

Korsten, the next was Lunnon(?) Stores. I forgot the manager's name.

But again you complained about the way in which he conducted his business? --- Yes, My Lord.

And after the boycott did he come and negotiate with you? --- Yes, he applied to meet me with my secretary. 5

And did you tell him what your complaints were and did he then try to meet you? --- Yes, we explained all the reasons, that are effecting his business. 10

Was it only businesses owned by Europeans that were treated in this way? --- No, Chinese and Indians as well.

There were other cases where there were shops run by Chinese where you did this, and Indians? --- Yes. 15

Any Africans? --- Not in Korsten, in New Brighton.

In New Brighton there was a case of an African trader who was subjected to the same pressure? --- I think so, My Lord, because in the matter of New Brighton 20 I was not a member of the New Brighton branch, I cannot be specific on the question of the Africans in the New Brighton Branch.

These experiences of yours, do they lead you to have any belief in the effectiveness of economic 25 boycott? --- Yes, I have got a belief of the effectiveness, because as far as I can remember, My Lords, in Veeplaats a butcher and a general dealer was boycotted until it was insolvent and it closed down.

Was it always necessary for you in fact to 30 even carry out your boycott? Were there cases where you got an improvement in conditions without in fact

boycotting the shop? --- Yes, we used to negotiate first, if I follow the question.

You had to deal with a case of a shopkeeper called Ken Long, do you remember that? --- Yes, My Lord, a Chinese shop. 5

Did you in fact have to boycott Mr. Ken Long's shop before he improved conditions? --- Yes, the place at which the meeting used to assemble was not very far from his shop, and over the microphone he heard that a boycott was being launched to start the next morning, 10 and fortunately that day the committee of that branch was also going to speak after this public meeting, so by the time we came to the office for the committee to commence, he was already there waiting to apologise.

And it was not necessary then to in fact 15 boycott him? --- The decision was that the first thing in the morning there must be a messenger, a volunteer, who must shout that the boycott has been lifted and was not to take place to Mr. Ken Long's shop.

I'll deal in detail later with what the 20 African National Congress wants to achieve for the people in South Africa. I now only want to discuss how it will achieve it. Your experiences in Fort Elizabeth, did they believe - did they lead you to believe that economic boycott could achieve even greater things? --- My Lords, 25 so far as employment and labour condition is concerned on the part of Africans, I would say that we expect that economic boycott can achieve what the Africans on the particular course concerning, their living conditions and working conditions. 30

Let us come straight away to what the African National Congress is working for at the moment.

What changes does the African National Congress want in South Africa, what changes have the African National Congress been working for over the indictment period, 1952 to 1956? --- The most aim of the Africans, My Lord, if I will be correct to interpret it, is that their living standard, the living standard of the African people should be brought to the equal of the Europeans in all walks of life. 5

What about political rights? What does the African National Congress want in regard to political rights? --- Sofar, speaking for myself at this stage, My Lord, I think on the line of political rights that we must be granted the full franchise rights, as it is being performed by Europeans and that we may elect or be elected those who can qualify as members of the parliament, to be elected into parliament. 10 15

Is that what you are working for inside the African National Congress? --- Yes.

Is that what the African National Congress is working for? --- That is what I take it it is working for. 20

Do your experiences with the economic boycott in Port Elizabeth make you believe that any of those aims can be achieved using a method such as boycott? --- Not only such as boycott of course, the boycott can pave the road for many other campaigns like protests, My Lord, and demonstrations on the line of passive conduct. 25

Do you think that that conduct will be - that passive conduct will be successful eventually in achieving what you want? --- That is what I expect, My Lord.

You have knowledge I take it of the document produced in this case called the Freedom Charter? --- Yes. 30

What is your view of what is set out in the

Freedom Charter, what should be achieved? --- Well, as far as the Freedom Charter is concerned, My Lord, all the clauses there which are in it, I agree with.

Do you think that what you want and what is set out in the Freedom Charter are the same? --- Exactly, 5 because the results of the Freedom Charter when I look upon it is that a multi-racial policy may be practiced in a proper way that keeps all racial groups in the country within good terms, My Lord.

Do you or does the African National Congress 10 want the White people to leave this country? --- No, we don't want the White people to leave the country, we want to sit with them side by side in peace. That is why I think there in the Freedom Charter, My Lord, it has been stressed out that there will be peace, friendship and 15 harmony in the country. That means friendship with all other racial groups in the country.

The African National Congress, do they want any different form of government, a government of a different type to the one we have at the moment? When I say 20 type I mean system of government, not the people who participate in it, any different system of government? --- I should think so, My Lord, because....

What differences do you want? --- Because there is a great difficulty under the present government 25 as far as I am concerned.

For the future, do you still want to have a parliament? --- Yes.

Apart from the fact that different people will be in the parliament, must^{it}/be the same sort of 30 parliament we have at the moment? --- I don't think it can be the same, My Lord, because the present one is only

composed of Europeans only.

Now when did you start making public speeches on African National Congress platforms? --- Round about March or April, 1952 if I am not mistaken.

You were then living in Korsten? --- Yes. 5

And just for the purposes of record, is Korsten a location or is it an area where Africans have freehold title? --- It is a non-European township with freehold title.

How many meetings did you hold in the Korsten 10 branch over the period 1952 to 1956, that is the only period I am discussing - how many meetings a week did you call? --- 1952, the meetings were called twice over the weekend, Saturday afternoon and Sunday afternoon.

And in the other years of the indictment 15 period, 1953, 1954, 1955, and 1956? --- One meeting a week, Sunday afternoon.

How often did you yourself speak at these meetings? Very often? Occasionally? --- Very often, although there were meetings which I only attended. 20

Over - the total number of meetings held over the period 1952 to 1956, would you say that you spoke at the majority of them? --- Yes, My Lord.

So you must then have made a very large number of speeches over that period? --- Yes, My Lord. 25

In evidence in this Court witnesses have stated - have given evidence about seven meetings at which you spoke and I think at the Preparatory Examination about twenty-six meetings - were there far more than that? --- I think they are far more than that. 30

At your meetings in Korsten, public meetings, can you say whether or not members of the Special Branch

attended those meetings? --- Not a single one which was not attended by members of the Special Branch, My Lord.

