

ON RESUMING ON 5th NOVEMBER 1964
at 10 a.m.

HIS LORDSHIP: Are you finished Mr. Gibson?

At some stage I hope it will become clear to me what this trial is about. No cross-examination has been directed towards any defence, we are dragging on about what, mitigation or something, I don't know. I don't understand what all the State evidence is about and less do I understand what the cross-examination is about. Perhaps it will become clear
 10 to me at some stage. Yes Mr. Snitcher? What I want to know about this case I am inclined to think I know already.

MR. SNITCHER: Perhaps we can have a consultation about this at a later stage, My Lord.

ADRIAN LEFTWICH, still under oath:

CROSS-EXAMINED BY MR. SNITCHER: Adrian, how long have you known Spike? --- About two and a half years.

How did you first come to know him? --- I met him at a social gathering.

Two and a half years ago. When would that make it? ---
 20 I think it was the end of '61, possibly early '62.

When did you meet him again thereafter? --- I can't remember the specific occasion, it was possibly a short time thereafter.

And then you became quite friendly, is that so? --- Yes, not till, I should say about six months after the initial meeting were we really friendly.

I want to suggest to you that you got friendly at an earlier stage than six months after, it was round about March or April of 1962 you got quite friendly with each other.
 30 Isn't that so? --- Yes, it is probably correct.

You were at that stage occupying a very prominent

position at the University, is that correct? Is that so?

--- Yes, in NUSAS, yes.

You had already as you have told us been President of the S.R.C.? --- That is correct.

I want to suggest to you, you see, that you were also very active politically, you were taking an interest in - a very keen interest in politics generally, on the campus, is that so? --- That is correct.

And also outside the campus, is that so? --- At that
10 time, no. Prior to that possibly but at that time no.

You joined the Liberal Party, didn't you? --- Yes.

When was that? --- I am not certain I think probably
in about '59, 1959.

You were a member for quite a long time? --- That is
correct.

I think you actually introduced Spike to become a member of the Liberal Party, isn't that so? --- Yes, we had a discussion, a mutual friend of ours introduced us and we had a discussion, I think Spike expressed an interest in
20 joining the party and the formula was for somebody to put him up, which I did.

I want to suggest to you, you see, that you told us that you joined this organization known as the N.C.L. round about - when would you say, the early part of 1962, isn't that so? --- Yes.

That is correct. And Spike only came into it towards the end of 1962, would that be correct, round about November or there about? --- No.

That is what he tells me, that round about October
30 November of 1962 that he came into your group? --- I don't think that is correct, I may be wrong, it is my impression that ... (interrupted)

It is your impression that you may be wrong, I mean you wouldn't dispute that? --- No, my impression is it was round about the same time or a short while after I myself joined.

I want to suggest to you that it was very much later, that you had already been - sorry - in September 1962? --- It is possible, I don't recall that.

Also I want to suggest to you that you were the one that first broached the subject with him as to the possibility
10 of his joining. You discussed the possibility of his joining this organization? --- Yes, as I indicated the other day, I do not recall that incident clearly, I remember discussing it possibly in a general sense with him, but I was not in a position to recruit him.

I am not talking of the actual recruitment, you were the one that influenced him in this organization, discussed the matter with him, is that so, the possibility of his joining. Is that correct? --- To a degree. When one says discussed, I was obviously not in a position to discuss it
20 in general terms, in specific terms, I may have raised it in general terms.

And as a result of that you introduced him to the powers that be in this organization, is that correct, or you mentioned his name. Is that so? --- Yes.

And he became a member? --- Yes, I think that is correct.

I don't want to go into a lot of detail about, you know all the questions of membership and so on, all I want to put to you is this. As far as the membership of this organization is concerned, we can accept it clearly that there
30 was no constitution of this organization to which anybody could refer. Is that correct? --- There was at one stage, I saw it once but after that not.

You saw, but you are quite satisfied that Spike never saw one as far as you are concerned? --- Yes.

That is right. And also, you told us yesterday this organization, as far as you knew it, at that stage had no long term aims. Is that correct? --- At that time as I know it, yes.

