

genuine one, a sincerely felt one or not? --- I think
 My Lords, it is genuinely felt, especially if you take
 into account, I think what I have already said, that the
 Minister of Justice or say the government has consistently
 - at any rate in recent years, consistently refused to 5
 concede to holding a judicial enquiry in these matters,
 and therefore in fact sort of leaving the whole question
 in doubt and each man believing what he likes to believe.

BY MR. JUSTICE BEKKER :

The fact that Africans are more prone to 10
 accept their version rather than the police, is that
 known to the African National Congress authorities? ---
 Well, generally My Lord, as I have tried to say, I am
 trying to give general instances here, yes.

No, what I mean is this, when you say this, 15
 it may be your own personal point of view, but I want to
 know whether this feature was appreciated by the Executives
 of the African National Congress? --- I am sure, My Lords,
 it was appreciated.

BY MR. KENTRIDGE : 20

This question of your feelings about it,
 feelings of the African National Congress and of Africans
 generally, do you draw any distinction between them? ---
 No, My Lord. Let me maybe close up this topic by saying
 that of course My Lord all along the line one can give 25
 instances, I don't want to labour the point, particularly
 as some of these instances are fresh ones after our
 arrest, but even like in Lady Selborne there are two
 instances that could be quoted where there was trouble.
 There again one isn't apportioning blame to the one or 30
 the other, but the police came to the scene of the
 meeting, shooting starts, and there are deaths. Then there

is the unfortunate case also during the first period of the quiry in Johannesburg. All those things tend to make people think well, you can't say your say. And from our point of view it does become necessary for us to realise that when in fact you go to a struggle, not because 5 you have invited it, but these things can happen.

With regard to your ordinary political activities, that is to say holding of meetings or processions, is it common to find police in attendance? --- My Lord, the police are always in attendance. 10

These factors which you have dealt with, the question of police behaviour and how it is understood or believed, would those factors in your view justify incitements to violence on your part? --- No, My Lord, they would not justify incitement to violence at all, and it is pre- 15 cisely why in carrying out our own struggle we constantly have to advise people to follow our policy of non-violence.

Leaving aside evidence given in Court proceedings in the present case, and I include the preparatory examination, did you ever have brought to your attention any 20 speeches, any instances in which A.N.C. members had advocated violence? --- No, My Lord.

Were any such instances brought up before the National Executive? --- No, My Lord.

Before the National Conference? --- No, My Lord. 25

I think you have already given evidence about how branches call meetings and the question of reporting what is said at meetings, insofar as African National Congress speeches are or may be reported in any newspaper, did any newspaper report of a violent speech by an 30 A.N.C. member ever come to your attention? --- I never came across any such reporting personally, My Lord.

Was any such thing ever brought to the National Executive? --- No, My Lord.

As far as you are aware was any such instance brought to the Provincial Executives? --- Not to my knowledge, My Lord. 5

As far as your own Provincial Executive is concerned, was any such instance brought to the Natal Provincial Executive? --- No, My Lord.

If it had been reported to you on the National Executive that a member of the A.N.C. on an A.N.C. platform had made a speech inciting to public violence, inciting to the use of violence, public or private, inciting to the use of violence? what would you have done about it on the National Executive? --- We would, My Lord, enquire into the matter, find out what happened, 10 get that person who is Accused of having done so to explain himself, and in the light of his reaction, if he admits, or even if he doesn't admit but it appears that he has done so to our full satisfaction, if he would not withdraw and express his regret, naturally My Lord, he 15 would almost be dismissing himself from Congress. And also you could warn a man, if you warn him and he continues to do that, that again would be a way of that man dismissing himself from Congress. 20

Supposing - let me give you a hypothetical 25 example. Supposing you were at a meeting of the African National Congress or say a Provincial meeting of it, and someone had made a speech about the duties of volunteers and the need for discipline and in doing so had said words to this effect, "If you are told to be non- 30 violent you must be non-violent, but if you are told to be violent you must murder". What would your reaction

have been if you had been present? --- Well, I must assume that here in the context you leave me no doubt as to whether it is rhetoric or if they mean that the man is inciting violence....