Who were the members of the Special Branch who attended? --- Captain Prinsloo is one, My Lord, Detective Sergeant Mini was also, Detective Sergeant 5
Fourie, Detective Sergeant Thomas, Detective Sergeant Sogoni, Detective Sergeant Gazo, Magazana(?), Detective Sergeant Fritz(?), a Coloured.

Did you know all those people and know who they were and what they were? --- I knew them well, My Lord 10

With the exception of Captain Prinsloo and Mr. Mini, the others have given evidence in this case? --- Only one I did not know since my arrest was Detective Greyling, I saw him the day he arrested me for High Treason. 15

The other names you have mentioned are people who gave evidence in this case? --- I don't remember them all, but I understand that Captain Prinsloo never gave evidence.

I meant apart from Captain Prinsloo and 20
apart from Mr. Mini who wasn't called, the others did give evidence? --- I think all of them from the Preparatory Examination, they did, I am not sure.

When those people, one or other of them, were present at your meetings, were they taking notes 25
of what was said? --- Yes, My Lord.

Were you aware of that? --- Yes, My Lord.

So you knew that all your meetings were attended and that all your speeches were recorded by the police? --- Yes, My Lord.

COURT ADJOURNS.

SIMON PAKAMA NKALIFI, under former oath;

EXAMINATION BY MR. FLEWMAN CONTINUED :

Before I go on with specific speeches and meetings of yours, I would like to ask you about volunteers. You have told us about the Defiance Campaign volunteers, when you had a volunteer Corps who had to break specific laws. After the Defiance Campaign was called off, what happened to your volunteer corps in Korsten? --- We kept them on for other specific works for the organisation. They were used as the messengers of the organisation between the village. 5

They did organisational work? --- Organisational work, such as to distribute leaflets for any call or for any special meeting which is not known to the public, then leaflets were to be drafted. 10

When the call came for 50,000 volunteers in 1954, you already had a volunteer corps? --- Yes. 15

What did you do about the call that was made by Chief Luthuli? --- We used to preach the call on the public platforms for more volunteers to join the organisation and to enrol their names as volunteers on the volunteer structure. 20

And the volunteers that you already had, what happened to them? --- Those, we call an additional number on top of those, they re-sign under the pledge of Freedom Volunteers.

Did they become Freedom Volunteers? --- Yes. 25

And were there any differences in the duties of the Freedom Volunteers from the use that you had made of volunteers after the Defiance Campaign had come to an end? --- There was no difference, except that they were no longer prepared to defy the laws.

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Did they have any other specific duties as Freedom volunteers? --- They were to organise new members in the organisation and to collect the demands for the Congress of the People from the people.

Did I want to come to meetings about which evidence has been given here, either that you addressed or were present at. When you spoke at A.N.C. meetings, what language did you speak? --- I used to speak in Xosa.

Always? --- Always.

Do you today remember all the meetings you addressed and what you said? --- No, My Lord, I cannot remember.

Evidence was given in this Court by the witness Thomas, it appears at page 9460, which is Volume 47, about a meeting on the 28th February, 1954. Do you specifically recall that meeting? --- No, I cannot specifically recall it.

I'll read to you from the record and you can tell me whether that assists you and refreshes your memory. At which meeting which was said to have been held at Komsten, the evidence was that you were the Chairman. I take it you can't deny that you were or may have been chairman at a meeting which may have been held on that date? --- Yes, I was the branch chairman in 1954.

And you may have been chairman at a public meeting? --- Yes.

at
This is a meeting/which a speaker called Mtwana spoke, and he is alleged to have said the following: "A person who doesn't want to say Afrika must go to Hong Kong. The hearts of the Boer are sore because you follow your leaders. They are not afraid. They will go into

fire if there is any. Those fools are carrying revolvers. The aeroplanes can fly, they will do you nothing. You must carry your sticks. We have rifles here, They must stand away when they want to use their rifles. I will take my stick and tell them to come close. I will hit him with a stick. We will show the Boers. We will fill sugar bags with their brains. You see a rubber ball will hop high if it struck a cement wall. Weg is die , weg is die

hierso. They have no shame to arrest me under Section 29. We are not afraid of the Boers. I have no time for them". Do you specifically remember that speech? In the first place, My Lord, I don't know any speaker whose name is Mtwana in Korsten or anywhere in Fort Elizabeth. I never come across a person Mtwana in the organisation.

Do you remember any speaker by any other name making this specific speech? --- Well, I can hardly remember because My Lord even the speech itself does not remind me of hearing such words as they are recorded there.

If a speech had been made in these terms, it could be said that the phrases 'I will hit him with a stick, we will show the Boers, we will fill sugar bags with their brains', is some incitement to violence. Do you think that such a speech would have been made on a platform at which you were chairman? --- I don't think so, My Lord, because as I hear it there, it is an expression to violence of which I do not approve.

And if an expression of violence was made at a meeting, what would you have done? --- Well, My Lords, if I had been presiding over that meeting I would have at the time when he finished delivering that speech got up and made comments against his speech which he had

made as it is contrary to the policy of the A.N.C.

That being so and there being nothing in the record to show that you made such a comment, do you think that this can be a correct reflexion of what was said at the meeting? --- I don't think so, My Lord. 5

I should draw your attention also to some words attributed to you at this particular meeting, which appear at page 9460. They read as follows : "We want freedom in our lifetime. We want freedom because they are amongst us. I will chase them away because they stopped us from using our loudspeakers..." And then there is Afrikaans. Do you understand Afrikaans? --- No, My Lord. 10

Do you speak Afrikaans? --- No, I don't.

I'll translate it for you. If somebody hits you at Congress you must hit him harder than you were hit. The words are recorded in Afrikaans. Do you think you could have said words to that effect? --- I don't think so. 15

Would you have used Afrikaans to show that - you told us that you don't speak it? --- I cannot say it in Afrikaans because I don't even use English in which I am more nearer to know. 20

Does the phrase just before that, "I will chase them away because they stopped us using our loudspeakers", does that bring anything to mind? --- No, My Lords, I don't think I have said such a thing. How can I chase them away because they are always there. If that reference is made towards the presence of the Special Branch, I wouldn't have said, because they always attend our meetings. It was not the first time of their presence at our meetings. 25 30

BY MR. JUSTICE KENNEDY :

Do you know anybody called Mtuntwa (?)? ---

Yes, I know him.

