15

BEKKER J: In what capacity did he speak here  
 did you say?

MR. TERBLANCHE: The National Action Council  
 of the Congress of the People; that was only a joint  
 committee of the Congress Movement, my lords - all the 20  
 Congresses. He represented the South African Congress  
 of Democrats on the National Action Council of the Con-  
 gress of the People.

BEKKER J: The Peace Council?

MR. TERBLANCHE: No, my lords, the Peace Coun- 25  
 cil was not represented. . . .

BEKKER J: Was he introduced here as a speaker  
 on behalf of the Congress of Democrats?

MR. TERBLANCHE: My lords . . . .

KENNEDY J: When did it come into existence? On 1  
October. . . . .

MR. TERBLANCHE: No, my lords, that meeting  
should be left out. I'm sorry, my lords.

KENNEDY J: Yes, and there was no National Action  
- C.O.P then? 5

MR. TERBLANCHE: No, my lords.

KENNEDY J: Yes, that should be struck out of  
the record.

MR. TERBLANCHE: Yes, my lord. My lords, the  
last meeting I wish to refer to is the one of the 15th 10  
April, 1956; that was a meeting of the South African  
Coloured Peoples Organisation held at the Parade, Cape  
Town. D/Sgt. Vlok gave evidence on this meeting. It  
was taken on a Tape Recorder. Now, my lords, there is a  
speech that was made by L. Forman who was a member of 15  
the South African Congress of Democrats, Cape Town, and  
he said at page 8079 "Friends, it is a very great honour  
for me to bring a message of support to this meeting from  
the South African Congress of Democrats", and he said:  
"The South African Congress of Democrats is an organisa- 20  
tion of Europeans who stand foursquare behind the Libera-  
tion march for full equality for all people in South  
Africa." "The African people in South Africa have been  
in the past something like .....too good natured, like  
the people in China.....(inaudible)..... 25  
Sometimes it is said the Nats are able to get away with  
what they are doing, and that they are even able to do  
more because the forces against them are so small, but  
that is because we speak only of the forces inside Par-  
liament; in fact the forces against the Nationalist 30

Government, the forces against Apartheid, are very  
mighty and very strong. There are 8 million non-  
European people in South Africa, and 2 million Europeans,  
and only a few of them are ready to continue to keep the  
non-European people in oppression. There are more and  
more people ready to take for themselves their freedom."

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My submission, my lords, is that this shows  
how they were going to obtain freedom - - take freedom;  
there was no question of getting it through Parliament.

My lords, that completes the evidence on this  
issue. The next issue I wish to deal with, my lords,  
is what I will generally refer to as the Liberatory Move-  
ment. My lords, all these Schedules are prepared in the  
way the first one was prepared and I will during the ad-  
journment in December prepare them in the way suggested by  
the Court.

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RUMPF J: You mean the meetings are set out  
chronologically?

MR. TERBLANCHE: My lords, no; I mean that  
the different documents and meetings are not under the  
different submissions.

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RUMPF J: Oh, yes.

MR. TERBLANCHE: That I'll do during the  
December adjournment, my lords. My lords, . . .

RUMPF J: That will be Schedule 8.

MR. TERBLANCHE: Schedule 8, my lord, yes.  
My lords, from the evidence before the Court it is sub-  
mitted that the following matters have been proved in  
regard to the policy and activities of the South  
African Congress of Democrats, in regard to this issue.  
(1) That there existed during the whole period covered

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by the Indictment, a National Liberation Movement in 1  
South Africa. That the South African Congress of De-  
mocrats right from its formation established a close  
liaison with this Movement and completely identified  
itself with it. The reasons why the South African  
Congress of Democrats joined this National Liberation 5  
Movement, however, was (1) The election victories of  
the Nationalist Party and as a consequence the rapid  
extension and enforcement of the policies of unbridled  
racialism and Fascist reaction, as the South African  
Congress of Democrats described it. (2) The rapid 10  
growth of the non-European National Liberation Move-  
ment under the leadership of the African National  
Congress and the South African Indian Congress.  
This Liberation Movement, according to the South African  
Congress of Democrats had to meet the particular and 15  
historical needs, namely it was the peoples' answer to  
Fascism and the drive to war. The fight against Fascism  
was therefore the same as the fight for world peace.  
The South African Congress of Democrats stated that  
there were also Liberation Movements carrying on strug- 20  
gles for liberation in Asia and Africa. Those it  
usually referred were those in Kenya, Malaya, Korea,  
China and Vietnam, where according to it the struggles  
were violent revolutions or wars. The responsibility  
for these violent struggles were laid at the door of 25  
the.....powers for they denied the people their political  
aspirations for freedom, independence and democracy,  
and they ruled directly or indirectly by force, and  
they suppressed the National Movements. Wherever there  
was violence the South African Congress of Democrats 30



