

existing members of the Congress of Democrats, or with a view to getting recruits as well?-- (A) My lords, these would be discussed by branches." ("Q) Confined to members?-- (A) We might invite other people to come." ("Q) When these discussions took place can you recall whether non-members were invited to attend these discussions?-- (A) It was quite a practice that we would invite our friends who would be interested and say well, so and so is going to lead the discussion on this topic; would you like to come along?'. It was not confined entirely to Congress members. We were free to invite other people but the discussions took place at branch levels. I don't remember specific instances but I know that it was our practice to invite people to share with us in our discussions."

My lords, my submission is that from the evidence so far, to which I have drawn the Court's attention - and this evidence of Helen Joseph - it shows in my submission that these discussion notes were nothing else but propaganda material, putting forward the viewpoint of policy of the South African Congress of Democrats.

Then your lordship the Presiding Judge asked: ("Q) Looking only at this document briefly, as I have done, to the references which have been mentioned, if a person had been present at the discussion of this topic based on this particular document, at a branch meeting, who was not a member of the Congress of Democrats, I take it he would have gone away with the idea that for the Colonially oppressed people through liberation, it is through the liberation that is shown as having been effected in China. India is a good example but they should have gone further, or should go further, and the

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really true beacon of hope for oppressed people all over 1
the world is China?-- (A) My lords, I think on the reading
I would say - I don't know what line the discussion would
take - - the discussions should be very full and free - -
on the document itself I would agree; as I say it was a
basis for discussion." (Q)" May I say this: at that branch 5
meeting, would the majority of members of the Congress of
Democrats have supported the point of view expressed in
that document?-- (A) My lords, it is very difficult to say;
I think it would be possible. I should imagine so, but I
really could not say..... I didn't discuss this particu- 10
lar document....."

("Q) But knowing your organisation and knowing its approach
wouldn't it be very likely?-- (A) I think it would be likely,
my lords." ("Q) The majority of the members would sup-
port that?-- (A) I think they would; they might disagree 15
with some things expressed in this document, but I think
broadly - I imagine - in India the liberation hadn't
sufficiently effected the wellbeing of the people of India.
..... The point I wanted to make in the beginning was
that to the best of my knowledge the Congress of Democrats 20
didn't express itself officially on the question of India,
other than asking its members to discuss it.(Q)One may get
a point of view from an organisation not expressed offi-
cially but expressed in various documents?-- (A) Yes,
that, of course, is so, my lords." ("Q) It may then be 25
regarded also as a point of view of that organisation
without purporting to be an official statement....."
and there is no answer to that, my lords.

Then there was an adjournment, my lords, and
the evidence continues on page 14464. The Prosecutor 30

says: ("Q) Yesterday, Mrs. Joseph, we were dealing with this lecture 'National Liberation Struggles in Asia', and you said that on a reading of this document it was possible that it meant that the form of indepenence achieved by India was not approved of, but that the struggle should go further and achieve the form of independence as in China?--

(A) My lords, I don't think I actually expressed that view; I think I finally agreed with the suggestion put to me by his lordship that it was felt that the struggle for independence in China had gone further than the struggle for independence in India. I don't think I expressed it as strongly as it has been put to me now." ("Q) But now, when the document says that the form of indepenence achieved in China is the most outstanding illustration, doesn't that suggest that the author of this document recommended this form of independence or liberation achieved in China ?-- (A) I imagine so, yes, but what I suggest is that the suggestion that there was so much comparison between India and China, from the very cursory glance I had of that document, I felt that that aspect of it was being over-emphasised now. That is my opinion."

My lords, may I pause to say that it's quite correct, there is no direct comparison in that document between India and China, but the purport of the whole document in my submission is quite clear, that there is such a comparison.

Then the next question, ("Q) I suggest to you that the whole object of this document was to show that the form of independence achieved in India was not sufficient, but that the people should achieve a higher form of independence as in China?-- (A) My lords, I have not

studied the whole document; I think it mentions a number
of other liberatory struggles. Might I ask to be given
an opportunity really to read this document as a whole?"

Then, my lords, the Prosecutor says "Yes, we'll
come back to this document again, Mrs. Joseph; in the
meantime I want to put to you this question: this document
was prepared by your Propaganda Committee, was it not?--

(A) That would be so, my lords." ("Q) And the Propaganda
Committee, as I understand it, consisted of members of
the National Executive Council, or National Executive
Committee of the Congress of Democrats?-- (A) The Propaganda
Committee would consist of those members, but with regard
to the preparing of the discussion notes the Propaganda
Committee was quite free to call in the assistance of
people outside the Propaganda Committee; that I think
was always made clear. They did not necessarily prepare
documents themselves." ("Q) I understand that, but any
document that would be issued by an organisation would have
to have their approval?-- (A) The approval of the Propaganda
Committee?" ("Q) Yes?-- (A) That would be so, the final
form would go through the Propaganda Committee. (Q) "You see,
the need for a Propaganda Committee was discussed at the
Inaugural Conference, was it not?-- (A) I don't remember
specifically; it may well have been. I think the question
of propaganda for political education was always discussed
at each of our conferences."

Then there are certain questions, my lords,
in regard to who were the members of this Propaganda Com-
mittee but the witness could not assist in that at all,
except that she says "Yes, my lords, I myself served on
the Propaganda Committee".

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And she said that Mrs. Hepner and Norman Levy -- I am 1
really speaking about after 1955, after the first Con-
ference, not after the Inaugural Conference

Then, at the bottom of page 14466, this question:
("Q) You see, I want to put it to you that this Propaganda
Committee put forward publications as a means of propagat- 5
ing the views of the Organisation?-- (A) As far as publi-
cations are concerned that would be so, but this document
we are discussing was not a publication. It was issued
by this Committee for internal discussion, my lords. I
do actually see a difference between that and a publica- 10
tion which is made available to the public."

My lords, I have already dealt with that attitude
of Helen Joseph's with regard to this document.