Did he speak occasionally at meetings at which you were? --- Yes, My Lord. 5

BY MR. FLEWMAN :

Do you remember on any occasion Mtuntwana talking about carrying away the brains of the Boers in sacks? --- No, My Lord.

Another meeting appears in the record at page 9902, the witness was Detective Gazo. His evidence was to the effect that on the 5th of September, 1954, he attended a meeting held at Korsten of the African National Congress and according to his evidence you were the chairman. Do you specifically remember it? --- I cannot remember the meeting, but My Lord, I cannot deny that I was not the chairman of the meeting. 10 15

Now again there are portions of the record which purport to be the statements which you made, and then there is a speech said to have been made by somebody called Koya (?). I'll read you that extract, and I want to ask you if you can tell me anything about it. "If we should die we are prepared. Should the Europeans resort to violence against us we will hit back. Anything may happen, we are not turning back." Have you today any recollection of hearing those words used by a speaker Koya? --- No, My Lord, I don't remember. 20 25

Do you think that if you had been chairman and if Koya had said what I have just read to you, you would have made any comment on it? --- Yes, particularly only a phrase, "we will hit back", that is not our intention. That is why I often use that you must be 30

prepared to sacrifice. That means whenever we are conducting any campaign and arrests happen to take place or some sort of assault being conducted by the police, no one is to resort to violence, but we must just be as lambs.

Do you think that this statement can be a correct reflection of what Koya said if he in fact spoke that way? --- No, My Lords. 5

As regards both the witness Thomas and the witness Gazo, do you think that their reports, those that I have read to you, can be accepted as accurate translations of what was said in Xosa? --- I don't think so, My Lord, because I think I would have got up, My Lord, they might have got me down too attacking such a speech. 10

There is nothing recorded in the record that you did so. Now I want to come to a meeting of the 26th of June, 1955. Do you remember that day? --- Yes, I remember that day. 15

What was significant about that day? --- That day was the Conference of the Congress of the People, it was meeting at Kliptown. 20

And did you also hold a meeting in Korsten? --- Yes, My Lord.

The evidence relating to this meeting is to be found in the record at page 9920, Volume 50. This too is evidence given by a witness Gazo about the meeting held at Korsten on that date, and on page 9921, he gave evidence that you were chairman and said the following : 25
 "The Congress of the People is meeting in the Transvaal. Anything can happen after the meeting, we don't care. The American Republic was formed after a bloodshed, so will be South African republic be achieved after a bloodshed. The Russian Republic was also achieved through 30

bloodshed at the time of Lenin. The Chinese People's Republic was achieved through bloodshed under Chou-en-Lai." That is the only extract given of your speech. Now I want you to tell me firstly, do you remember your speech that day? --- I can recall my speech of that day, but as far 5 as I am listening to that, it is not full.

Do you think your speech is far longer than the extract I have read? --- Yes, My Lord, because I remember making those refernces concerning such countries which were fighting for their cause on violent means and 10 that ours was not to be conducted in such manner, because ours is non-violent.

BY MR. JUSTICE BEKKER :

Do you remember saying those words, or words to that effect and continuing the speech by saying that 15 here we are not going to follow that method? --- Yes.

Is that why you remember those words? --- Yes, My Lords, and the day was one of great importance amongst the African National Congress, because we were expecting the outcome of the Freedom Charter, which is for all 20 people in the country.

BY MR. JUSTICE RUMIFF :

You see, the beginning of the passage as given by the witness reads as follows : "The Congress of the People is meeting in the Transvaal. Anything can 25 happen after the meeting, we don't care"? --- The words "we don't care" I never used. I remember putting it this way, this is the meeting of the African National Congress, under the auspices of the Congress of the People. As we are standing here, the Congress of the People is also 30 meeting in the Transvaal, and anything can heppen there, but we are not to fight. Because why I put it that way,

My Lord, was that I had in mind that it can happen that the government can send police to go and disperse that meeting, and as far as we don't believe in violence, other people have written (?) that the American Republic was achieved through bloodshed, and the Russian Republic 5 I understand it had also violence...

You see, the very opposite really is reported by the witness. You say you remember that you might have mentioned in your speech that things may happen at the meeting at Kliptown? --- Yes, My Lord, the meeting might 10 perhaps be attended by a large number of police and perhaps there may be trouble there, but we are not to conduct our struggle under violent means.

As this passage is reported here, and subject of course to other passages and the fact that this is not 15 the whole speech, it reads - I am repeating the phrase, "The Congress of the People is meeting in the Transvaal, Anything can happen after the meeting, we don't care. The American Republic was formed after a bloodshed. So will be the South African Republic be achieved after a blood- 20 shed"? --- No, it is not recorded correctly.

You didn't say this? --- No.

BY MR. LEWMAN :

My Lord, a statement by the witness Gazo is contained on page 10043, where a version by the 25 Accused was put to him. Having referred to Russia and China, did you draw any comparison of the sort of struggle which you were conducting here, was a struggle conducted by anyone else in any other country? --- I remember My Lord, making an example that we will fighting our cause 30 and achieve it under the methods which were carried out by Mahatma Gandhi on non-violence.

I want to deal next with a meeting on the 13th of March, 1955. I don't know whether you would have a specific recollection of that meeting without my referring you to the record? --- I remember it yes, because it was a special branch conference for the Congress of the People 5 to collect the demands of the people.

Evidence has been given about this meeting by two witnesses, by a witness Mredlana at page 9548 and by the witness Gazo at page 9904, sorry, page 9905. The evidence given by both these witnesses was that they were 10 not present in the hall, but that they were sitting outside in some concealed spot and they could - one of them could from time to time look into the room and see what was happening and the other one recognised what was said by the voices of the speaker and he said that you were present 15 at that meeting. They then give evidence of a statement or a speech made by somebody called Nogaya(?). What he is said to have done is that he called upon volunteers to follow an oath which he then read. Do you recall that happening? --- Yes, My Lords, I remember. 20

Do you recall whether Nogaya spoke in English or in Xosa or can you say from your knowledge of him what language he would have spoken in? --- I think Nogaya read that in Xosa, My Lord.