called it brutal war under the .....of police action, 1  
 and the South African Congress of Democrats went further  
 and even stated that in countries like Indonesia, Burma,  
 and the Phillipines, where there were also revolts and  
 an insurrection against the Independent Governments of  
 those countties, it was really the Dutch, the British 5  
 and the Americans fighting against peoples' Liberation  
 Movements and thus Western civilisation had succeeded  
 the role of Japanese Imperialism. The South African  
 Congress of Democrats held out the establishment of the  
 Chinese Peoples Republic in 1949 as the beacon of hope 10  
 for Colonially oppressed people the world over. India  
 has been held out as a prime example of the National  
 Liberation Movement which struggled in a non-violent manner  
 and obtained freedom. The South African Congress of Demo-  
 crats, however, held that what India had obtained was not 15  
 freedom but only formal independence, and that the grant-  
 ing of that had been compelled by the depth of the crisis  
 and was regarded as the only means of averting or post-  
 poning revolution. By always referring to the violent  
 nature of the Liberation struggles in other countries 20  
 or the unsatisfactory nature of what they had attained,  
 ..... " My lords, just bear with me for a moment.  
 "By always referring to the violent nature of the Libera-  
 tion struggles in other countries or the unsatisfactory  
 nature of what they had obtained to avert or postpone a 25  
 violent revolution, the South African Congress of Demo-  
 crats was preparing the people of South Africa for a simi-  
 lar struggle and was in fact advocating the use of the  
 same methods here.

RUMPF J: I don't follow this sentence, at 30

MR. TERBLANCHE

the bottom of page 2, "By always referring to the violent nature of the Liberation struggles in other countries or the unsatisfactory nature of what they had obtained." Who are 'they'?

MR. TERBLANCHE: Of what had been obtained, my lords.

RUMPF J: Where?

MR. TERBLANCHE: Obtained in some other countries, my lord.

RUMPF J: "Or the unsatisfactory nature of what had been obtained".

MR. TERBLANCHE: Yes, my lord, in some other countries - - in some of the other countries.

RUMPF J: To avert or postpone a violent revolution?

MR. TERBLANCHE: Yes, my lord, it's not very well expressed but what I am indicating there, my lords, is that they continually refer to the violent liberation struggles in other countries; in those countries where there was no violent struggle there had been obtained independence of such a nature, with which they were not satisfied.

RUMPF J: The unsatisfactory nature of the independence obtained in other countries?

MR. TERBLANCHE: Yes, my lords.

RUMPF J: Yes.

MR. TERBLANCHE: And that was only regarded as an aversion or a postponement of violent revolution . .

RUMPF J: Only what?

MR. TERBLANCHE: That unsatisfactory independence was only granted in order to avert or avoid

a violent revolution, my lords. My submission is that the South African Congress of Democrats was preparing the people of this country for a similar struggle; it was advocating the use of the same violent methods, my lords.

"Not only did the South African Congress of Democrats tell the people about these other struggles; they also identified themselves with those struggles and expressed solidarity with those people and also told the people that the people in those countries supported the struggle here. They propagated the view that the struggle here was part of a world struggle. The South African Congress of Democrats protested against what they called brutal methods of oppression, victimisation, murder and torture practised by the oppressors, but never voiced any disapproval of the violent acts committed by the oppressed peoples in their struggles, the reason being that there won't be violence - the oppressors would be willing to capitulate to the demands of the oppressed people, or if they did not rule by force. The violence is therefore forced upon them, upon the oppressed people. This is their justification and this is the nature of their non-violent struggle.

RUMPF J: Whose non-violent struggle?

MR. TERBLANCHE: The Liberation Movement in South Africa, my lord. My submission is that this is their justification for a violent struggle - because it's forced upon them.