That was at the time when Spike came into it, you also accept that position, there was no long term aims in the organization? --- Yes.

10 You also accept the position that it was an organization which comprised people of varying political attitudes. Is that so? --- Yes.

Or affiliations even, is that correct? --- Yes.

HIS LORDSHIP: What does that mean, people with varying political affiliations, what does that mean? --- I was informed by Mr. Ruben at the start that there were people who were Liberals, who were not members of the Liberal Party.

Various political affiliations, any Nationalists in the organization? --- No.

20 Any United Party? --- I doubt it.

Any progressives in it? --- I don't know.

Who are the people of varying political affiliations then? ---

MR. SNITCHER: I am sorry, it was my - I introduced that. Were there any political aptitudes, put it that way? --- Yes.

Political aptitudes. They were not members of any particular political party, is that the position? --- Yes.

And the membership as you knew was a limited membership. Is that correct? --- The membership that I knew, yes.

30 I want to suggest to you that the sole basis of association as you understood the position was explained to accused No.2, was that it was a group which would perform

these acts, as you have indicated, acts of sabotage as you have indicated, with a view to arousing a public consciousness to what you called the injustices of apartheid, is that correct? --- Broadly speaking, yes.

Now, I want to suggest this to you, as far as you knew it wasn't an organization which had any mass basis, is that correct? As far as you understood it? --- Yes, certainly.

HIS LORDSHIP: What is that, mass basis what on earth is it?

MR. SNITCHER: That it had limited membership, My Lord.

10 In other words it wasn't an organization which had members outside or people who were connected outside, and so on, as far as you knew? ---Not as far as I knew, yes.

That is correct. Now (His Lordship intervenes)

HIS LORDSHIP: It is somewhat unusual for a sabotage outfit to go on platforms with masses of people belonging to them, isn't it? --- Yes.

MR. SNITCHER: (CONT.) Well now, the position is that you then from time to time had as you said instruction which was given by Watson, is that correct? --- That is correct.

20 And as far as you could observe, you told us yesterday that Watson was a person - as far as you believed it, was a person who had expert knowledge about these matters? --- That is correct.

There is just one question I want to put in this regard, and that is, that had you heard that he had been a person who had worked in the mines, underground, you heard that from him? --- Yes he did mention that.

30 And rightly or wrongly, the position was that you people believed that he was a person who had an expert intimate knowledge of explosives and how it functioned? --- We believed that, yes.

And he was the person - we know it already - who gave

the instructions in regard to this. Is that correct? ---
That is so.

I just want to put one or two other questions to you. By the time, the end of 1963 had been reached, there was a general doubting, as far as you could see, amongst the members as to whether or not this organization should continue at all. Isn't that correct? --- Yes.

Serious doubt had arisen about that, isn't that so? --- Yes.

10 And you told us that towards the end of 1963, the beginning of 1964 the position had arisen that as far as you say Schneider was present, accused No.2 says he doesn't recollect Schneider being present at all, but the point is as far as you were concerned and he was concerned, there was to be no further sabotage. That was the attitude you had taken up. Is that correct? --- Yes, is this the meeting as far as Kirstenbosch is concerned?

Well, wherever it was. The point is that you and he had a chat about it, is that so? --- That is correct.

20 Spike had a chat with you about it, is that so? --- That is correct.

And he came to the conclusion and you came to the conclusion at that stage, that as far as sabotage was concerned it was to be dropped altogether, isn't that so? --- Correct.

And that was Spike's approach from that time onwards for quite a few months, isn't that correct? --- Yes, we shared that view.

You shared that? --- Yes.

30 I want to suggest to you, you see, that after that date you know then came the long vacation, you remember there was a long vacation, Spike was still at the University as we know, is that so? --- That is correct.

He was attending to his studies, and he was not at any stage thereafter called upon to do any work or to do anything in this particular organization after that date. Would that be correct, until the June events? --- Yes. I have referred to the Political Intelligence.