It is the Volunteers' Pledge which you know 25 or have a general recollection of? --- Yes.

Now the two versions differ slightly, but I'll deal with the one as given by the witness Gazo, which reads as follows : "I hereby agree to fight the apartheid. I take the oath that I shall die fighting as 30 a volunteer and prepared to serve my people and country, even prepared to take actions as at all times instructed

by my superiors, at all times under the guidance of our leaders". Now how was that pledge read to the meeting? Was it a statement made by Nogoya or how was it made? --- As far as I listened to it, My Lord, it is similar to the correctness of what the Volunteer in Chief read to 5 the Volunteers.

Did he read from some written document or did he merely speak out of his head? --- He was reading from a document.

I would like to read you what has been given 10 in evidence as the Freedom Volunteers' Pledge, B.35, that reads as follows, and you can tell me which, as far as you can recollect, is the more correct version of what Nogoya said : "Believing that I might fight until apartheid is defeated and that the voice of all who love freedom must 15 be heard at the great Congress of the People, I the undersigned, Freedom Volunteer, do hereby solemnly pledge and bind myself to serve my country and my people to the best of my ability and in accordance with the policy and programme of my organisation. I shall be prepared at all times to 20 carry out whatever tasks are required of me by my organisation. I shall at all times obey the orders of my leaders and shall strictly abide by the rules and regulations of the National Volunteer Board". The two versions I have read you, which do you think would probably have been 25 the one given by Nogoya? --- I think this last one, My Lord, is correct.

I want to draw your attention to one other thing. The version given by the witness Mredlana I said differs to some extent from that of Gazo, page 9549, and 30 it contains one phrase in common. In both one finds the phrase "I take the oath that I shall die fighting as a

volunteer". Now can you say anything about that phrase, "die fighting as a volunteer"? --- That expression, My Lord, is on the pledge that my days shall end on my natural death still being a volunteer for my people. It does not necessarily mean under a physical struggle 5 that I will die. It means that my days will be shortened if the Africans are not yet free, still taking part for my people.

You mean all my life? --- All my life.

And you think it is possible that he said 10 something like that in translating the pledge which I read to you? --- I cannot recall the pledge as a whole from memory, so I could not dispute that that was not read, because I have not got the correct words in the true sense of the volunteer pledge without looking at the proper 15 document which is found under the organisation. I think the one that you read last is correct.

I want to come now to another topic. Evidence has been given of certain other meetings which I want you to deal with. I wonder if you can tell me whether 20 the volunteers which you had were ever told to be violent? --- Not at all, in my knowledge, My Lords.

Do you remember evidence given about a speech said to have been made by the accused Ndimba, in which he was said to have addressed the volunteers and 25 said "if they are told to kill they must kill"? --- My Lord, I think it is the one that he was charged for.

You remember that Ndimba was charged with making a speech in those terms or nearly those terms? --- Yes. 30

Were you present at the meeting at which he spoke? --- I was not, My Lord.

What do you know about his arrest? --- On Monday evening when I was just from my work - I cannot remember which were the members of the Executive who came to my house to invite me to be present, because Ndimba was arrested that Monday morning for making a speech on a public meeting which was on a Sunday, and that I must come and help the Executive what could be done about Ndimba. So I went to the Executive, where I was told that Ndimba made a violent speech yesterday which was Sunday, and as a result of that speech he is arrested. Well, I wanted to know what was the intention of the Executive.

Can I interrupt you for one moment. Can you tell me, were you serving on the Executive at that time or not? --- No, I was not a member of the Executive.

Why was it that the Executive wanted you, do you know? --- They maintained that I was an experienced member in the organisation.

So they asked you to come along and attend this meeting where this matter was then discussed? --- Yes.

That was a meeting of the Executive of the Korsten Branch? --- Yes.

And what were the views expressed at that meeting? --- The committee was divided into two. The other part of it had the idea that the branch should take responsible action on behalf of Ndimba so see that he should be defended or a fine should be paid, and the others said it is against the policy of the A.N.C. and he made a written speech which was not concerned by the officials with him in the committee, he had wrongly done. It was then that I stood up and said that of course Ndimba had done wrongly according to our policy and there is a way of punishing him, not in this way,

because now the matter is under the State, he must be defended and thereafter when he had come back from the...

Either been found guilty or not guilty? ---

Yes. The Executive on behalf of the branch said that they must discipline Ndimba or suspend him for six months, 5
our suspensions are for six months, from three months to six months if - or be expelled if he does not behave considering what he had said. So, a decision was taken on what I have said that he must be bailed out and an attorney must be instructed to defend him and that he must 10
come...

He will be dealt with by the Executive afterwards as you suggested? --- Yes.

He was then bailed out and he was defended?

--- Yes, My Lord. 15

And he was sentenced to six months in gaol?

--- Yes, My Lord.

And thereafter an appeal was noted on his behalf against the sentence and on appeal his sentence was suspended? --- Yes, the appeal was made on behalf that there 20
was no option of a fine and the committee held the view that he was not a good, healthy person.

So that it was taken on appeal and the result of the appeal was that the sentence was suspended?

--- Yes. 25

Now do you know whether the Executive of the branch thereafter considered what Ndimba had said and whether they dealt with Ndimba? --- According to the report of the Executive which was brought into a general members' meeting at which I was present, because I never 30
went again for further proceedings to the Executive. They reported that on their findings they found that they

must warn Ndimba, because he was the vice chairman of the branch and he must never made such a speech, or if he prepared a speech he must bring it in the presence of the Executive before he go out to the public meeting and deliver it to the masses and that Ndimba had apologised 5 that he shall never do it again, he considered that he had wrongly done it.

You have heard the evidence of what the speech was and I think you said it was outside the policy of the African National Congress. Did you yourself have 10 occasion to discuss this speech with Ndimba? --- When the case now was taken to advocate G. Davies, I was the one appointed by the general meeting to accompany Ndimba, so I had a chance to have a chat with him on this matter, it is where I told him that you had wrongly done according to 15 our policy, and perhaps if I did not appear for your behalf you are likely to have been expelled or it is likely that you had been left to rot in gaol.

And did Ndimba have any explanation to make? --- At this stage he was also very impressed of what he 20 had done, he did not think it would result in such a conviction.