Then, my lords, the next reference by this witness
to this document starts again on page 14467, line 28, to 15
page 14471, line 22. The Prosecutor says: ("Q) Now this
document, the National Liberation Struggles in Asia deals
with the composition of the National Movement on page 2".
Then there's a question by your lordship the Presiding
Judge, ("Q) What National Movement?". The Prosecutor 20
says: "The National Movement in Colonial countries, my lord."
("Q) Let me put a general question to you first, Mrs.
Joseph. Do you agree that the emergence of the Industria
working class in the Colonial Liberation Movement serves
to strengthen the Movement?-- (A) I've not really given 25
serious consideration to that. I would generally agree
but it's an aspect I have not really given serious con-
sideration to. ("Q) Would you agree that it would be
desirable for the working class to lead the National
Liberation Movement?-- (A) My lords, did you say to lead?" 30

("Q) Yes?-- (A) My lords, I've never seen it as desirable
that any particular class should lead the Liberation Move-
ment. I see the importance of the Liberation Movement
including many classes." ("Q) But it's the working class
who suffer oppression primarily, does it not?-- (A) The
working class does suffer oppression, yes." ("Q) And it's
the main body in any Colonial country that suffers the main
oppression?-- (A) That would be so my lords." ("Q) Yes,
and would it not be correct then for that working class
group to be in the struggle?-- (A) My lords, I say again
it would be correct for the working class in my opinion to
play a very important part in the struggle.....to be in the
vanguard, not so much to be in the lead, but to be in the
forefront of the struggle. I'm not clear what is intended
by 'to lead'." ("Q) In the forefront is good enough for
me, for my purpose, Mrs. Joseph", then there's an answer
(A) "I thought you meant the actual leadership.....
I'm perhaps taking too narrow a view." ("Q) Does the
Congress of Democrats not recognise the important role
played by the working class?-- (A) Oh, that is undoubtedly
so, my lords." ("Q) Yes, and the role that they would
play would be in the forefront, as well as to lead and
guide the struggle?-- (A) My lords, with a large working
class participation it is quite obvious I think, that
that would have a great effect upon the leadershipship,
but I do want to stress, my lords, that in the Congress
of Democrats they have never thought in terms of which
class is to lead the Liberation." ("Q) You see, in this
document 'National Liberation Struggles in Asia' the
passage appears on page 1761 of the record, the author
mentions the following : 'The emergence of the working

class led to the strengthening of the National Liberation Movement in a number of ways'. For the moment I am only concerned with the one aspect, namely the possession of a theory of social and economic phenomena, a fear of Socialism". Then the question: ("Q) Do you or your organisation hold the view that the possession of a theory of Socialism by the working class led to the strengthening of the National Liberation Movement?-- (A) My lords, I don't recall that our organisation ever formulated such a view. It would be difficult for me to say whether it held that view or whether it didn't. I simply do not recall such a discussion."

Then your lordship, the Presiding Judge, asked this question: ("Q) Broadly put, in a more simple way, was the Congress of Democrats not of opinion that in order to assist the liberation of oppressed people in Colonial countries it was important for the workers in those countries to be politically conscious?-- (A) Yes, my lords." ("Q) And in order to make them politically conscious one should present them with a theory; they should know what their position ought to be?-- (A) Yes." ("Q) As the workers and as oppressed people?-- (A) Yes, my lords." ("Q) Of necessity, was it not the case then, broadly speaking, if one is opposed to Imperialism and the disadvantage of Capitalism, that one would naturally be favourable to a school of thought, a political school of thought that would amount to Socialism in a broad sense; I'm not narrowing it down to Communist Socialism but in a bourgeoisie Socialism?-- (A) In a very broad sense, yes, as part of our task. I think we have emphasised it, that we should try to reach the European workers

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through the Congress of Democrats, in order to educate
the European workers not on any specific lines but to
try to make them see that the future of South Africa
really lies in a multi-racial democracy, and that they
would not in fact be the sufferers that they
must adjust themselves. They should not see the non-
European as a competitor and beat them down all the time.
In broad terms, my lords, those are the lines along which
we had to do our task, but I didn't recognise it really
as a formulation as put to me by the Crown."

Then the Prosecutor: ("Q) In this document, Mrs.
Joseph, China is held up as an example to the Colonial
peoples in their struggles?-- (A) From what I saw of the
document yesterday, that is so, but I really only looked
at two portions of it." ("Q) In China, Socialism re-
placed the Capitalist system?-- (A) My lords, I think I
have said already I do not know to what extent that is
correct; whether it was completely replacing - - I think
I have said already.. . . "

("Q) It depends again on what you mean by Socialism
because the Communists call Communism Socialism to-day;
our school of thought in the West of Socialism is con-
fined to a political system which does not go as far as
Communism, so there is that difference?-- (A) I don't
know what you mean, Mr. Liebenberg."

My lords, it is not indicated in the record but
that seems to be only a member of the Court addressing
the Prosecutor. Then Mr. Liebenberg: ("Q) I merely
refer to the theory of Socialism which is used in the
document, this document; I want to suggest to you, Mrs.
Joseph, that the theory of Socialism which is referred to

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here is the Socialism of China?-- (A) My lords, I think
I must ask, if I may be allowed to see this document
first."

Then the next reference, my lords, to this is
at page 14596 . . .

RUMPF J: All this evidence that you are re-
ferring us to, Mr. Terblanche, is it in support of one of
the allegations in Schedule 6?

MR. TERBLANCHE: My lord, this document I will
also deal with under another heading, and I don't want to
split up the evidence of the witness because it cannot
really be split up. It deals with one portion, it deals
with another portion. I have prepared a short summary....

RUMPF J: Go on.

MR. TERBLANCHE: I have prepared a short submis-
sion, my lord, of what I would say the evidence amounted
to, but yesterday, after objection, my lords, your lordship
held that I should rather read the evidence. That's why
I'm reading it, my lords.

RUMPF J: We don't want you to shorten the argu-
ment in any way, but is it necessary to read all this
evidence that you've read. If you want to make a point
can't you pick out one paragraph, or one answer and leave
it at that?

MR. TERBLANCHE: My lords, I could do that but...

RUMPF J: As I understood the Crown's attitude
the evidence of Helen Joseph is going to be dealt with
separately when her position arises.

MR. TERBLANCHE: That is so, my lord.

RUMPF J: Yes. . .

MR. TERBLANCHE: There isn't much more, my lord.

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I've read most of her evidence 1

RUMPF J: Now, the evidence that you've referred to so far, what are your submissions on that?--

MR. TERBLANCHE: My lords, I've made certain submissions on her attitude to this document, to the value of this document, and I read this, my lords, that her evidence amounts to this, that she does not state that this is not in accordance with the policy of viewpoint of the South African Congress of Democrats; that as far as she is concerned most of the members of the South African Congress of Democrats agree with it; that she herself agrees with it; that there is really nothing with which she disagrees in the document. And for that purpose, my lords, it may be necessary for me to read all of her evidence because the same objection might be made which was made yesterday. I'd be only too happy, my lords, if I could go back to my short summaries of her evidence and submit that that is the effect of her evidence and not read all this in, my lords. 10 15

RUMPF J: Yes, well, it depends entirely on the way one puts it. If you put a fair description of her evidence in regard to certain points there cannot be any objection to it, provided it's fair. 20

MR. TERBLANCHE: I try to be fair always, my lords, and I hope I am in this case. My lords, there are only three more pages in regard to this document; that appears on page 14596, line 9. ("Q) Mrs. Joseph, has the National Liberation Movement as you conceive it not a dual character?-- (A) In what sense, my lords?" ("Q) Firstly, to establish an independent freedom from foreign oppression, and secondly, a moving forward towards a higher 25 30

stage of development, namely Socialism?-- (A) Yes, to
 the first part, no to the second. I think I have said
 already that in South Africa and in different countries
 the National Liberation Movement may play a different role.
 ("Q) I'm only concerned with the National Liberation Move-
 ment in South Africa?-- (A) I think I have stated very
 clearly our concept of the National Liberation Movement
 here; at least I hope I have been clear."