Yes..? --- I would, after the meeting say 5
man, you spoke incorrectly there, do you realise that you were violating Congress policy, speak to him strongly. If his reaction to me is such as not to show that he is repenting or if he takes up an attitude of well, I said it, I am sorry, I would immediately report it to the 10
Executive.

As a result of evidence which was heard at the Preparatory Examination about speeches, have you undertaken any disciplinary action or enquiry? --- No, My Lord, but I must say that at the Preparatory Examination I don't 15
know that I can recall coming to me in hearing what was going on there of something which one would say well, this was violent, so and so must be disciplined. I don't recall. One doesn't remember all the things that took place at the Preparatory so easily, My Lord. 20

Was there evidence of speeches made as given at the Preparatory Examination clear? --- No, My Lord, it wasn't at all always clear. One that came to - I suppose it struck my mind because of its forcefulness, was a speech which said if a volunteer is told to do this 25
he must listen; if a volunteer is told to kill, he must kill, and so on. Well, my general impression at the time was that it was a kind of rhetoric, that man trying to indicate that well, you must obey. I sort of vaguely left it at that, it didn't make a very strong impression. 30
It is just that that phrase catches you. (?). But one doesn't recall a speech given in the first place where in a

strange situation there the reporter wasn't always correct and consistent, so we can't recall My Lord, and say that I do remember hearing a speech, which I thought that man needs to be spoken to. In any case, My Lord, I suppose in a situation like that I just wonder whether supposing - 5
 well, suppose one heard one, suppose, my own feeling in the matter would be this that you would wait and say now really when you come to normality, we will have to, in reviewing things, among other things, you will have to say well, so-and-so, you know this has come out about 10
 you, but I wouldn't feel that in the course of...(rest of sentence inaudible due to coughing).... That is my own feeling.

During the time of the Preparatory Examination, were you entitled to hold meetings of the National Executive? --- We were out of commission completely, and insofar as Congress was concerned there were acting officials. 15

I want to ask you something now about an individual member of the African National Congress, Robert Resha. You knew him before the Preparatory Examination? 20
 --- That is so, My Lord.

In connection with Congress matters? --- That is so, My Lord.

Did you know him on the National Executive? 25
 --- That is so, My Lord.

What did you think of him as a Congress member? --- I thought of him as a good, hardworking Congress member, a loyal Congress member.

Did he ever advocate violence? --- No, My Lord. 30
 Do you have any reason to lack confidence in his loyalty to A.N.C. policy? --- I have never doubted it.

If I asked you what Executive members, either National or Provincial had been banned by the Minister either from attending meetings or from taking part in A.N.C. work from time to time, would you be able to answer?

--- I am afraid My Lord, I wouldn't be able to give the list, I think the list is long. I might remember four or five members. 5

Was it frequent or infrequent, the banning?

--- Frequent, My Lord.

When a member was banned from a position, let us say a Treasurer was banned, what did you have to do? 10

--- We had to appoint a deputy, My Lord, unless in the constitution - the constitution had already provided for a deputy, unless - in some of the senior offices there is generally a deputy for a particular office. That is with the Presidency and the General-Secretaryship, but with the Treasurer, there isn't any. 15

Were the replacements always as experienced as the people who had been banned? --- No, My Lord. There might be - insofar as that is concerned, they might be good men in themselves, but I think by the very nature of things they would lack the necessary experience. 20

Before we leave this question of violence, from your general knowledge of the activities of the African National Congress, do you think that the African National Congress policy of non-violence has had any success? --- I think so, My Lord. 25

Do you think that from your knowledge of members and of Africans whom you have come across, do you think it has been able to persuade people along the lines of non-violence? --- I think so, My Lord. I have already cited, I think, in evidence here a situation in 30

Natal where...

Yes, you have given the example. Has it been a function of the African National Congress to get its members to think about politics? --- That is so, My Lords.

Has it been a function to give political education? --- That is so, My Lord. 5

Do you consider it an important function? --- It is, My Lord.