I am coming to that in a moment, but he was not called upon to do any work, he was not called upon to do anything to perform any task, he didn't attend any discussions or meetings as far as you were concerned in regard to any aspect
10 of the organization. That would be correct, isn't that so?
--- I am not sure but I think so.

I mean you won't dispute that if I put that to you, is that correct? --- No.

Now look, a whole number of documents have been put into Court here, I don't propose going through the whole lot of them, and you are not suggesting - I looked through some of these documents - that as far as Spike was concerned, that he had any knowledge of any of the documents to which you have referred. You are not suggesting that? --- No.

20 Thank you. May I just put this to you as well. You have referred to certain two documents C 6 and C 7 which represented your own personal thoughts, is that so? You remember those long...? --- Yes, yes.

They reflect your own doubts and hesitations and so on, in your own mind as to what might or might not be the political situation in South Africa. Is that correct? --- That is correct.

30 But you never at any time discussed these questions you never put that before any committee in Cape Town, you have told us that? --- That is correct.

You then told us also that as far as accused No.2 was concerned, you had gone up apparently towards - I think it was

in the early part of June, isn't that so, to Johannesburg?

---This year?

I am talking of this year. Is that so? --- Yes.

Then certain discussions took place, is that correct?

--- Yes.

And on your return you then - then this question of synchronising the pylon attacks as you've said had been discussed in Johannesburg and had been agreed to by you. Is that correct? --- Yes. I will put it this way, that the
10 synchronisation had been agreed to at a meeting which was held in Cape Town before, a date was accepted which we couldn't meet.

As far as accused No.2 is concerned he was entirely unaware of those meetings and discussions at that stage at the time when they were held. That would be correct? --- Yes, he did not know I was in Johannesburg.

He didn't know you were in Johannesburg, he didn't know of any discussions in Cape Town about this project, nothing of the sort at all. Isn't that so? --- I think that is
20 correct.

Eventually you go up to Johannesburg, you then come back, and it was at that meeting in Johannesburg apparently that the decision was taken up there to change the name of the organization to A.R.M. Is that correct? --- The decision was taken to change the name of the organization at the Cape Town meeting, the new name was decided in Johannesburg.

Just shortly before you came down, at that final meeting in Johannesburg. Is that correct? --- Yes, that is correct.

30 On your return to Cape Town, I want to suggest to you it was about a week before this attack took place, when the latest pylon attack took place, you then telephoned Spike one

day or one evening. Would that be correct? --- I don't recall it.

But it could be possible, I mean you wouldn't deny it. Is that so? --- Yes, I phoned him quite often.

And you asked him to meet you, is that so? ---

Or you did meet - don't let's worry about the details, you and he met? --- Yes, we met.

And I think it was you and Miss van der Riet and accused No.2 then went - I think it was on a reconnaissance
10 of the particular project? --- Yes, I recall that.

It was on that occasion that you informed him that this was going to be a job that was going to be done. That is correct? --- I think I may have informed him before that.

But you are not certain about that? --- No I am not certain.

I mean really it wasn't a reconnaissance, you had made the reconnaissance, it was merely to show him where to drive should the occasion take place? --- That is correct.

That is right. Well, on that occasion Miss van der
20 Riet was in the car. Is that correct? --- Yes.

It is correct, isn't it, that you then informed Spike of the fact that there was going to be this further job on a particular night. Is that so? --- Yes.

Would it also be correct that on that occasion he registered very serious objections to taking part in this at all. Is that correct, do you remember that? --- As I recall it he objected to the time at which it was taking place.

I want to suggest to you that what in fact occurred was that he told you that he thought, he was surprised at the
30 fact that there had been this decision again to go in for it, is that so, because of the fact that you had agreed that there was not going to be any sabotage. That is how he understood

the position? --- Yes, I remember that.

You remember that. You also knew, didn't you, that he was getting ready, actually, he had informed you that he was going overseas round about October November, after the University examinations, in order, I think, to further his studies over there. You knew that? --- Yes, I was glad about that.

Pardon? --- Yes, I was glad about that.