(3) The Liberation Movement was also bound to a struggle for world peace because racial conflict and national oppression are linked with International conflict

and war, and one of the reasons why the South African Congress of Democrats was founded was to strive for world peace. The South African Congress of Democrats propagated the view that the struggle for peace in South Africa was closely bound up with the struggle for democracy. It also propagated the view that throughout Asia the struggle for peace has been clearly .....in the minds of the people and the actions of the people for the National Liberation struggle. The South African Congress of Democrats therefore divided the world into two camps, namely the Peace Camp led by the U.S.S.R and all democratic forces, and on the other side the War camp led by the U.S.A. and the reactionary forces. This War camp aimed at the unleashing of a new war, the crushing of the liberation and independence in all countries. South Africa was part of this War camp, it had a system of military alliance. It was for these reasons that the South African Congress of Democrats supported the World Peace Council generally without any qualifications or reservations, and all campaigns such as the campaign against the 'H' Bombs and also the convening of the World Peace Conference, in 1954, my lords.

(COURT ADJOURNED FOR 15 MINUTES)

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ON THE COURT RESUMING:

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MR. TERBLANCHE: My lords, I was reading from my submissions before the adjournment. I got to page 4 - "The convening of the World Peace Conference in 1954". Then: "The South African Congress of Democrats knew that the Communists held the view that the post-war period had been marked by the rallying of the democratic forces that is not the reactionary forces to which South Africa and the Western countries belonged, and that the expression of this was the formation of the World Federation of Trade Unions, the Womens International Democratic Federation, and the World Federation of Democratic Youth, and the convening of the World Congress of Peace. The South African Congress of Democrats supported all these organisations. The World Federation of Trade Unions and the Womens International Democratic Federation also worked for the promotion of world peace. We submit that the Liberation Movements through their work for world peace in conjunction with their struggle for liberation were co-ordinated through these organisations, that is the World Peace Council, the World Federation of Trade Unions and the Womens International Democratic Federation.

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The South African Congress of Democrats further acknowledged ~~that~~ these organisation and had connection with them and supported them, as has been indicated.

The South African Congress of Democrats considered that there were three forces in the Liberation Movement, namely (1) the middle class, (2) the peasants and (3) the workers, and propagated the view that the working class and the Trade Union Movement had to play a vital and indispensable role in the struggle for national libera-

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MR. TERBLANCHE:

tion. How the South African Congress of Democrats gave  
 expression to this view will be shown in its support of  
 the South African Congress of Trade Unions, when this is  
 dealt with later.

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The South African Congress of Democrats knew  
 that this view in regard to Trade Unions was also shared  
 by the Congresses.

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Then my lords, it is submitted that the witness  
 Helen Joseph admitted that the Communists supported the  
 National Liberation Movement in South Africa, and it is  
 submitted that this proves all the allegations made in  
 regard to the Liberatory Movement and also those which  
 I will make when I deal with the Exhibit C.970, my lords,  
 The Communist Information Bureau Resolutions." The  
 inference to be drawn from that was dealt with when  
 the African National Congress was dealt with.

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I will first deal with the evidence of Helen  
 Joseph in dealing with the documents we rely on, my  
 lords. My lords, I submit that the evidence of Helen  
 Joseph . . .

RUMPF J: Does it appear on the Schedule?

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MR. TERBLANCHE: No, my lords. As in the first  
 case it also didn't appear on the Schedule. I submit,  
 my lords, that the evidence of Helen Joseph amounts to  
 the following, it has the following effect, namely (1)  
 That the Congress Movement is in itself a mass Libera-  
 tion Movement. This appears from what she said at page  
 13941, my lords, that the Communists in South Africa  
 gave support to the Liberation struggle - page 13942.

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BEKKER J: I think you had better give us  
 the references, the actual reading of the evidence there.

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MR. TERBLANCHE

MR. TERBLANCHE: I put it on the basis, my lords, 1  
that her evidence amounts to . . .

BEKKER J: You may be right, you may be wrong.

MR. TERBLANCHE: My lords. . . .

BEKKER J: Perhaps if you complete your submis- 5  
sions, these points, and then give us the references, or  
if you want to do it this way you can do it this way.

MR. TERBLANCHE: Does your lordship mean give  
the references as a unit, at the end?