Are lectures sometimes prepared for A.N.C. members? --- That is expected, My Lords, generally at Provincial level - I know we have done so in my own Province. 10

Evidence has been given of a Youth League Summer School as it was called which was held in Natal by Dr. Conco and I think Mr. Yengwa, at which various lectures were given and the lectures were printed or duplicated, and on the document put in there is a message from you to the Summer School commending the idea of giving the lectures. Have you any recollection of that Summer School? --- I have, My Lord. 15 20

Did you attend it? --- No, My Lords, I did not attend it, I sent a message.

Did you check the lectures before they were delivered? --- No, My Lord.

Did you think there was any necessity for doing that? --- I didn't think so, My Lord. 25

Do you feel that lectures delivered to A.N.C. members on political matters have to be censored by you or the Executive? --- No, My Lord, you ask a man to come and speak, taking the instance of the Summer School, and a man comes along and expresses his views and they are discussed by people as students, either 30

agreeing with him or disagreeing with him.

Evidence has been given here of some lectures distributed according to the evidence, apparently coming from the National Action Council of the Congress of the People in connection with the Congress of the People Campaign. They were called "The World We Live In", "The Country we Live In", and "Change is Needed". Before those lectures were sent out, were you asked to check them? --- No, My Lord. 5

Would you have felt it necessary to check them? 10
 --- I would not have, My Lord.

Now in fact at the time that they were issued, which was sometime in 1955 according to the evidence, did you read them at that time? --- No, My Lord.

You have since read them? --- Yes. 15

In connection with this case? --- That is so.

Now the first one is A. 84. I wonder if you would just look at this, That is a document called "The World We Live In", in the form of a lecture. You see it says at the beginning, "These notes are the first of a series designed to be read, discussed and studied by volunteers and active Congress workers and especially by individual workers and active Trade Unionists". I am going to ask you to deal with certain parts of these lectures from the point of view of their relationship to African National Congress policy, but before we deal with it in detail, I just want to ask you something generally about Congress policy. Has the - let us first take the matter of history. Has the African National Congress got a policy on world history? Do you have to have a certain historical outlook to be in the African National Congress? --- No, My Lord. 20 25 30

Do you have to hold any particular theory of economics to be in the African National Congress? --- No, My Lord.

Now I wonder if you would look at paragraph 1 of the lecture in front of you called "A World Divided". 5
It reads : "Our World is a world divided. It is divided many ways by nations and races, by colour and religion, by poverty and by wealth, but most important it is divided by oppression. There is a part of the world where people are oppressed and a part where the people are free to live 10 their own lives. All history is the story of the struggle of people to be free from the most ancient time till today, Ours is a world of struggle for freedom, a world where the common people struggle everywhere to free themselves from the oppression of the past." Now as far as you are con- 15 cerned, do you disagree with what is stated in that paragraph? --- I don't, My Lord.

Do you think that it is inconsistent with African National Congress policy? --- No, My Lord.

I continue : "Always through all history men 20 have struggled against bad conditions for something better. In the very beginning we know that people lived in groups or tribes, knowing nothing of their neighbours or the world around them." Do you yourself know whether as a matter of history it is correct that people lived in groups or 25 tribes originally? --- It is so.

You accept that? --- I accept that.

"In a sense they were free and equal for there were no masters, all were equal members of the group taking part in all its decisions and all its work. Yet 30 life was wretched..." and there is a reference to hunger and starvation - "... life was a bitter and desperate struggle

against nature for food, for shelter and for life". Is there anything there contrary to A.N.C. policy? --- No, there is nothing, except that there are one or two faults there that I don't think I would subscribe to. When you for instance take the tribe, I don't know whether I would 5 subscribe to the view really that in the tribe all people were equal in the sense that you would have some people in authority who would be holding high positions, and of course in some tribes you would have other men who act as over-lords over/to that extent - one doesn't know of course 10 doesn't know precisely what is meant there.