Then, my lords, I skip two questions and then
 follows: ("Q) Expressed in purely negative terms, the
 National Liberatory Movements are resistant movements to
 the Colonial system?-- (A) Yes, my lords, because that
 is dealing with Liberatory Movements in Asia. It was
 not dealing with the Liberatory Movement in South Africa.
 It would be correct in that context."

Then on the question of the liberation of China
 this is her answer on page 14598: ("Q) Is your view that
 the victory of the people in China considerably strengthen-
 ed the National Liberation struggles in Asia?-- (A) My
 lords, I imagine that any country which achieves liberation
 would strengthen the Liberation Movements in other countries."

Now, my lords, I have told your lordships what
 submissions on her evidence I am making, that her approach
 to this document is not correct and that there is really
 no disagreement with what is expressed in this document.

My lords, the document deals - and in my submission
 its purpose is to teach its members and other people two
 things; firstly, what the National Liberation Movement is
 - not only in Asia although it deals with Asia primarily -
 and secondly, what such a Movement strives for. Now this
 document at page 1766, line 27, to page 1767, line 4,

deals with India. I've read that extract, in dealing with Helen Joseph's evidence; that's the extract which says: "For centuries the main base of the British Empire, India, is experiencing great changes". My lords, my submission is that that clearly shows that what they set out to achieve in South Africa would not be the independence, or freedom or liberation that was achieved in India, because what was achieved there is expressed as something which was only granted as it were to counter the advance of National Liberation. This so called formal independence.

Then, my lords, at page 1767, line 25 to 26, it says that the form of Imperialist domination has thus changed in India, but the domination still exists; again a clear indication, my lords, that they do not agree with that because they were fighting in South Africa for liberation, and if this was liberation it was not what they want in South Africa, and India is held up by them as their inspiration of achieving what they wanted in a non-violent manner.

And then, my lords, this reference of the witness to the new tendencies; that is dealt with at page 1767, line 26, to page 1768, line 8 of the record, and it says "Nevertheless new tendencies are today emerging, (1) the Indian Government desires to promote closer relations with the other great Asian power, China, and generally help to preserve peace (2) within India mass discontent with social and economic hardships, and the need for drastic agrarian reforms have led to an orientation towards the Left, and a sharp growth of peasant

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struggle. The elections of 1951/52, the first under
universal suffrage, showed the shift in political align-
ment. The Congress Party from an 80 to 90% majority
has fallen to a minority of 42% of the total votes and
a United Democratic Front has emerged as a principal
opposition group and a challenging alternative to Con-
gress."

My lords, therefore the tendencies which
brought hope to India are firstly, closer relationship
with China . . .

RUMPF J: You've just read it. Is that what
you submit?

MR. TERBLANCHE: As your lordship pleases.
And they are in my submission all Leftist sentiments,
mt lords.

Then, my lords, I also submit that the read-
ing of Helen Joseph's evidence shows how they considered
the Liberation struggle in China, that that was a beacon
of hope. My lords, the next document I wish to deal
with is C.284, 'Notes of Speakers'. My lords, I firstly
refer the Court to the passage at page 1775, line 2
to line 16, and I do not read it. I simply submit, my
lords, that it indicates the new form of State the South
African Congress of Democrats wished to achieve, which
would be a true Democracy according to them. This they
say can be achieved by building a mighty political al-
liance of allon the basis of the Congress of
Democrats, and then, my lords, the next document I refer
to is C.980. This document is the same as Y.B.34, my
lords. It is the Resolutions adopted at the Annual
National Conference of the South African Congress of

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of Democrats' contribution in bringing about the Congress of the People and the Freedom Charter, and in the next passage at page 2131, lines 16 to 24, it states that the struggle is beginning to sharpen; that is the struggle between the two opposing forces in South Africa which they describe in various ways, as already indicated, my lords - that is the Nationalist Party programme will bring about more favourable conditions for winning people to the Congress Movement and the Freedom Charter. These passages again, my lords, have references to the Fascist Government and it's contrasted with the Congress of the People and the Freedom Charter. It also shows, my lords, that in their opinion, in their view, this struggle was now sharpened - it's now coming to a head.

The next document I deal with, my lords, is C.1013. That is "The Counter Attack" of March, 1956, and the first paragraph I refer to, my lords, is at page 2154, line 31 to page 2155, line 40, and I'm not reading it; I submit that its effect is that here the nature and acts of the Congress are contrasted with the nature and acts of the Government. It says that the Congress stands poised against the Government. The two forces opposing each other, and not forces opposing each other in the Parliamentary sense, but in an extra-parliamentary unconstitutional sense.

The next paragraph I refer to, my lords, is on page 2156, line 2 to page 2167, line 26; the same document, my lords. It goes on to show that other groups like the Black Sash are also starting to fight extra-Parliamentary; it says that these groups are fighting

extra Parliamentary to save the 1910 Constitution, and it
 then points out that the demonstrations of the Black Sash
 haveandone reason suggested is because it tried
 to uphold the 1910 Constitution. The document then deals
 with the role of the Congress of Democrats and that is, it
 proclaimed the 1910 Constitution as a fraud and doomed to
 extinction. Now this in my submission, my lords, shows
 beyond any doubt that as far as the South African Congress
 of Democrats was concerned there was never any intention
 of reforming or amending the Constitution; they wanted a
 new constitution and thus a new State.

My lords, I just wish to read the last portion
 to which I have referred. It says: "The emergence of the
 Congress of Democrats, not as a sporadic movement of pro-
 test but as a full blooded partner in the struggle for
 democracy, is one of the major features in this sphere of
 the struggle against the Nationalist Government. The role
 of the C.O.D. is self evident; it proclaimed that the
 1910 Constitution was a fraud and doomed to extinction;
 that nine-tenths of the people were debarred from the
 Convention which gave birth to a Constitution which set
 thehand for the racialism of the last forty years;
 that if we are democrats we must agree to the first prin-
 ciple of democratic rule - a Government of the majority
 of the people by the people."