BEKKER J: The first submission was Congress 10  
Movement is the same as a Mass Liberation Movement - at  
page 13941 what does she say?

MR. TERBLANCHE: My lords. . .

MR. MAISELS: My lords, I think it would be 15  
fairer on the part of my learned friend, and I'm sure he  
will agree, if he would read what the witness says there;  
it's quite different to what he is saying, my lords.

MR. TERBLANCHE: My lords, the reference 20  
is really at page 13940; it follows on to page 13941, my  
lords. My lords, "I want first of all to comment on this  
suggestion that the National Liberatory Movement - - the  
Crown has placed it in question marks in capital letters  
which seems somehow to convey an impression of an orga-  
nised systematised movement. I want to say, my lords,  
there is no such organised systematised national libera- 25  
tory movement in South Africa. There is the Congress  
Movement which is in itself a mass liberation movement,  
but there I use the term to describe a phenomena, a move-  
ment of the people themselves, a movement to obtain their  
freedom."

MR. TERBLANCHE

BEKKER J: The next is that the Communists in this country gave support to this movement? To the Liberatory struggle? 1

MR. TERBLANCHE: Yes, my lords. She says at page 13941, about the middle of the page, "As far as I'm concerned, and the organisations to which I belong, we would never support in any way an international liberatory movement which would aim at the achievement of political rights by violence. Our organisations are totally opposed to violence. The Crown goes on to say 'It is the duty of Communists whose primary object is to effect world revolution, to give active support to these liberatory movements'. My lords, I myself am not aware of what is the duty, primary or otherwise, of Communists, but I would say that in my opinion it is the duty of everybody in South Africa, Communist or non-Communist, to give support to a struggle for the freedom of all people in South Africa. It may well be that in the past - - I presume this would be before 1950 at which time the Communist Party was outlawed in South Africa - - "it may well be that the Communists in South Africa then gave support to the liberation struggle, but I find it difficult to think that it could be only Communists, or that it could be Communist inspired. And so, my lords, I want to deny this allegation that the national liberation struggle in South Africa, has a form of<sup>a</sup> national liberatory movement which is in any way part of any international liberatory movement." 5 10 15 20 25

BEKKER J: Well, does that mean that the Communists support this movement, or does it mean that whether you are a Communist or not a Communist it doesn't matter? 30



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MR. TERBLANCHE

MR. TERBLANCHE: Yes, my lords, that is so;  
a Communist or not a Communist.

RUMPF J: What is your point2; just read it  
again?

MR. TERBLANCHE: "That the Communists in South  
Africa gave support to the liberation struggle".

RUMPF J: Well, what does that mean?

MR. TERBLANCHE: My lords, that is one of the  
allegations in our Further Particulars.

RUMPF J: Yes, but in regard to the evidence.  
You say these are your submissions on the evidence of  
Helen Joseph.

MR. TERBLANCHE: Yes, my lord.

RUMPF J: And you say that in terms of her  
evidence your submission is that she says, or her evidence  
is to the effect that Communists in South Africa gave  
support to the liberatory struggle. Now what does that  
mean?

MR. TERBLANCHE: My lords, that proves . . .

RUMPF J: I don't want to know what it proves,  
I want to know what it means. When you make that submis-  
sion what do you mean? "The Communists in South Africa  
gave support to the liberatory struggle."

MR. TERBLANCHE: Yes, to the liberatory struggle  
in South Africa, my lords.

RUMPF J: I don't know what you mean. What  
support did they give, and when?

MR. TERBLANCHE: My lords, they supported the  
national liberatory movement during the whole period of  
the Indictment.

RUMPF J: And is that your submission on the

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evidence of Helen Joseph?

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MR. TERBLANCHE: Yes, my lords.

RUMPF J: That's absurd, Mr. Terblanche, she never said that.

MR. TERBLANCHE: That is how I read her evidence, my lords; she says they did support the national liberatory struggle.

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RUMPF J: She said "Whether you are a Communist or not a Communist."

MR. TERBLANCHE: Yes, my lord.

RUMPF J: But does that mean that Communists supported the liberatory struggle? She said the Communists before the Party became extinct may have supported that. Isn't that what she said? And then she says: - Communist or non-Communist - all ought to support."

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Isn't that what she said?