Now supposing you had seen this before it was issued, having these qualifications about this paragraph, would you have insisted on it being changed? --- No, My Lord, it is not a serious thing. I am merely making an 15 observation just casually as I hear you read.

Then the second paragraph is : "How Divisions Began." Would you just look at it. It says : "There came a time when men learnt new skills, how to grow crops and how to hunt .." - I am summarising it, My Lord. They 20 changed their way of life, those with the best land or the best luck began to store up food and became property owners while others grew poorer, the old equality began to die out, and people began to live not by their own work but by the labour of the poor, and from the ownership 25 of property came two groups no longer equal, masters and men, employers and workers, and these groups the author says, "we call classes". And he says the common ownership of tools and land etc. disappeared, and you had people who owned the tools and those who owned nothing. Have 30 you any views on that paragraph? --- My views on that paragraph, My Lord, are this, that it is a paragraph for

discussion, you can't express your mind on it. There is nothing there where I would say I have violent objection, but it would form a source of debate, it would require a certain amount of knowledge of history, not only in your own area, but you would have to have a knowledge generally 5 of world history to enable you to put the stamp of approval.

As far as you are concerned, you are not convinced that it is historically correct? --- I think in general it is historically correct, - in general. 10

Then comes paragraph 3 about the slave system and about the division of slave owner and slave, about the slave being the property of his master, being bought and sold at the slave market, "he was born as a slave, lived his life as a slave and died as a slave". And he 15 says incidentally that "his life was that of a South African convict labourer". "He no longer struggled against nature for something better in life, he struggled bitterly, often in armed revolt against the slave owner for freedom, which would enable him to get something better of 20 life". Now any comment on that? --- My comment there, My Lords, is that I think that is generally correct, because one of the things which has plagued humanity has been the question of slavery, the Continent of Africa has suffered a great deal, in some form or another we know that in 25 parts of the world humanity has suffered from slavery.

Is there then anything there which you would regard as contrary to African National Congress policy? --- No, My Lords, there isn't anything that I would find contrary to A.N.C. policy. On the contrary, I think that 30 is particular paragraph would require a good deal of study, because as I have said, if it does touch on conditions

that obtained in Africa not even during our time, before our time.

On the other hand would you say that these views expressed here about the history of the slave system are an integral part of A.N.C. policy? --- That is correct. 5
We are all along the line fighting against slavery in one form or another.

What I really meant was, does an A.N.C. member have to take this view of history? --- No, he doesn't have to. 10

Then we come to the feudal system about the division of feudal lord and serf, how man had learnt new skills and slave labour wasn't good enough, and then it says "His life was as miserable as any South African labour tenant, the land belonged to the lord", and the man 15
was unable to leave his master, and it says the serf also struggled bitterly for freedom, freedom to leave his mater to go where he likes, to say what he likes. Have you any comment on that paragraph? --- My comment is as in the previous one, it is the kind of thing that any man 20
interested in politics should discuss about, formulate his own views, whichever way he formulates his views.

Then the next paragraph is about capitalism. It says there was a later division which was the division of classes of our own times, the division of capitalists 25
and workers, some of the old feudal lord and serf division lingers on in some countries, including South Africa. It says large factories have taken the place of primitive tools, there is need for workers of intelligence, a new way of producing goods needs workers of a new type, 30
workers who are free to move about selling their hands and their skill wherever they are needed, workers who have

no means of feeding and clothing themselves unless they work for wages. These are the workers of our day and in a sense they are free but still their lives are poor and miserable, and their earnings are just enough to keep them alive, their rights and freedoms are few, only those that they have won for themselves in bitter struggles. Have you any comment to make on this paragraph about capitalism? --- I have no detailed comment to make, except again to observe that what is contained in that paragraph if one reads it casually is the kind of thing that one ought to know, have a general knowledge of it, but again Congress policy has nothing to do with this as such, but it is knowledge which any person should try to have to make up his mind one way or another.

Do you think there is anything here that is against A.N.C. policy? --- No, I don't read anything there that is against A.N.C. policy.