Now, my lords, to refer to the South African
 Constitution in the terms in which this document refers
 to it shows beyond any doubt in my submission that the
 South African Congress of Democrats was not out to reform
 - as has been suggested by Helen Joseph - through Parliament,
 but they were going to reform in spite of Parliament.

Now, my lords, this in my submission is confirmed 1
 by the following statement appearing on page 2167, line
 27 to page 2158, line 1, where it says "Many Europeans
 will join hands with the Congress Movement and proclaim
 as sacred not the 1910 Constitution but the principles
 of the Freedom Charter." My lords, the 1910 Constitution, 5
 the Constitution of the Union of South Africa, is not
 sacred to them in this sense, that it may be amended - it's
 not sacred at all; it's got to be destroyed.

Then in the following paragraph, my lords, at
 page 2158, line 2 to line 6, it is stated: "Provided 10
 that the Congress of Democrats presents itself and the
 Congress Movement as a true alternative to Nationalist
 Fascism, and enters into their daily struggles, there
 is every reason to believe that many will join the ranks
 of the Congress Movement." Therefore, my lords, a Party 15
 that at no stage had entered, or intended to enter the
 field to become a Parliamentary Party - they put themselves
 up as a true alternative and not any of the Parliamentary
 Parties, or themselves as a Parliamentary Party.

Then on page 2159, my lords, line 8, to page 20
 2160, line 28, there is an article entitled "Can a dis-
 honourable Constitution be dishonoured". My submission
 my lords, is that this deals with the Separate Representa-
 tion of Voters Act and the Parliamentary Opposition and
 the Black Sash are criticised for arguing that the Con- 25
 stitution should be honoured and not on the principle that
 the Coloureds have a right to vote. It again stresses
 that there is no real difference between the different
 Parliamentary Parties - - between the different Parliamen-
 tary Political Parties and states "We reject it because 30

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we have seen that the people of South Africa want a new
Constitution embodying the principles of the Freedom
Charter."

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My lords, the next document I refer to is
C.1014, a "Counter Attack" of June, 1956. I refer to
the Editorial, which is 'The People shall Govern'; it
deals with the Freedom Charter as an alternative to the
Nationalist Government policy and states "Let the cele-
brations of June 24th increase our determination to
struggle for this objective". My lords, that was re-
ferring to the Congress of the People and the Freedom
Charter Anniversary meeting at Kliptown on that date.

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Then at page 2161, line 23, my lords, to
page 2162, line 4, it says "The Freedom Charter is not
something abstract but represents the aspirations of the
people of South Africa." This clearly shows, my lords,
in my submission, that the South African Congress of
Democrats not only took part in popularising the Freedom
Charter as a 1,000,000 signature campaign, but that what
they wanted to achieve was a State based on the Freedom
Charter; not a Government based on it, but a new State.
As I have already pointed out they did not want to re-
form the present Constitution; they wanted to substitute
it extra-Parliamentary.

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The next document, my lords, I refer to is
C.1016, "Counter Attack" of October, 1956. There is an
article appearing on page 2166 'Legalised Illegality'.
In my submission, my lords, it deals with the Group Areas
Act and states, whether legal or illegal, the Government
will do by force what it wishes to do, and it then quotes
the policy resolution adopted by the South African Congress

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of Democrats at the National Conference: "The South 1
 African Congress of Democrats had called for an extra-
 Parliamentary struggle to replace the Nationalist Govern-
 ment with a Peoples Democratic Government". Now, my
 lords, I have already pointed out that in my submission
 the reference to the Nationalist Government should be 5
 equated with the State; their reference to the Nationa-
 list Government is really a reference to the State - to
 the Government, to the State, and this, my lords, shows
 again that they wanted a new State - a Peoples Democratic
 Government which I have already submitted means a Peoples 10
 Democracy as generally understood, and not as explained
 here by the witness Helen Joseph.

My lords, then I refer to C.1017, "Counter
 Attack" of November, 1956, and specially to the portion
 appearing on page 2168, line 28, to page 2169, line 2, 15
 where it is stated, "Congress of the People was an out-
 standing success and the Freedom Charter was an inspiring
 document, and the popularising of the Freedom Charter
 must be one of the main tasks of the Congress of Democrats
 for the future." 20

My lords, then the next document is L.L.M.81,
 which document is referred to - - it's an "African Na-
 tional Congress document"; it's the Bloemfontein Con-
 ference Report, but included in that report, my lords,
 is what purports to be a fraternal message from the 25
 South African Congress of Democrats.. My lords, it will
 be shown, and it has already been shown, that there was
 close co-operation between these various organisations,
 that it was usual for them to send fraternal messages
 and fraternal delegates, and, my lords, this document 30

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in my submission - the only inference is that it was 1
actually a fraternal message sent by the South African
Congress of Democrats to this annual Conference of the
African National Congress at Bloemfontein. Now, in the
fraternal message, my lords, the South African Congress
of Democrats deals with the campaign for the Congress of 5
the People, and with the Freedom Charter adopted there,
and it says at page 3357, line 1 to page 3358, line 18:
"That it aroused the political consciousness of the
people and brought about an emergence of the Liberation
Movement as the only effective opposition to the Nationa- 10
list Government", and it further states that if this task
is not accepted it will mean the abandonment of the country
to Fascism. It further states, my lords, in my submis-
sion that the Freedom Charter is a policy that leaves
no doubt as to the peoples' alternative to the Nationalist 15
Party policy, but that the Freedom Charter is not the
expression of a particular creed and it's defended as not
being Socialist. Whether it is Socialist or not, my
lords, it is very much more Socialist - - I must put it
that way - - than the present South African State, and 20
my submission is, my lords, that this pretence in the
fraternal message, that it was not Socialist, was done
for a specific purpose, and that is to convince those
people who may not have been convinced that it's not
Socialist, as for instance the witness Luthuli was not 25
convinced at a certain stage, my lords. But the South
African Congress of Democrats, however, claimed that the
Freedom Charter lays down the basis for democratic govern-
ment of the people by the people, and even they admit
that that will be radically different from the present 30

set-up in South Africa.

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Then the document continues, my lords, and says the following: "It aims at the destruction of everything that is responsible for the present system of racial oppression, cheap labour and semi-Colonialism. It is necessary to destroy this system if people are to be truly free." And it says further, my lords, that as such it covers the whole field of government and human relations.

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Now, my lords, in face of this it is my submission that the South African Congress of Democrats cannot say that they only wanted universal adult franchise, or that it wanted to reform the present Constitution; I submit, my lords, that from this it is clear that they wanted to destroy the State as a whole and substitute a new State therefor, and that this State - at least in the beginning - was to be based on the Freedom Charter.