Did he tell you how he came to make such a speech? --- When I asked him he said that he was sitting at his home one Saturday afternoon and thinking about 25 grievances of the Africans, he got upset and was so worried then he thought that he must make a written speech in English, so that even the Coloureds could follow. But I said it was not the matter of English, the speech you drafted is totally wrong because it undermined the proper 30 sense of our policy in the organisation.

Now evidence is given as to what Ndimba

said about the oath, it was for volunteers in that area at all events, an oath in those terms. That is the explanation which Ndimba is said to have given to the Magistrate. Was there or was there not an oath for volunteers that they should kill if they were told to kill? --- 5
I think those were the words expressed by Ndimba to enlighten the question of instructions to the volunteers, ..

What I am interested in is whether in fact there was such an oath which volunteers had to take? Is it correct that there was an oath and an instruction to 10
volunteers to kill? --- No, I don't remember that, I don't know My Lord an expression within the pledge of volunteers saying that when you are instructed to kill you must kill, and when you are not instructed to kill you should not kill. 15

Have you personally recruited members - volunteers? --- Volunteers were recruited under my speech, I never investigate individual people...

Did you ever administer an oath in those terms to any volunteer? --- No, I never. 20

Did anyone else that you know of? --- Well, a document which is written on behalf of the volunteers I don't remember it to go as far as that, My Lord, and the Volunteer in Chief is responsible to read the Volunteers' Pledge when there are new recruits within the volunteer 25
corps. So, although I was the chairman, I never read it myself to them.

I want to ask you a few other general questions. Do you know anything about the ideology or the doctrine or the philosophy or science of communism? --- 30
No, My Lord.

Have you ever studied it? --- No, My Lord.

Do you know anything about how the Government of Russia in fact works? --- No, I only know it roughly, I don't know it thoroughly. What I mean is I know from hearsay.

I don't want any details, I don't want any specific incidents, as far as I am concerned I am not interested in them, I just want to know what you believe and what your state of mind is on this topic. Do you believe that although Africans and members of the African National Congress remain non-violent, the police may nevertheless be violent? Do you believe that although you and all your followers and all your members are non-violent, you - there may nevertheless be force and violence used by the police against you? --- I believe My Lord that although we are non-violent, we may come across violence from the police.

Is that a common belief amongst members of the African National Congress? --- I would say so, My Lord.

I want to ask you also if you can tell me here you get your knowledge about events in the country, what reading you do to get that knowledge? What papers do you read? What documents do you read? --- I get it from the papers I read.

Which papers are those? --- In Port Elizabeth, the daily press, known as the Eastern Province Herald and the Evening Post and also a weekly paper which was known as the Guardian.

Do you read all three those papers fairly regularly? --- Yes, My Lord, but not everyday sometimes, on the question of money I couldn't buy, but whenever I got money I used to buy every day.

NO FURTHER QUESTIONS BY MR. FLEWMAN.

CROSS-EXAMINED BY MR. TRENGOVE :

I just want to deal with a few general questions first, and your participation in the activities of the African National Congress, and other people that worked with you in the Congress at Port Elizabeth. Is it 5 correct to say that your active participation dated from about the middle of 1952? --- Yes, My Lord.

And is it correct to say that you became first the vice chairman of the Korsten branch of the A.N.C. - were you vice chairman? --- In 1952, yes. 10

And afterwards you became chairman of the Korsten branch? --- Yes, in 1953.

And you continued to be chairman throughout the period of the Indictment? --- No.

Till when did you continue as chairman? -- 15 I resigned round about March, 1954.

And after that you didn't act on the Executive? --- No, My Lord.

But you still remained an active member? --- Yes, My Lord. Only in 1955 when the Congress of the People 20 Campaign was called that I was elected special chairman for the Korsten Branch Action Committee.

And you continued to occupy that position? --- After the adoption of the Freedom Charter in Korsten, we abandoned the Action Committee in Korsten. 25

You were also a member of the Volunteer Board at Korsten in 1955, were you not? --- I think so, yes, I think so.

What do you mean you think so? --- It is because I don't make out between 1955 and 1956. 30

You were a member of the Volunteer Board at Korsten over the period 1955 to 1966? --- I think so.

The National Volunteer Board was recruiting volunteers? --- Yes.

And it formed part of the Congress of the People organisation? --- Yes.

Who were the other Executive members at Korsten? They included J. Jack, did they not? --- Yes. 5

Who was one of the Accused at the Preparatory Examination? --- Correct.

And Ndimba, who is the Accused in this case, he was also an Executive member at Korsten Branch was he not? --- Yes. 10

And when in Port Elizabeth, you had a special branch at New Brighton too? A branch of the African National Congress at New Brighton? --- Yes.

And in Fort Elizabeth Area did you have any other branches of the African National Congress? --- Yes, Veeplaats and Walmer location. 15

And did these branches work in close co-operation in African National Congress matters? --- Yes, My Lord.

So that one can take it that you know the following people very well, C. Mayekiso, who is Accused No. 22 in this case? --- Correct. 20

He was attached to the new Brighton branch? --- Yes.

Then there was W. Mkwai, who is Accused No. 24, during this period of the indictment he was also an active member in the New Brighton branch? --- Correct. 25

And Ndimba you have already mentioned, Accused No. 25? --- Yes.

Accused No. 26, Nkampani, he was also an Executive member of the Korsten branch? --- Correct. 30

Over this period? --- Yes.

Then there was F. Ntsangani, Accused No. 27, he was a New Brighton Executive member? --- I think so.

And there is T. Tshume, Accused No. 28, you know him too? He is also attached to the New Brighton Branch? --- Yes, My Lord. 5

You also know T. E. Tshunungwa, Accused No. 29? --- Yes.

He was your Cape Provincial Secretary over that period? --- Correct.

You say you expressed your views on the African National Congress policy. Apart from the branch meetings, were you in the habit of attending provincial and national conferences over this period, 1952 to 1956? --- Yes. 10

Which did you attend? --- The first provincial conference I remember I attended was round about April, 1952, in New Brighton, Port Elizabeth. The next was in 1953, February, Korsten. 15

Also a Provincial Conference? --- Yes. And also another provincial conference at which I was a delegate, in August in Cradock, August of 1953. 20

And other provincial conferences? --- I don't remember being a delegate to any other after that time.