You were aware of that? --- Yes.

10 And he told you then - let me just put it to you - that there were four objections which he made - I don't say they were put in the form of a, b, c, d, but I am trying to summarise them for you - one of the things was, you had informed him that there had been a decision, isn't that so, to launch this particular project. Is that so? I mean that is what you said? --- I don't recall putting it in that he was informed that way but/a project was under way.

20 But I mean you told him that it had been decided, is that so? You also informed him that it had been decided to coincide with something in Johannesburg? --- Yes.

I want to put this to you, that after you told him that this was going to happen, he indicated to you that he felt that he was being used, isn't that so, by people who were just making decisions and that he objected, that was one of the objections that he lodged. Is that correct, do you remember that? --- I don't recall that, no.

You wouldn't dispute that? --- I am not sure. It is possible he said that, I don't recall it.

30 Didn't he also indicate to you that he felt that though the whole thing about sabotage was completely ineffective as a political weapon, it was having an adverse effect both on the public and on the Government, did he raise that with you?

--- Yes, I think this was the view which we had shared from the Kirstenbosch meeting.

Exactly, but I mean he reiterated that on that night, isn't that correct? --- I don't recall it, Mr. Snitcher.

You don't deny it? --- It is possible.

And didn't he go on to say that this type of activity was only resulting in more stringent and suppressive legislation? --- That I do recall.

10 Yes, and he expressed the view that as the Minister of Justice had seriously considered repealing, in some statement that appeared, the 90 Day law, he thought - that was his view - that any sabotage would give them justification for retaining it? Do you remember him saying something along that line? --- It wasn't specific like that but in that... (Interrupted).

I am summarising it, but he didn't put it in that form, that is the gist of it? --- Yes he did, I do recall him indicating the possibility of the 90 Day clause being repealed. We differed on the mechanics whereby the legislature
20 would do that.

Yes I know. The point is that what he was concerned to say is, he was trying to express to you reasons why he thought this whole thing should not be gone in for. Isn't that so? --- Yes, that is so.

I want to suggest to you that your line, your argument at that stage took the view of trying to convince him to the contrary, to say well it had been decided, that it was necessary to boost moral - I am not saying he used those exact words, but it was words along those lines - and that this
30 particular project should get under way? --- I opposed his view, yes.

And what is more, you also indicated that you personally

didn't have much confidence in the view, that if you didn't go in for this particular act, that the 90 Day law would nevertheless be repealed. You expressed that view? --- Would nevertheless be?

Well not repealed, but be suspended or repealed or something of that? --- No, I think I indicated that whatever happened I anticipated that the 90 Day law would continue.

Do you remember any - during the course of that discussion Miss van der Riet was there - do you remember her
10 indicating to accused No.2 that she felt that if he did pull out at this stage that he would, it would amount to cowardice or chicken on his part, do you remember that? --- I recall that we were joking in this respect, I don't think it was a serious

You don't think so? --- No.

Don't you think she seriously held that view? --- No.

You see at that stage your membership was a very small one, isn't that so, as far as you knew? The number of people you could call upon was an extremely limited one, isn't that
20 so? --- Yes.

You felt that at all cost this particular act should go on that particular night, isn't that so? There were going to be two things done on that night, isn't that so? --- Three.

Three, yes. You were very very anxious to have accused No.2 to participate in it, because it might have upset your whole plan and organization if he didn't do so? --- Yes.

Very well. Eventually then it was agreed that he would accompany you, and did go - I think it was a couple of nights later, this job was done. That is correct? --- Yes.

30 May I just ask you this. You remember there was some discussion about the - I think you went - I don't want to go into the details - you went out, and when you came to the job, the

first one, I forget now, but it doesn't matter, the first pylon, you and accused No.2 went, did it, is that so? --- Yes.

What part did he perform in it? --- He - I think it is possible that I placed (interrupted)

I mean you set the whole thing up, isn't that so? --- Yes, well, with his assistance, yes.

And the assembly and all this sort of thing had all been done beforehand, is that correct? --- Yes.