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My lords, the next document I wish to refer to is D.C.T.5, a "Counter Attack" undated, and I refer to the Editorial. My lords, this document I'll deal with later - it was found in the possession of the Rev.D.C. Thompson, but it's a "Counter Attack" - it's been admitted to be the official bulletin of the South African Congress of Democrats. Now in this Editorial, my lords, at page 2725, there is again the same reference to the establishment of a democratic system. There is also a reference to a Peoples Parliament which will evoke happy smiles not only from the Government but from every member of the population. It then again stresses that only the Congress Movement can achieve this.

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My lords, then I refer to C.1029, which is a

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booklet "We are Many", published by the South African 1
Congress of Democrats. It was read into the record as
P.J.104, my lords, at page 1456 of the record. One
portion was read in from this document at page 2192, my
lords.

BEKKER J: Why do you say it was published by the 5
Congress of Democrats; does it say so?

MR. TERBLANCHE: It says so, my lords, and it's
C.32, my lords. On the face of it, my lords, it says
that it's published by the South African Congress of
Democrats. Now, my lords, at page 1457, line 20, 10
to page 1458, line 12, this document in my submission
describes what the Freedom Charter is and showing how
millions can be won for democracy as opposed to white
supremacy, domination, paramountcy, baaskap or what
you will, and it further states that they are an army 15
of millions of South Africans who can strike the decisive
blow together for democracy, and root out the Fascist
cancer in our political life. It not only calls the
present system a Fascist cancer, but it again stresses
the same idea of a decisive blow being struck at a certain 20
time which was also dealt with in document C.52, C.268,
C.281 - documents I have dealt with so far my lords.

Then at page 2192, line 7 - the same document -
it describes what must be done and what they expected
would be done to uphold the present system, and, my 25
lords, I read this portion; it's from line 7 to line
22. It says: "White domination is under heavy challenge,
not only by the non-white people but by a growing band
of farseeing white South Africans who have chosen for
themselves democracy; thus to uphold white domination 30

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and defeat that challenge, beat it off and conquer it,
they can do so only by force, by naked dictatorial rule;
by rigid suppression as in time of war. The challenge
cannot be bought off by talk of honour, by equivoca-
tions, by talk about setting right grave injustices, by
prattle about bastions of right and liberty; this is a
challenge grown out of the deepseated principles and
belief and faith in democracy and liberty which does not
bow down to temporary expediency. The challenge must
either be suppressed by force, or be echoed by the white
citizens of South Africa."

My lords, here it is clear that the South
African Congress of Democrats foresaw that there was
more than a possibility of violence occurring unless one
or the other side gave in. Now, they didn't expect
the Government to give in because they said they ruled
by naked dictatorial force as in time of war, and in
spite of that, my lords, they continued with their mass
action extra-Parliamentary.

My lords, the next document I refer to is
C.1085. It's a roneoed pamphlet issued by the South
African Congress of Democrats and it advertises the meet-
ing on 1st December, the year not specified, and it re-
fers to the Freedom Charter as a Peoples Constitution.
It further describes it as a new constitution which can
never die, and it then says that the Chairman would be
R. Press, a member of the South African Congress of De-
mocrats, and amongst the speakers would be P. Beyleveld,
and Mrs. H. Joseph - both members of the South African
Congress of Democrats.

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And it again shows, my lords, in my submission
 their support for the Freedom Charter, and it would appear
 that this was a meeting to popularise the Freedom Charter.
 It shows that they not only considered it to be a programme
 but that they considered it to be the constitution of a
 Peoples Democracy which they propagated in other documents;
 this, together with their further description of it as a
 new constitution shows that they wanted a new State based
 on the Freedom Charter, my lords.

The next document, my lords, is C.1092 and I
 refer to the passage at page 2186, line 32, to page 2187
 line 8; it's a Report to the Annual National Conference
 of the South African Congress of Democrats by the National
 Executive Committee. This Conference was held on the
 31st March to the 1st April, but the year is not specified;
 it was in 1955, however, my lords. It shows, as a result
 of a Conference resolution, that the South African Con-
 gress of Democrats was committed to do all in its power to
 bring about implementation of the Freedom Charter.

Now, my lords, the next document I wish to
 refer to is C.284 which is Notes for Speakers . . .

KENNEDY J: Have you not dealt with that?

MR. TERBLANCHE: My lord, I dealt with it but
 this is another paragraph which I really deal with speci-
 fically to show how, according to the South African Con-
 gress of Democrats, the Fascists rule. These are Notes
 for Speakers "and our policy should be elaborated"; at
 page 1771, line 29, my lords, this paragraph occurs:
 "The recent political campaign of the non-Europeans has put
 South African politics in an entirely new light. The non-
 Europeans are demanding their rights in line with the

developments elsewhere in Africa, Asia, and indeed
 throughout the world. The Declaration of Human Rights
 has become the goal of all peoples. The Nationalist
 Government's answer is oppression: use the police, the
 army, the might of the Government, to crush non-European
 Movements. Ban their leaders, represss their activities
 for rights." I submit in this respect, my lords, that
 your lordships should also refer to C.268, to which I
 have already referred - "The Threatened People" published
 by the South African Congress of Democrats. I refer to
 the passage on page 1396, line 5 to line 23, where it says
 the following: "The crucial question, the crucial politi-
 cal question in South Africa is the treatment of the non-
 Europeans in relation between white and black, and has
 always been. Removing the whole question from the realm
 of Party political disagreement does not make it in any
 way less contentious or easier of solution. It means
 only that the European political parties should drop
 their quibbling and build a solid white front against
 non-European aspirations. Such a united front can only
 be on the basis of Nationalist policy of repression, for
 obviously their predominant position in the camp will
 ensure them the bigger hand in declaring the terms of
 the bargain; it will create more and more dangerous
 problems in the future; it will mean a future of open
 coloured conflict. It will mean turning South Africa
 into an armed camp based on permanent police rule of
 millions of non-Europeans and Fascist policy."

Now, my lords, I just want to refer - - in my
 general submissions I have referred to how the South

African Congress of Democrats saw the conditions in South Africa and for that I refer your lordships again to this document C.268, "The Threatened People"; at page 1395, line 12 to line 22, where it says: "The non-Europeans have built political organisations, have tested the temper of battle for political rights in a sharpened form not seen before, and are facing the issue of survival. Race relations have reached an inflammable and explosive stage in South Africa because the opinion of the non-European majority is repeatedly disregarded, and Nationalist policy is framed on the basis of interest and needs of the white minority - their electorate alone."