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MR. TERBLANCHE: Yes, my lord.

RUMPF J: So where do you get this from? And that is why I asked what does it mean, when you propound this statement, "Communists in South Africa gave support to the liberatory struggle"; then one asks oneself, "When did they give this support; what support did they give, and who are the Communists?"

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MR. TERBLANCHE: My lords, I leave out that submission and I apologise for having misread it, for having placed her evidence too high.

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RUMPF J: Well, then let's not go out of your submission here. 1 and 2 are deleted; 3?

MR. TERBLANCHE: Yes, my lords. (3) I have already read from this page 2; she says, she denies that the national liberation movement in South Africa

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is part of any international liberation movement. It's  
also repeated on page 13947, my lords.

RUMPF J: Just repeat that?

MR. TERBLANCHE: My lords, . . .

RUMPF J: Look, these submissions are not  
contained in this Schedule, I just want to write them down.  
I've got 1 and 2 deleted - 3 is?

MR. TERBLANCHE: 3 is that she denies that  
the national liberation movement in South Africa is part  
of any international liberation movement, my lords.

RUMPF J: Well, do you agree or disagree with  
that? What she says, this denial, is it a proper denial,  
is it correct, or do you submit it's incorrect?

MR. TERBLANCHE: We submit, my lords, that it  
is incorrect in certain respects, in that we say there  
was an international liberation movement, there was . . .

RUMPF J: There was an international libera-  
tion movement?

MR. TERBLANCHE: Yes, my lord.

RUMPF J: As a phenomenon, or as an organisa-  
tion?

MR. TERBLANCHE: As a phenomenon, my lord.

RUMPF J: Yes.

MR. TERBLANCHE: And that the national libera-  
tion movement in South Africa was part of this.

RUMPF J: When she said that does she say that  
she denies it is part of the movement as a systematised  
movement, or as a phenomenon?

MR. TERBLANCHE: My lords, I'm not quite clear  
on that point but she does deny that it is in any way part  
of an international movement. She says "And so, my lords,

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I want to deny this implication that the national liberation struggle in South Africa has the form of the national liberatory movement which is in any way part of any international liberatory movement."

RUMPF J: Yes.

MR. TERBLANCHE: The systematised movement she refers to is both the international liberatory movement and the national liberatory movement in South Africa.

RUMPF J: Just repeat that?

MR. TERBLANCHE: The systematised movement she refers to, she refers both to the international liberation movement as well as the national liberation movement.

RUMPF J: Well, she denies that there is a systematised movement in South Africa, or that the international liberatory movement is systematised.

MR. TERBLANCHE: Yes, my lords.

RUMPF J: Yes.

MR. TERBLANCHE: My lords, then at page 13947....

RUMPF J: Does this conclude that portion?

MR. TERBLANCHE: Yes, that concludes that portion, my lords.

KENNEDY J: I'm sorry, I don't understand it, Mr. Terblanche. What submission are you making about Mrs. Joseph's evidence?

MR. TERBLANCHE: My lords, I feel I had to point out to the Court both the things which she, in my submission, admitted as well as those things which she denied, because in my submissions, my lords, I make different submissions. Our submission is - that is is what she said on that point . . .

KENNEDY J: And I take it you're going to now



advance argument to show, as you allege, that what she says 1  
is incorrect?

MR. TERBLANCHE: Yes, my lord, from the documents  
and speeches.

KENNEDY J: Yes.

RUMPF J: Yes, proceed. 5

MR. TERBLANCHE: Then at page 13947, my lords,  
in her examination-in-chief she says "Yesterday I was  
putting to you certain passages, the Opening Address by  
the Crown. I'd like you to look at a further passage  
which appears on page 461 of the Opening Address from 10  
line 13. The passage reads: 'In China, Korea, Vietnam,  
Indo-China, Kenya and Malaya, the revolutionary activities  
of the liberation movement resulted in the case of each  
such country in actual armed conflict between the so called  
oppressed people and the duly constituted authority in such 15  
countries'. What is your attitude towards duly constituted  
authorities in these countries?"-- (A) My lords, I want  
to point out that the expression 'duly constituted autho-  
rities' in these cases might ..... the question. As  
I understand the struggle in most of these countries the 20  
authorities were not constituted . . . . as I understand  
it the struggle of the people in these countries arose  
from that very fact".