He had no part in it, is that so? ---Yes.

10 I mean you agree with what I am saying? --- Yes.

He had no part in it, and indeed I want to suggest to you that at no time did he ever have any part in manufacturing or ~~arrang~~^{-ing} any of the material and so on which has been discussed here in this Court? --- Yes, the Planning Committee did that.

He had no part in it? --- No.

Very well. We know this pylon did not explode, this particular one, is that so? --- That is correct.

20 The second one he drove the car, is that so? --- That is correct.

You didn't consult him at all about your proposal or your project later on, to go along and...? --- No.

You went on your own, is that so? --- That is correct.

And you, I think Schneider and Miss van der Riet? --- That is correct.

And he didn't know anything about it? --- No.

I think after that, it was towards the end of June, isn't that so, that he was busy with examinations then, isn't that correct? --- Yes.

30 He left Cape Town and you didn't see him again until - shall we put it this way? --- Yes.

Under different circumstances. Is that correct? --- That

is correct.

May I ask you this? Have you found De Keller to be a very loyal friend to you? --- Yes.

And would you agree that after having had this discussion^{with you}/in the car that night, as you summed up attitude, he did evince very very serious doubts and hesitations about this whole thing. Isn't that so? --- I will say doubts, yes.

And hesitation? --- And hesitation.

10 May I ask you this? Had you at an earlier stage, in the course of a conversation on some occasion, discussions had arisen about retirement from this organization. Do you remember it was in one or other conversation, I think it was during the 1964, you know during this year, and you had then indicated to him that people who retire would be viewed as security risks. You did indicate that to him, do you remember that conversation along those lines? --- I think we agreed that certain people who retired would be security risks. We regarded Watson as such.

20 Do you remember an occasion when you had indicated to him that in Johannesburg you had heard - I don't know whether it was whether it was what your information was - but you had actually heard in Johannesburg, from Johannesburg that a particular person there who had retired from this organization had actually been given 24 hours to leave the country. Do you remember such a conversation at all? --- This is what I was told by Ruben.

I am saying this is what you had been told, that is so? --- Yes.

30 You communicated that to De Keller, is that so? You told him that? --- Not in the form of a threat, no.

I am not saying you threatened him with it, I am saying that was what you had said to him, that you had been informed

as to the kind of thing that might happen possibly. I mean you were discussing this whole question of people who once they got out of the organization they might be told to clear out within 24 hours, isn't that so? --- Yes.

I just want to ask you this. With regard to the document C 5, you remember this one, the one about where the name of The African Resistance Movement appears, do you remember? --- Is that the one you signed .A.R.M.

That is right? --- Yes.

10 You certainly didn't show this to De Keller, you personally never showed it to him? --- Not that document.

HIS LORDSHIP: Is that the pamphlet?

MR. SNITCHER: Yes, I am talking of this pamphlet, My Lord.

You see because the accused has instructed me that he never saw this document, he left shortly afterwards, you know, for the NUSAS Conference, apparently? --- Yes.

He first went to visit somebody en route, and he says the first time that he actually saw this particular document, was when it was shown to him by me, after his
20 arrest, recently. You have no reason to disbelieve that, as far as you are concerned? --- No, I don't think I showed him that document.

HIS LORDSHIP: He must have known about the change of name? --- Yes.

Surely he must have known what organization he was belonging to? --- Yes.

MR. SNITCHER: (CONT.)

I am coming to the change of name. You had told him after your return from Johannesburg, that the organization had decided to change its name to the A.R.M. is that so? --- Yes.

30 And you told him that was for security reasons. You remember that is what you said had been decided, for security reasons to change the name the name to A.R.M. Did you indicate that to him? --- I can't remember the reasons but I did indicate the name had been changed.

You see, in fact this particular document seeks to set out all sorts of long-term policies about the establishment of a Democratic Society in terms of the basic principles of Socialism. That has never been agreed upon by this organisation, for example, amongst its members as far as you knew? I mean, that was simply put into the pamphlet up there in Johannesburg, isn't that so? ---- Yes.