And then, my lords, there are one or two references to how the South African Congress of Democrats was going to fight. For that I refer to C.41, my lords - "Notes on the Political situation", page 1456, line 8 to 12, where it says "While C.O.D. has grown in influence and emerges as a serious uncompromising herald of the future South Africa, the self styled opposition, the Parliamentary Opposition has withered away". Then the same page, line 25 to 29: "The anti-Fascist Movement now has its heart outside of Parliament in the mass movement of the people of all colours; it is the mass movement of the people headed by the Congresses, which to-day determines the future of South Africa."

My lords, then I refer your lordships - I call your lordships' attention again to C.281, the draft of the immediate programme of action - where it says that the task of the Congress of Democrats is the mobilising and preparing of the people for decisive action, and the same is expressed, my lords

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RUMPF J: Haven't you referred us to that particular passage in C.281? 1

MR. TERBLANCHE: My lords, I think in passing I did, but I just . . .

RUMPF J: Well, do you think it's necessary to do it twice? 5

MR. TERBLANCHE: No, my lord, I'm sorry; I didn't realise before I started reading it that I had already referred your lordships to that passage.

(COURT ADJOURNED FOR 15 MINUTES). 10

ON THE COURT RESUMING:

MR. TERBLANCHE: My lords, in addition to the documents which I have dealt with, I wish to draw your lordships' attention to the following articles written by members of the South African Congress of Democrats which have been dealt with - the publications were dealt with, my lords. The article "The Congress of the People" appearing in 'Liberation' No.10 of 1954 which was written by one J. Slovo who was a member of the South African Congress of Democrats, my lords. Then, my lords, in 'Advance' of the 22nd April, 1954, there is an article "Discussion of South Africa's National Question" by one L.F. and it's stated that this was written by a member of the Staff of 'Advance', and that it's not necessarily the view of the paper. My lords, on the staff of the 'Advance' there was a person by the name of Lionel Forman and it's my submission that the only inference is that this was written by Lionel Forman, and Lionel Forman 15 20 25 30

was a member of the South African Congress of Democrats,
my lords.

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BEKKER J: Just a minute. You say Lionel Forman
was on the staff?

MR. TERBLANCHE: Yes, my lords.

BEKKER J: Were there other people on the staff?

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MR. TERBLANCHE: Yes, my lords.

BEKKER J: Why do you say the only inference
is that he wrote it?

MR. TERBLANCHE: Because of the initials, my
lord. It is stated that it's by L.F, my lord, and it
is my submission that he was a very well known member of
the staff of 'Advance'; he was Editor, my lords, at one
time. He was the editor of this paper, my lords, and the
initials correspond, and my submission is that the only
inference is that it was Lionel Forman who wrote this
article. And he was a member of the South African Con-
gress of Democrats, my lords.

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My lords, then there is also an article by
Lionel Forman - this time not only the initials - which
appears in 'Fighting Talk' of November, 1956, an article
entitled "Why do we write and argue so little about
Socialism"; that article has been dealt with, my lords.

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Then, my lords, in 'Fighting Talk', Vol.11
of June, 1955, there is an article "Comrades of the
Charter" by L. Bernstein who was a member of the South
African Congress of Democrats, and he was also connected
with 'Fighting Talk', and then, my lords, the document
C.975 is a report of the National Consultative Committee
which will be dealt with later, but I just want to point
out here, my lords, that this circular was also published

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in the official bulletin of the South African Congress
of Democrats, the "Counter Attack", A.162 of the 1st
August, 1955. No, my lords, A186, not A.162, at page
821.

My lords, now I wish to deal with meetings on
which the Crown relies in this respect. My lords, I have
prepared a Schedule - only one schedule, not as in the
case of the African National Congress two schedules - -
because there we relied on many alleged meetings. I
ask leave to hand in this schedule, my lords; it's
chronological, giving the dates, the kind of meeting,
where it was held, the name of the witness, and where
it occurs in the Policy Schedule.

RUMPF J: This will be Schedule No. 7.

MR. TERBLANCHE: Schedule No.7, yes, my lords.
My lords, I wish to draw attention to the fact that the
meeting of the 27th June, 1954 - Anti-Apartheid Confer-
ence - there are no page numbers where it appears in the
Policy Schedule. This meeting did not originally appear,
my lords, under the South African Congress of Democrats in
that Schedule, but it was a meeting . . .

BEKKER J: Which meeting is this?

MR. TERBLANCHE: On the 27th June, 1954, my
lords. A meeting organised by the South African Con-
gress of Democrats in conjunction with the other organisa-
tions, and in my submission the South African Congress
of Democrats must be held responsible for what was said
at that meeting, and, my lords, I'm not going to deal
with that meeting; it was fully dealt with when the
African National Congress was dealt with - that was one
of the meetings that was dealt with, and I rely on the same

speeches as was submitted there, my lords.

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My lords, the first meeting I wish to deal with is a meeting of the 1st December, 1955; that was a meeting organised by the South African Congress of Democrats and it was held at the Skyline Hotel, Johannesburg.

The witness was D/Sgt. Coetzee, a stenographer, and he gave evidence on this meeting. His position as a witness and what reliance can be placed on his evidence has been dealt with and I'm not going to deal with that again, my lords.

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Now the chairman of this meeting, my lords, was Dr. Press, R.E.Press, a member of the South African Congress of Democrats. He explained that the purpose of the meeting was to discuss the Freedom Charter, what it is and what it stands for. He then called on the Rev. D.C.Thompson, my lords, to address the meeting. Now, there is no evidence, my lords, that the Rev. Thompson was in fact a member of the South African Congress of Democrats. The witness Helen Joseph did say that she always accepted that he was a member but she couldn't say that he was, so I am accepting that there is no evidence that he was a member. But he was called on by the Chairman of this meeting which was a meeting organised by the South African Congress of Democrats to address the meeting. He is also an alleged co-conspirator. He was called on to speak on the Freedom Charter, my lords; he did do so, and your lordships will also remember that I referred your lordships to C.1085, a document, in which the meeting was advertised, to take place on the 1st December, but the year was not specified. It, however, said that Dr.Press would be the Chairman, and that Byleveld would