National conferences? Did you attend any? --- I think I attended a national conference which I think was in March, 1955, a special national conference. 25

Now your views as to what the policy of the African National Congress is, where do you get your information on which you base your views as to what policy is? --- The firsthand information, I got it from the speakers of the higher organs of our organisation. 30

In personal conversation with them? --- No,

in public meetings and also in the conferences when they delivered their addresses on the conferences.

Speeches which you actually heard? --- Yes.

Apart from that? Apart from speeches? ---

Well,...

5

Where do you get your information of the activities of your Congress, what they do, what their campaigns are, what they have in mind? --- Those comes through correspondence from the province to the secretary of the branch, what campaigns are to be emarked upon.

10

Any other bulletins or documents set forth the activities of your organisation? --- I cannot remember.

Let us start in your area. Do you know the bulletin Inyaniso? --- Yes, I remember this being introduced by the branch secretary, Tshunungwa, I think that was in a provincial conference in 1955.

15

You know that that bulletin was actually published and circulated, particularly in your area? --- Yes, I wouldn't deny that, because I expected it to be.

You never saw it? --- Perhaps I might have seen it, or I might have had a copy of one once upon a time.

20

Are you not sure about this bulletin? --- I am sure that there was a bulletin, Inyaniso, but I am not sure of having one in my possession.

And the purpose of this bulletin was to put forth the views of the African National Congress in that area? --- In the Cape.

25

Who was the - you say the bulletin was started by T.S.Tshunungwa? --- No, was introduced, I don't know whether he started it or not.

30

Who was on the editorial board of that bulletin? --- I don't remember.

You don't know? You never enquired? --- No.

You never encouraged people to read that
bulletin? --- I might have encouraged the people.

It was your own paper? Isn't that so? ---
Yes, it is our paper. 5

And you don't know who was on the Board? ---
No.

Where was it published? --- I think it was
published by the provincial headquarters.

In the Cape? --- In the Cape. 10

And where are those headquarters? ---
During the time of Tshunungwa, I think it was Queenstown,
where his office was where he used to work.

Do you know the bulletin Isizwe? --- That
I don't know. 15

You have never heard of it? --- I think
recently during this case I happened to have heard. I
don't remember before here having any knowledge about it.

Before this case you don't remember having
any knowledge about it? --- No. 20

The African National Congress encouraged
its members to certain - to read certain bulletins and
certain literature, did it not? --- Well, I do not
remember specifically, except just hearing a speaker in
a public meeting speaking about the reading of papers 25
like the daily papers from the press to enable that
everybody must know what is taking place in the country.

You say the only knowledge that you have of
African National Congress encouraging people to read
certain papers or bulletins is what was said at public 30
meetings? --- Yes, Mr. Lord.

And what were the bulletins that people were

encouraged to read by speakers at these public meetings?

--- General newspapers, My Lord.

Such as? --- The Eastern Province Herald and the Evening Post and the New Age, which was before being the Guardian. 5

Any others? --- Well, now I would not know, I cannot say any others, I don't know.

The A.N.C. was engaged in what it called a liberatory struggle? --- That is correct.

And as its allies in this liberatory struggle 10 it had the South African Indian Congress and its affiliated organisations, it had the South African Congress of Democrats, it had the South African Coloured Peoples' Organisation, is that correct? --- Correct, My Lords.

And at a later stage it also had the South 15 African Congress of Trade Unions and the Federation of South African Women? --- Correct, My Lord.

And working with all these organisations was the South African Peace Council? --- Now I don't know about the South African Peace Council. 20

Now these Congress movements took up the attitude that certain bulleting, certain papers, were assisting them in this liberatory struggle, they were their allies in the liberatory struggle, and they supported the liberatory struggle. Do you know that? --- No, I don't 25 know that, but I would not say there is no such. Perhaps that did not come to my knowledge.

Do you know a bulletin called Fighting Talk? --- Yes.

Was that one of the bulletins that people 30 were encouraged to read? --- In my knowledge I don't know that people were encouraged to read it, I only know that

there were special people who are selling it and that I was - I encouraged myself to read it because I was so interested of what I read in it.

Who were the people in Fort Elizabeth selling this Fighting Talk? --- That I cannot recall because there are many people you can find in the street selling New Age, including Fighting Talk, and you can come across who does not sell Fighting Talk, so I cannot recall peoples' names.

But you didn't realise that there was any definite connection between Fighting Talk and your liberatory struggle? --- Well, I would not know in that sense, because I think Fighting Talk, it is a special press owned by individuals.

How do you know that? --- That is what I think, I say.

15

Why did you think that? --- The reason why I think that is because I know of no press in the country owned by any organisation as such. I can be told in this Court, then perhaps I will have knowledge.

Nkalipi, why did you become interested in Fighting Talk? --- I am interested in Fighting Talk as well as I am interested in any press that publishes everything that takes place throughout the country.

20

You were not interested in Fighting Talk, because it was one of the weapons of the liberatory struggle? --- No, I was not interested in that sense.

25

You didn't know that Fighting Talk was an ally of the liberatory struggle? --- No, I did not know that.

You didn't know that the Congress movement encouraged people to read and study Fighting Talk? --- No, I did not know that, My Lord.

30

You did not know that volunteers were encouraged to study and read Fighting Talk? --- Not in my knowledge, My Lords.

Was it just perchance that you happened to buy Fighting Talk somewhere on the streets in Fort Elizabeth? --- Yes, it was through a chance of coming across it, I didn't have a standing order. 5

And did you read this bulletin and find its articles very interesting? --- Yes, My Lord.

Did you discuss this bulletin with your other confederates or other members of the African National Congress like Mayekiso, Ntsangani, Tshunungwa and these people? --- My Lords, I never, in my knowledge I never discussed it with any special individual, unless I happen to quote an article to it while making a speech, as I used to quote the Eastern Province as well or the Evening Post if I had seen an article which is interesting to my view. 10 15

Did you from time to time quote Fighting Talk articles in your speeches? --- I am just merely making an example, I would not recall that. 20

You don't ever/having read anything in Fighting Talk that was worthwhile quoting? --- This expression, I am putting it because of what might have happened, not because of what I know has happened. So I would not be able to clarify the question. 25

You don't know if you ever quoted anything? --- Yes.