That would be correct? ---- That is correct.

I want to put this to you for example, that this
 10 reference to personal violence - "... it will be known that we are forced to respond to personal violence and we cannot" and so on - "... we shall do so." That was certainly not anything that had ever been suggested or discussed amongst the rank and file members of this organisation as far as you know? ---- No, in fact I recall when accused No.2 and myself were with Watson, we opposed that. This had ... (Mr. Snitcher intervenes).

Arisen with Watson at one time; that is what I am saying?
 ---- Yes.

20 So that as far as he was concerned, as far as you knew his attitude, he was personally very strongly opposed to that sort of thing? ---- Yes, yes.

So that certainly had never been discussed with him. Is that correct? ---- That particular? (Mr. Snitcher intervenes).

Yes. ---- Yes. No.

Quite. So that really what you are telling us is that this was a pamphlet which was drawn up in Johannesburg, is that so, by a number of you there? ---- Yes.

30 Issued over here. Is that so? ---- Yes.

And the policies that were embodied in this were never discussed or placed before any of the persons outside your

circle who discussed it. Is that correct, and you've indicated Mr. Vigne down here? ---- Yes, I think - well, put it this way, that before the pamphlet was finally prepared it had not been discussed. Subsequently certain people did see it.

Only certain people; I am talking of certain people?

---- Yes.

But certainly not amongst the rank and file for example?

---- No.

10 You wouldn't say that Stephanie Kemp knew anything about it, would you? ---- No.

You wouldn't say that the person called Roy knew anything about it - the person you knew as Roy? ---- I don't know.

As far as you know? ---- I just don't know. I don't know whether he did or not.

Now this political unit which you remember we have discussed, actually the position there was, wasn't it, that what was really being discussed, what had really been agreed upon
20 as far as you and Mr. Vigne possibly may have been concerned, was that there was going to be an organisation or a little body of people who weren't confined to the members of the N.C.L. at all? ---- Yes.

In other words, it was something which had no organisational link at all as far as you were concerned, with the National Committee of Liberation. It was supposed to be an independant little body whose object was to collect data and information about the political situation and political attitudes in this country. Is that correct? ---- Yes. The
30 only point on which I will disagree with you is, the N.C.L. was to be one of the bodies which would be a recipient of information.

That may be, but the point I am getting at is this, the pamphlet itself shows that you were going to invite people to subscribe to this, is that so? ---- Yes.

In order to give - it was like a form of news information about the political situation in South Africa and the political attitudes of people from time to time? ---- Yes, that is correct.

That is correct, isn't that so? ---- Yes.

Because, in fact, looking at that particular document
10 C.8 or C.9 - you know you said that there were certain differences in wording there - the whole idea of that was that people would generally subscribe to it, is that so? I mean you would ask people to subscribe to this, they would be a sort of a news service which they would get, is that correct? ---- Yes.

HIS LORDSHIP: What exactly are you talking about Mr. Snitcher?

MR. SNITCHER: This so-called political intelligence.

HIS LORDSHIP: Well, that was Vigne and your client as far as my knowledge goes.

20 MR. SNITCHER: No, no. I am getting onto that.

HIS LORDSHIP: Well, you may be going to, but that is why I am asking you to help me because as far as I know the only two members of that was Vigne and your client.

MR. SNITCHER: No, no, that is my point; I am going to get onto that.

HIS LORDSHIP: Well, I hope so and that is why I asked you if you could help me because so far I don't know it.

MR. SNITCHER: My Lord, if you would just allow me please; I am dealing with this document, the document itself in order to
30 show what it contemplated and then I am going to put a further question on that.

HIS LORDSHIP: You are now dealing with after the division into

four units. Is that what we are talking about?

MR. SNITCHER: Yes, this so-called division into four units.

HIS LORDSHIP: Four units of which the one unit was Vigne and your client, as far as my knowledge goes.

MR. SNITCHER: No, I am dealing with that one particular point for the moment.

HIS LORDSHIP: I shall listen to you. I just want to know what we are dealing with, otherwise it is no good my listening to you. I don't understand you.