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be a speaker and that Helen Joseph would be a speaker. 1
Now, at this meeting, my lords, which was on the 1st
December Dr. Press was the Chairman; Byleveld did
speak and Helen Joseph did speak, my lords. Ay page
7620 of the record, my lords, the Rev. Thomspon said that 5
he was going to speak about the meaning and significance
of the Freedom Charter. He referred to the fact that
2,000,000 whites had the political control. That in my
submission, my lords, is what he actually said; I'm not
reading it. He referred to the fact that two million
whites had political control. Now, one could imagine 10
that here he was only referring to the universal adult
suffrage which has been pressed on the Court by a
Defence witness, but then he continues, my lords, and
says this at page 7621: "I think you will agree with me
that these problems are ably dealt with in the Freedom 15
Charter, all of them; all the difficulties that beset
South Africa to-day..... where a white minority governs
the majority", and as far as this speaker is concerned,
my lords, he says the Freedom Charter will do much more
than bring one man one vote. It will deal with all the 20
difficulties. He sees it as describing the future State
which they want to achieve. This in my submission, my
lords, is confirmed at page 7622, line 1 - what he is
alleged to have said. "Yes, it is a responsible docu- 25
ment. All those who agree with it will realise that it
is a responsible document built on principles, giving a
picture of the South Africa of the future when the
present shall be superceded". That, as far as he was
concerned, was the immediate object - to substitute the
present State by the State envisaged in the Freedom Charter 30

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and this, my lords, in my submission is proved by the
 next paragraph where he is alleged to have said, on
 page 7622, "It will be known throughout the country...."
 line 9, my lords, "It will be known throughout the
 country because the people are on an onward course. In
 a modern world it is imminent that we should give to the
 people their rights and their freedom. If we deny them
 their freedom we shall also be denied our freedom."

The speaker then further pointed out, my lords,
 that there are only two sides with which he could ally
 himself, namely the people in the Liberatory struggle
 or the Forces of Reaction. My lords, again there is
 no compromise - there is no middle of the road group.

Then the next speaker was P. Byleveld, my
 lords. He was the President of the South African Con-
 gress of Democrats and according to the Chairman he said
 that Byleveld would speak on the significance of the
 Freedom Charter and its political context in South Africa.
 Byleveld then made a speech, my lords, and he says this
 at page 7623, line 18: "Mr. Chairman, Ladies and Gentlemen,
 I just want to say something a fortiorum.....".he refers
 to the Black Sash and then on page 7624 he says: "Mr.
 Chairman, before I go on to the role of the South African
 Congress of Democrats, the role which it plays in South
 Africa, it is necessary that we review developments over
 the last five years....I mean the last ten years - - ever
 since the Nationalists came into power, nearly ten years
 ago." And according to the summary, my lords, the speaker
 then gave his views of the developments in the country
 during what he calls the last ten years, and he deals
 with the Native Labour Settlement of Disputes Act, the

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Group Areas Act and the Proposed introduction of passes 1
 for African women. Then he went on to say: "Now let
 us examine the effect of that policy on the non-Europeans.
 It has caused them to progress politically; it has re-
 sulted in the Liberatory struggle of the Congress Move-
 ment. The African National Congress was originally 5
 established on a non-political basis, merely looking
 after the cultural heritage of the people whom it repre-
 sented, but the introduction of the policies of the pre-
 sent government resulted in the African National Congress
 turning to politics; they began to politically educate 10
 the African people, resulting in the course of time in
 the Defiance Campaign. I don't want to dwell on that
 but it shows that the African National Congress succeeded
 in making the Africans politically conscious; a conscious-
 ness which culminated in the Congress of the People. In 15
 that statement which embodies the aims and aspirations
 which sets out the objectives of the African people, the
 non-European people, in the Freedom Charter....."

Then, my lords, he says "In future they, the
 supporters of the Freedom Charter, will form a real oppo- 20
 sition to the Nationalist Government in South Africa",
 on page 7625.

He then continues by stating that in South
 African politics there are the two extreme poles, the
 Nationalist Party on the one hand and on the other the Non- 25
 European people engaged in a struggle for liberation,
 and that they are the real Opposition, and that the time
 must come for Europeans to choose where they want to
 stand, and that they, the South African Congress of
 Democrats, had chosen the correct pole. And it's clear 30

which pole this is from the sentence that follows, my lords, 1
where he says that that is the pole where the non-Europeans
ought to stand. And he ends off, my lords, at page 7627
by saying that they must bring the Freedom Charter to the
people.

Then, my lords, Helen Joseph spoke; her speech 5
is recorded at page 7627, and she compared the Freedom
Charter with the United Nations Declarations of Human Rights.

The Chairman, my lords, in thanking Mrs. Joseph,
in my submission said that the turning point had been
reached, the Government and its henchmen were trembling 10
in their boots.

Now, my lords, this shows not only unqualified
support of the Freedom Charter and the determination of
the South African Congress of Democrats to bring this to
the people, but it shows that they wanted a new State. 15

KENNEDY J: In terms of the Freedom Charter?

MR. TERBLANCHE: In terms of the Freedom Charter.
at that stage.

KENNEDY J: Well, I do not understand if there
is any dispute about that. . . 20

MR. TERBLANCHE: My lords, no, but there is
some dispute, whether they wanted in fact a new State
or whether it was only an ordinary amendment to the Con-
stitution that they wanted. I submit that it was really
a new State that they wanted. They wanted the Constitu- 25
tion amended to agree with the Freedom Charter.

Now, my lords, the next meeting I wish to refer
to is the one of the 20th March, 1955. This was a Colo-
nial Youth Day meeting at Sophiatown. The witness was
D/Sgt. Coetzee and this meeting has been dealt with when 30

the African National Congress was dealt with, and I'm
not going to refer to this meeting fully except to point
out that Dr. R. Press made a speech there in which he
said amongst other things, in my submission, that they
were oppressed by those vile facts in Parliament, and he
said that the youth of the Soviet Union was free, and
he said that people who want to oppress the youth also
land together - - Swart goes to Britain and Eisenhower
shakes hands with Winston Churchill because they want to
oppress the world, putting South Africa into the camp
of America and Britain, and he says that the world is
divided into two camps, the Imperialists - the Capitalists
on the one hand and the youth fighting for freedom on the
other hand. He attacks the West, my lords, and praises
the East in my submission - those are the Communist coun-
tries.

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There was no cross examination on this meeting,
my lords, of any importance.

Then the next meeting, my lords, is the meeting
of the 13th February, 1955. The witness was S.H. White,
a shorthand writer who gave evidence on this meeting, which
has also been dealt with, and Peter Byleveld spoke at this
meeting and also B. Turok - also a member and office
bearer of the South African Congress of Democrats, Cape
Town. It was a Congress of the People meeting - I am not
referring to any of the speeches, except to say that
Peter Byleveld in his speech said that the South African
Congress of the People must mobilise the Europeans to
ally themselves with the non-Europeans in their struggle
for liberation. And Turok called the Western Areas
scheme a Fascist scheme and he also said that there was

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no difference between the Nationalists and the United 1
 Party. That is at page 9029, my lords. He said that
 the working class are the most oppressed section and
 there would be no freedom in the country until the work-
 ers came together.