Then Mr. Justice Bekker asked the question:  
("Q) On that basis would the present authorities in the 25  
Union be duly constituted?-- (A) Not in my opinion, my  
lords." ("Q) Is that the sense in which you refer to  
these?-- (A) I would draw the comparison, yes, my lords,  
but that does not mean to say that I approve of armed  
conflict which resulted in these countries. 30

Neither, my lords, do I accept that the armed conflict which resulted was due simply and solely to the efforts of the people in those countries to obtain their rights. It seems to me that the armed conflicts which resulted was merely due to the refusal of the authorities to recognise the rights of the people in those countries. . . .

BEKKER J: I'm sorry, on what point are you quoting this passage? I may have missed it?

MR. TERBLANCHE: My lords, I am quoting this whole passage and the passage on page 14032 and the passage on page 14590, for my submission that she admitted that they identified themselves with the struggle of the people in China, Korea, Vietnam, Indo-China, Kenya and Malaya, and that these struggles were armed conflicts.

RUMPF J: Are you now stepping off the point which deals with the existence of an international liberatory movement?

MR. TERBLANCHE: Yes, my lord.

RUMPF J: Oh, I see; what is the next point you are dealing with?

MR. TERBLANCHE: The next point, my lords, is that I submit that Helen Joseph in her evidence admitted that they identified themselves with the struggle of the people in China, Korea, Vietnam, Indo-China, Kenya and Malaya, and that those struggles were actually armed conflicts.

RUMPF J: Yes. Did she say "We identify their struggle here for liberation with any struggle for liberation anywhere in the world, but we don't identify our struggle with their violent struggles? "

MR. TERBLANCHE: With their methods, my lord. 1

RUMPF J: Yes.

MR. TERBLANCHE: If there is any objection to  
this I'll read those passages, my lords, but I don't  
think it's really necessary to read them. That is the  
effect of her evidence. My lords, page 13949, the 5  
question is put in her evidence-in-chief, ("Q) Do you  
understand anything criminal or subversive in the sug-  
gestion that the Congress organisations identified them-  
selves with, and expressed solidarity with these coun-  
tries?-- (A) My lords, I can find nothing criminal or 10  
subversive in the fact that we identified ourselves with  
the struggles of the people in those countries for libe-  
ration. To me it seems quite natural that that should  
be the case, that people in countries such as Vietnam,  
Indo-China, India, Malay - these people were suffering 15  
from the same denial of fundamental rights as the mass  
of the people in South Africa. To me it is the most  
natural thing that we should feel identified with their  
struggle, and with the people suffering the same dis-  
abilities who were fighting for recognition. When I 20  
say fighting, my lords, perhaps I should rather say  
struggling. I'm not using 'fighting' in the sense of  
fiscal fighting. When I come to the expression 'solida-  
rity' I understand it as meaning expressing our common 25  
interest with those people. I don't understand solida-  
rity in its other sense of participation, because our  
struggle in South Africa, although identical in some  
ways, was, of course, a separate struggle. I want to say  
my lords, that it was not due to the struggle of people in 30

those other countries, or any international liberatory  
movement as it seems to me the Crown is trying to suggest."

There she admits, my lords, identifying themselves with the people in those countries.

My lords, our submission is that she admitted  
that as far as she knows they never voiced disapproval  
of the violent acts in those countries. That appears on  
page 13950 of the record, my lords. There is the question by his lordship Mr. Justice Bekker who says: -

("Q) Disapproved of it?", after she had dealt with the  
violent conflicts, and she replied: "I'm not clear as  
to whether they ever voiced their disapproval. I would  
not go so far as to make that statement until I've had  
time to consider it, but we have certainly never lauded  
it."

Then she admitted that they often made reference to these violent acts at page 13952, but she said that it was in the sense of a warning to South Africa. The question was: "Do you agree with the contention of the Crown that there was advocacy for the adoption in South Africa of violence?-- My lords, I could not possibly agree with that contention. I know of no instance where a Congress leader has advocated the adoption of these violent methods. Where reference has been made to them I myself have always understood it as a warning to South Africa that if the present Government persists in its ruthless oppression against the struggle of the people, there is a possible danger that at some later stage the same tragic situation might arise in South Africa, as has arisen in other countries.....



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