10 MR. SNITCHER: You say the organisation was supposed to be divided into four groupings? ---- Yes.

Now as far as the accused was concerned he wasn't told about that particular decision as such? ---- Yes, I think he was.

You think he was? ---- Yes.

Well, you see, he has asked me to state that he didn't know about that particular division as such. All that he was told was that there was going to be formed a group of
20 people, not necessarily composed of members of the N.C.L., whose job it was to collect information on political attitudes and that you asked him whether he wouldn't help in that work? ---- Yes, I told him that but as I recall I also indicated that there were three other sections, that this particular section you've referred to was as you've indicated a quasi independant unit, yes.

It was in fact supposed to be independant. You see, if you look at this document, it ends up by asking people -
"We submit this Memo to you in the knowledge that you will
30 be interested in the unit, that you will be interested to receive some of the material that it will produce, and that you will be in a position to consider assisting it financially. The covering letter explains more." Was there a covering

letter that went out with this? ---- No.

Well, that was the idea behind it, isn't that so? ----
Yes.

And I want to suggest to you that that is all that the accused was informed. You see, it said this: The whole idea was that it would operate without any party loyalty or any particular person belonging to any organisation, is that so?

---- Yes.

And what you told the accused was that you would like
10 him to assist, isn't that so, or to be assisting in this political - collection of political data. Is that correct?
---- I indicated to him that Mr. Vigne wanted to see him and he went to see Mr. Vigne, as I recall.

And in fact you do tell us that nothing really was done in connection with it? ---- Apart from the one South West Africa report that I know of.

That you know of? Was that done by Mr. Vigne personally? ---- I am not sure who it was done by but Mr. Vigne gave a copy (Mr. Snitcher intervenes).

20 Mr. Vigne gave you a copy of it? ---- Yes.

HIS LORDSHIP: Please help me Mr. Snitcher? The time of this re-organisation was when?

MR. SNITCHER: That was, I think, round about March or April of 1964. Would that be correct? ---- Yes.

HIS LORDSHIP: And the roof fell in when? ---- In June.

That didn't leave an awful lot of time, did it? ---- I think the re-organisation was February/March.

MR. SNITCHER: I mean, there was actually no secrecy as far as this particular thing was concerned, isn't that so? ----
30 No.

We have some indications here that there was amongst some of the members of your planning committee some dis-

cussion about bacteriological projects. Did you know anything about that? ---- I heard Mr. Schneider discussing this with Miss Van der Riet at planning committee meetings, yes.

What were your reactions to that? ---- I wasn't happy about it.

You were not happy? ---- No.

Was that a thing which you would say was ever contemplated by any ordinary person, for whatever reason he may have come into this organisation? ---- Could you repeat the
10 question please?

As far as you were concerned, you thought that was something which should be completely discarded? ---- Yes, we rejected it.

You rejected it? ---- Yes.

Actually this South West Africa paper about which you have spoken, that actually appeared in print didn't it? ---- I think a précis, an extract of it.

Yes. ---- Yes.

In the magazine called the Contact, is that so? -- Yes,
20 that is possible.

A Liberal Party publication? ---- Yes.

Isn't that correct? ---- Yes.

It was an attempt to try and give a factual account of various political opinions, attitudes and so on in South West Africa? ---- Yes.

As far as the opinion that was current amongst students at the University round about 1962/1963 and so on was concerned, would you agree with me that generally an atmosphere had been built up - I am not saying by any
30 particular person - in which feeling was running very, very high about the position in South Africa. Do you accept that? ---- 1962/63?

Yes, 1962/63? ---- Amongst those who were concerned, yes.

Not only amongst those; mass meetings were being called about all sorts of problems, is that so? Of a political nature? 1962/63? ---- Yes, yes.

Yes, surely you must remember them? ---- Yes.

You spoke at some of these, didn't you? ---- Yes.

You spoke very prominently at these meetings? ---- Yes.

Isn't that correct? ---- Yes.