This member of the South African Congress of 5
 Democrats, my lords, puts the class struggle in the fore-
 front of his speech and my submission is, my lords, that
 it's clear - and as will become more clear from the speech
 made by a member of the South African Congress of Democrats
 at the Congress of the People - - that although they were 10
 prepared to accept the Freedom Charter at that stage, that
 was not their ultimate view of what the State was that
 they wanted.

My lords, the next meeting I refer to is the
 one of the 4th November, 1954; this was an Election meet- 15
 ing in the Kyamandi Native Location, Stellenbosch. The
 witness again was Mr. White and the speaker I wish to re-
 fer to was again B. Turok. Now in his speech I submit,
 my lords, he first explained that the South African Con-
 gress of Democrats had taken that name because they iden- 20
 tified themselves with the African National Congress and
 was part of the Brotherhood of the Congress Movement.
 He then attacked the Nationalist Party, the United Party
 and the Liberal Party and said they were fighting that
 election because they liked to fight the Liberals. There 25
 is no middle of the road group, my lords, no indication
 of compromise; they were fighting all political parties
 but not for an ordinary European Voters' note.

My lords, then the next meeting I wish to refer to
 is the one of the 8th June, 1955, appearing at page 9241..... 30

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RUMPF J: Is there any system in your references 1
to these meetings? You don't take them chronologically,
do you?

MR. TERBLANCHE: My lords, no, I took them as they
appear in the Policy Schedule,. .

RUMPF J: Are they put there in a certain order? 5

MR. TERBLANCHE: No, my lords, they were not, but
I kept them in the order in which they appear in the
policy schedule.

RUMPF J: Why?

MR. TERBLANCHE: For no special reason, my lords, 10
but the Policy Schedule was there to refer to and that's
why I kept them in that order.

RUMPF J: Yes.

MR. TERBLANCHE: The next meeting, my lords, is 15
the one of the 8th June, 1955, the Congress of the People
meeting at the Parade, Cape Town, at page 9041 of the
record. The witness again was S.H. White and Alex
Laguma who has been shown to be a member of the South
African Coloured Peoples Organisation was the Chairman,
and amongst the speakers was Sonya Bunting - a member 20
of the South African Congress of Democrats, and again
Turok. Now, Sonya Bunting, my lords, in my submission
said she was there on behalf of the South African Con-
gress of Democrats; she said that one should ask oneself
how it happened that a small group of people can hold in 25
subjection a large majority. She then gives the answer,
my lords, "Because the small majority happen to have the
power and in South Africa this power consists of the
police, the army and big business men, and their policy
is the exact opposite to Democracy. Again, my lords, 30

a member of the South African Congress of Democrats puts
the class struggle in the forefront, by mentioning the
big business men as being part of the power which the
Government has in South Africa.

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Turok, my lords, at page 9043 analyses the
policy of the Nationalist Party and the United Party and
said that the United Party did not want freedom and was
in fact a supporter of the Nationalist Party; he also
attacked the Liberal Party and said the Nationalists
could not be defeated in Parliament alone.

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Now, my lords, the next meeting is one held on
the 3rd July, 1955, a Congress of the People meeting at
the Parade, Cape Town, and the witness was again S.H.White.
John Ntini (?), a member of the African National Congress
was the Chairman on this occasion and amongst the speakers
was S. Bunting. In my submission, my lords, - - this
appears at page 9045 of the record - - she admitted that
she attended the Congress of the People and she analysed
the various sections of the Freedom Charter. That's all
I wish to refer to there - that she admitted that she
attended the Congress of the People. I will be referring
to her speech, my lords, when I deal with the Congress
of the People.

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Now the next meeting, my lords, was the one
of the 15th November, 1953; it was a World Youth Festival
for Peace and Friendship meeting held in the Trades Hall,
Johannesburg, and the witness was D/Head Constable van
Pappendorff; he took his notes in longhand and his posi-
tion as a witness - his reliability has been dealt with
when the African National Congress was dealt with, my
lords.

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Van Pappendorfff gave evidence; he was asked 1
 what the various speakers said, and he gave evidence also
 in regsrđ to other observations which he made at the meet-
 ing.

My lords, Coloured Detective Sergeant Sharp gave
 evidence as to the persons who attended. Now, my lords, 5
 your lordships will remember that Coloured Detective Sharp....

KENNEDY J: Was his evidence accepted by the
 Crown?

MR. TERBLANCHE: His evidence, my lords, in re-
 gard to notes which he took of speeches made - - the Crown 10
 didn't continue leading evidence, but in regard to where
 he had original notes as to the people who attended, that
 was presented to the Court.

KENNEDY J: I may be mistaken - I'm speaking
 from memory, it's a long time ago - but I thought the 15
 Crown indicated it was not going to rely on the evidence
 given by Sharp?

MR. TERBLANCHE: No, my lords, what happened was
 this: The Crown started leading evidence and there had
 been prepared from his original notes certain typed notes 20
 and these had been corrected from time to time by Sharp.....

KENNEDY J: Yes, I remember that incident.

MR. TERBLANCHE: Then, my lords, an attempt was
 made to have him read from his original notes which were
 in a very poor handwriting and he was found to be very 25
 unsatisfactory and in other respects too.

KENNEDY J: At any rate is the Crown attitude
 that you seek to rely on his evidence as far as lists of
 persons who attended are concerned?

MR. TERBLANCHE: Yes, my lord. 30

KENNEDY J: Is that the extent to which the Crown
relies on his evidence? 1

MR. TERBLANCHE: That's the extent, my lord, yes.

MR. FISCHER: My lords, if I might just interrupt
my learned friend, I'm not quite certain what the position
is. There was a stage your lordships will remember when 5
it was suggested that his evidence be struck off the re-
cord. Then, I think, one of your lordships said that that
would not be the proper procedure and the Crown then said
they would not rely on his evidence. But whether that
applied to his evidence on attendance I am not sure, my 10
lords.

RUMPF J: Yes.

MR. TERBLANCHE: If I remember correctly, my
lords, that referred to the evidence in regard to what
was said at meetings which had been led up to a certain 15
point, and it also referred, my lords, to the one meeting.....

RUMPF J: Well, are you relying in your argu-
ment now on portion of the evidence of this witness?

MR. TERBLANCHE: No, my lord, but I am dealing
with his evidence now because he appears now, and that is 20
the procedure we decided to adopt - that when a witness
comes up for the first time we deal with his position.

RUMPF J: Have you got the references to the
record?

MR. TERBLANCHE: Not all my lord, because I 25
thought - I may be wrong, my lords, but that was my im-
pression, that at the time it was

RUMPF J: Well, it's no good relying on one's
impressions at this stage. You had better leave it until
after the adjournment, or until tomorrow morning when you 30

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