That is one bulletin that you say you don't know anything of. You say you know nothing of Isizwe? --- No. 30

Do you know a bulletin called African Lodestar? --- I heard about it, My Lord.

You heard of a bulletin called Mayibuye Afrika? --- No, I don't know it.

I just want to show you an exhibit that was handed in A.A.N.6, Can you tell me, do you stay at 21 Atwell Street? --- Yes, I used to stay there in Korsten. 5

That is your signature on this bulletin, A.A.N.6, Welcome Freedom Volunteer, is it not? Right at the top, S.I. Nkalipi? --- That is my handwriting, correct, My Lord.

Now that is the bulletin, Welcome Freedom Volunteer, setting forth the duties and so on of the freedom volunteers. You remember having seen that document? --- I remember now, My Lord. 10

It has your signature, but it was found in possession of Nogaya (?)? --- I thought it was found from me. Nogaya might have got it from me, because he was the Freedom Volunteer in Chief. 15

And it has your signature on with your address, written in your own handwriting? --- Yes.

You remember this bulletin which was published at a time when Freedom Volunteers were being recruited and it sets forth what the duties of the Freedom Volunteers are going to be? You remember that document, Welcome Freedom Volunteer? --- Yes, I remember. 20

COURT ADJOURNS. 25

COURT RESUMES.

SIMON FAKAMA NKALIPI, under former oath;

CROSS-EXAMINATION BY MR. TRANGOVE CONTINUED :

Dealing with your knowledge of the liberatory movement publications, I put this document to you Welcome Freedom Volunteer. Now you have throughout 30

both under the Defiance Campaign and under the Freedom Volunteers' Corps established in connection with the Congress of the People, you have throughout taken a very active part in the activities of volunteers? --- Correct.

Just for the moment dealing with the Defiance Campaign volunteers, the Eastern Cape Area had the largest number of volunteers that took part in the Defiance Campaign of all the other centres in the Union? --- I think so, I am not sure, My Lord. 5

You had about six thousand volunteers in the Eastern Cape taking part in the Defiance Campaign? --- That may be correct. 10

And at that time, what was your position in that Volunteer Corps of the Defiance Campaign? --- In the Defiance Campaign I was only a group leader, a batch leader. 15

A batch leader of what? Of the Korsten batch? --- Of a batch that go to defy a law.

And who was the Volunteer in Chief at the Eastern Cape at that date? --- I think T. X. Tshume was, during 1952. 20

And who selected you as a volunteer? --- Well, My Lords, I was not selected, I joined voluntarily, as a volunteer to lead a batch or to go and defy, I was appointed by the Korsten branch.

And did you also recruit volunteers at that stage? --- I might have done it in this way, by calling upon while I am making a speech that all people who are prepared to sacrifice for their nation, they must come forward to the table at which they can join the volunteer corps. 25 30

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

They weren't put through any special test?

--- No.

No enquiries were made as to their religious background or their political background or anything like that? --- Not so far as I know. 5

On that basis you selected approximately six thousand volunteers - on that basis approximately six thousand volunteers were enlisted in the Defiance Campaign? --- Yes, My Lord.

- You also played an important part in the freedom volunteer corps? --- Correct. 10

And that was run in conjunction with the activities of the Action Committee of the Congress of the People at Port Elizabeth? --- Correct, My Lords.

You said this morning that you were the chairman of the Action Committee of the Congress of the People, Ndimba was the Secretary, is that correct? --- Of that committee? No, it was I. Matebela. 15

Ndimba was a member? --- He was a member.

And you had a member too, Vanqa and another member Koyo? --- Yes. 20

Remember you had a speaker at a meeting this morning, you were referred to a meeting, a speaker Koyo, is this the same man? --- It may be so, because there is no other Koyo known. 25

And on your volunteer Board at Korsten you had Nogaya as the Volunteer-in-Chief and you and this Koyo were on the Board at Korsten? --- Correct.

Then together with you on the Board was also Mayekiso? --- The one of Korsten, correct.

Is that the one in this case? --- No, another Mayekiso.

Another Mayekiso? --- Yes, that is George Mayekiso.

You know that the Volunteers were required for the Congress of the People and also in connection with the Western Areas Campaign in Johannesburg? They were 5 recruited for both purposes? --- Not in my knowledge. I know they were recruited for the Congress of the People to collect the demands from the people on behalf of the Freedom Charter.

This call of Chief Duthuli for 50,000 freedom 10 volunteers, you don't remember that that said that they were required both for the Congress of the People and for the Western Areas Campaign? --- No, I don't know on behalf of the Western Areas.

You know, however, that it was one of the 15 duties of the Volunteers to teach the people and to instruct them in the conduct of the liberatory struggle? --- I don't exactly recall the knowledge of teaching the people. What I know, they were to spread the voice of the oppressed people. 20

And they were to tell the people how to achieve their freedom from oppression? --- Not with that sense, My Lord, I doubt it very much in that way.

What do you doubt? --- To teach the people and to tell them about the oppression which they live 25 under. What I know is that they were the messengers of the organisation, to organise and canvass the people to join the A.N.C. for its good purpose on the object of all what the Africans are suffering under the laws of the country. 30

Would it be correct to say that the - you heard other witnesses say too - and would you agree and did

you know that the A.N.C. was seeking to enlist the support of the masses in their liberatory struggle. Do you agree with that? --- Yes, I agree with that.

And one of the things that the A.N.C. regarded as essential was to raise the political consciousness of the masses? Do you know that? --- I don't understand that. 5

They had to prepare the people mentally for their part that was expected of them in the liberatory struggle? --- I don't know in that way, My Lord, because the people, I think are being prepared by the conditions themselves to which they live under, only what the Congress I know aimed to, was to have the people under each unit so as to fight as one figure to achieve the proper conditions which are worth for a human being. 10

And did they not also have to teach the people the method by which they had to achieve this freedom from oppression? --- Well, the teaching My Lord comes daily from the public platforms, from the speakers which exactly understand the way of how we are to campaign and to fight, what methods to be used. 15 20

So the purpose of all these public meetings was really to educate the masses as to the objects of - that the A.N.C. was seeking and the methods by which it was seeking to achieve them? --- Correct, My Lord.