10 About the Sabotage Laws themselves; there was a terrific feeling amongst - meetings had been called amongst University students about it? ---- Yes, I recall that.

There were meetings about the 90-day Law, isn't that correct? ---- Yes.

There were meetings being held; in other words, let's put it this way, whatever the reason may be there was a tremendous amount - there was a tremendous ferment, if I may use that phrase, at the University about what was considered or you considered to be - people were as you've indicated
20 opposed to certain legislative policies on the campus. Is that so? ---- Yes.

A tremendous ferment, is that so? ---- Yes.

And this gave rise to, would you agree, also that generally amongst students you found that there were feelings of frustration, as happens amongst young people, frustration and impatience? ---- Oh yes.

Was that part of the current feeling which was going abroad at the time? ---- I think so, yes.

I mean, you yourself felt that, didn't you? ---- Yes.

30 Very strongly? ---- Yes.

As you've told us yesterday? ---- Yes.

Isn't that correct? ---- That is correct.

And would you say that all this built up an atmosphere at the University, that something had to be done in order to change what you people thought was a very difficult situation in the country? ---- Do you mean was there a mass feeling at the University?

Well, amongst large numbers of students? ---- Amongst the people I knew, yes.

Yes, but amongst large numbers of students as well. You were holding meetings about it, weren't you? Mass meetings? ---- Yes, some things like the 90-day Law, yes.

About what you thought were non-democratic legislations and so on? ---- Yes.

Isn't that so? ---- Yes.

HIS LORDSHIP: And how many students were there at the University of Cape Town at that time? ---- I should imagine about 5,000.

And how many of them, to your knowledge, were messing around with dynamite? ---- Only those people who I knew.

The people whose names I've heard in this Court? --- Yes.

20 NO RE-EXAMINATION BY MR. BEUKES.

THE COURT ADJOURNS AT 11.00 A.M.

THE COURT RESUMES AT 2.28 P.M.

MR. BEUKES: My Lord, at this stage I apply for an amendment to the Indictment, to read as follows: Substitute the following paragraph for the present paragraph (e) of the Indictment, to read:

10 (e) Organize themselves into cells to carry out their common purpose which was the achievement of a political or social object, namely, a protest to encourage a change of attitude held by the electorate and the Government of the Republic of South Africa.

And to substitute the following paragraph for paragraph 4 of the Schedule of Particulars to the Indictment:

20 4. It is alleged that the accused were all members, supporters or adherents of an organization called the National Committee for Liberation or African Resistance Movement and that their activities were carried on as part of the programme of this movement which had as its aim the achievement of a political or social object, namely, a protest to encourage a change of attitude held by the electorate and the Government of the Republic of South Africa.

HIS LORDSHIP: You apply for that amendment?

MR. BEUKES: I apply for that amendment.

NO OBJECTION RAISED TO THE APPLICATION BY DEFENCE.

HIS LORDSHIP: The Indictment is then amended as applied for.

MR. GIBSON: Under the circumstances, My Lord, my previous remarks are misplaced and my client will amend his plea to one of GUILTY to the charge as presently framed, the main charge.

MR. SNITCHER: My Lord, I have the same statement to make in regard to accused No.2.

HIS LORDSHIP: Do you both understand what is going on?

ACCUSED NOS.1 AND 2: Yes, My Lord.

10

C A S E F O R T H E D E F E N C E .

V E R D I C T .

HIS LORDSHIP:

You have both pleaded guilty to the main charge in the Indictment, as amended, and according to your plea you are both found G U I L T Y of that charge, as amended.

20

BOTH ACCUSED HAVE NO PREVIOUS CONVICTIONS.

MR. GIBSON APPLIES FOR A POSTPONEMENT TO FRIDAY, 13th NOVEMBER, 1964, FOR PURPOSES OF EVIDENCE IN MITIGATION.

MR. SNITCHER: I associate myself with my learned friend's application.

MR. BEUKES RAISES NO OBJECTION TO THE APPLICATION.

CASE POSTPONED TO 13th NOVEMBER, 1964.

30

THE COURT ADJOURNS.

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