And then you used to have at these meetings people who knew the policy of the A.N.C.? --- Yes, My Lord. 25

To address the crowds? --- Yes, My Lord.

These people knew the policy, both as to the objects and the methods? --- Yes, My Lords.

And was it the duty of Freedom Volunteers to address public meetings with this object in view? --- Those who were capable to do so, My Lord, not all of them. 30

And I take it only those who would be capable, would be those who had proper political training? --- Not training as such, but who are training themselves, taking trouble to learn how to act on behalf of politics.

How did these people have to train themselves? Where did they have to get their information which they were going to use at these public meetings? --- Well, My Lords, speaking for my part, I myself I took the trouble of considering what the speakers of the A.N.C. used to say on a public platform, and then I make myself in the proper position to be able to express my own opinion concerning that, the proper way and the proper thinking of the A.N.C.

So you relied for your training solely on what you heard at these public meetings? --- Yes, My Lords.

And was that the policy of the African National Congress, that people should get their political training in that way? --- My Lords, the question is a bit difficult for me, I think that was the procedure, not policy.

What was the policy of the A.N.C.? How had the people to be trained politically? --- Well, the people were to take for themselves the consideration on the conditions to which they live themselves. That gives them a good light.

You heard the evidence here from your Chief Luthuli, you heard the evidence of Dr. Conco, that the political education of its members was regarded by the A.N.C. as one of its vital tasks? You heard them say that, did you? --- Yes, I think I have heard them saying that.

Was that the first time you became aware of that, when you sat here in Court and heard that? --- Yes,

My Lord, to me it was the first time because I was never trained politically.

You never knew that was the object of the A.N.C. before you heard it from them? --- No, My Lord.

When reports and brochures and bulletins were⁵ sent to your organisation and to you from head office, were you in a habit of studying and reading those documents?
--- I don't remember taking much trouble in reading them.

Why not? --- Because I used to take them for granted that they are correct, with my knowledge of which 10 I had for myself.

Now this document, Welcome Freedom Volunteer, do you want to say that you never read that? --- I don't remember reading it all. I think I might have read only a portion, only a few portions. 15

Then why did you stop? ---, Because as far as I could see, the language used here was almost the same language of which I use myself.

Now if you read as far as page 3, under the heading "Volunteers Must Teach",.... 20

BY MR. JUSTICE BLIKER :

Did you read as far as page 3? --- No, My Lord, I don't remember.

BY MR. TRINGOVE :

This has got nine pages, you said you just 25 read the first few pages at the beginning? --- Portions, not pages.

The first few portions? --- Yes, My Lord.

Which portions? --- I think I may say the first page, because I did not have enough time to read 30 everything which is written there.

Do I understand now that you stopped reading

this because you didn't have enough time? --- That is part of the reason, not only because I didn't have enough time only, but because of the sense to which I found there it was almost correct with my line of thinking.

Was this pamphlet ever discussed by your Volunteer Board? --- It might have been, I cannot say now. 5

BY MR. JUSTICE BEKKER :

Can you recall how this pamphlet came into your possession? --- I think this pamphlet came to the Volunteer in Chief. 10

Where did it come from? --- The literature used to come from the regional office.

Can you recall this particular pamphlet, did that also come from the regional office or not? --- I think it is so, but I cannot say definitely because I might have a mistake. 15

When you received that pamphlet, what did you think it was sent to you for? --- To know exactly what was the work to be embarked on by the volunteers, that is what I thought. 20

You are the time, were you volunteer in chief? --- No, I was on the Board, I have never been a volunteer in chief.

Did every member of the Board get pamphlets like that? --- I believe so, because I think there were many, it was not few. 25

BY MR. TRENGOVE :

Did your Board discuss the duties and the training of volunteers? --- Well, the Board used to discuss the duties to be performed by the Volunteers, My Lord, that is what I know.

Now these volunteers were to be different

from the Defiance Campaign volunteers, is that correct?

--- They were almost the same, My Lord, there was no difference except the duties to which they must embark on was different because they were not for the defiance of unjust laws. 5

The duties were going to be different. Now where did you get your information as to what the duties of the volunteers was going to be? --- From the directives.

Which directives? --- From the national house.

Now this document was from the National Council. That document is a directive, is it not? --- I should think so, My Lord. 10

Now what other directives did you get that you can remember? -- On the lines of volunteers?

Yes, what other directives on the line of volunteers? Their duties were now going to be different to Defiance Campaign volunteers? --- Well, the difference is only one difference to the Freedom Volunteers than those of the Defiance Campaign, because they were to carry the message of the organisation throughout the people in a particular area. 15 20

Where did you get that from? --- As I understand it, I got that from the correspondence which was sent from the national level.

And which was discussed at your Board meetings? --- Not only by the Board, but by the Executive concerned, only it is being transformed what is passed and concluded by the committee to the volunteer board. 25

What committee was that? --- The branch committee. 30

BY MR. JUSTICE RUMIFF :

Isn't this document, Welcome Freedom Volunteer

a document which was given to the volunteer when he joins, when he becomes a volunteer and he takes the pledge, isn't this given to him? --- I don't remember, what I understand about the document was to be known to the leaders of the volunteers as well as the members of the committee of the branch. 5

You were on the Volunteer Board? --- Yes.

I think you mentioned that you made speeches trying to enlist volunteers? --- Yes, My Lord.

I take it you know what this document was for? Looking at the contents, it seems as if it was a booklet to be given to the new volunteer? --- It may be so, My Lord. 10

For him to read? --- It may be so, My Lord, but I don't know exactly if that was done to all of them, I know to those leading they did have that. 15

Didn't you hand this type of document out yourself? --- No, I took one for myself, I did not distribute them to volunteers, but that was the duty of the volunteer in chief. 20

Do I understand that you didn't read this properly because you thought that you knew what was in it and you had no time? --- Yes, My Lord.

After Tshume, who became the volunteer in chief? Or was he the volunteer in chief all the time? --- I think Dr. Njongwe was the volunteer in chief of the Eastern Cape after T. X. Tshume, My Lord. 25

BY MR. TRENGOVU :

And Mfaha was volunteer in chief too, wasn't he? --- Provincial volunteer in chief, I think from 1954, I may be mistaken. 30

The one who was the accused at the preparatory

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