Does this paragraph - have you any views on it, do you regard this paragraph as an expression of Communism? --- Well, My Lords, I have said in this Court that I don't know communism so that I am not in a position to say well this is communism and this is that, but as I have said, the kind of general information one ought to have of the development of things.

It has been suggested either directly or indirectly in the Indictment that the A.N.C. is a Communist organisation? --- It is not, My Lord.

Was it a communist organisation during the period 1952 to 1956? --- It was not, My Lord, and it is not now.

Do you know the provisions of the Suppression of Communism Act were invoked against the African National

Congress during the period 1952 to 1956 in various ways by way of banning and so on? --- That is so, My Lord.

BY MR. JUSTICE RUMIFF :

I don't follow you. If you say you don't know Communism, how can you express an opinion on whether the A.N.C. was a Communist organisation? --- I mean My Lord, I think I have already said that one has a sort of a general knowledge - what I mean is that I don't know the theory of Communism to be able to say this - in general one has an idea of what it is, and I have already given evidence in this Court really to say that insofar as we are concerned, as an organisation, we stand for certain things, we do have within our group people who are Communists, we have others who are this, but we don't have a policy which is called Communism.

BY MR. KENTRIDGE :

In the A.N.C. do you have to adhere to Communism? --- No, My Lord,

Of course you don't know - you have your idea of Communism. Supposing Communism means struggling for equal rights for everyone, if Communism meant that, the A.N.C. might be a Communist organisation? --- If Communism meant that, then it would be - if it meant that.

With regard to Communism, evidence has been given in this Court that Communists have some sort of theory of revolution. It is extremely complicated, an extremely complicated sort of theory, I won't try and tell you what the evidence was. Does the African National Congress have a theory of revolution? --- No, My Lord.

It has also been said in evidence that Communists or in Communism there is a theory about violence. Now that again is apparently a rather complicated

theory, but without troubling you with it, what is the A.N.C. theory about violence if there is one? --- Our stand, My Lord, is that of non-violence as I have already indicated in Court.

While we are on that, and before we come back 5
to the lectures on this question of violence and the use
of violence, there is a question that I want to ask you
that I think I had better ask you now and not after any
interval in the proceedings. On your knowledge of the
work of the A.N.C. during the Indictment period of 1952 to 10
1956, with regard to the question of the use of violence
by Africans in South Africa, do you consider that the
A.N.C. was inciting to violence or was it a restraining
influence? --- It is my belief, My Lords, and I think I
have good grounds for it, is that the African National 15
Congress had a restraining influence over the African
people and the country in general.

Insofar as you are able to judge from your
knowledge of A.N.C. members and your knowledge of Africans,
if the African National Congress let us say during this 20
Indictment period had not been allowed to exist or had not
existed, do you think that African people would have been
more or less exposed to violent action? --- My Lord, my
feeling is that there would have - they would have been
more exposed to actions of violence. 25

As far as they themselves were concerned, do
you think without the African National Congress Africans
would have been more or less inclined to violence? ---
I have already said My Lord that the African National
Congress in my view has had a restraining influence. I 30
must say, however, in addition to that I think on the
whole we have merely added to the attitude of the people,

because having regard to what is taking place, one must say that the people have generally exercised patience. But I am saying the African National Congress, by coming on with this policy has in fact been beneficial, because one cannot judge how long people would remain in this state with oppression over oppression(?). 5

Let us get back to this lecture. Paragraph 6 is called "Understanding the World", and it says that - it speaks of bitter struggles for freedom which go on everywhere, struggles of our time, if we understand them and their reason we can understand the world we live in. If we understand these struggles and learn how to direct them we can direct the course of the future, so that from all currents and trends of today we will be able to build for ourselves the kind of world we would like to live in. 15
And it goes on : "The world we live in is a world divided into classes, into masters and men, the world in which one small class of men, the masters, own the tools and the factories, and the working people own nothing but their ability to work. This system of some people living and growing rich through the work of others we call exploitation." Have you any comment on that paragraph 6, "Understanding the World"? --- Clearly, My Lords, insofar as it urges an understanding of the world it is a good injunction, and I think generally insofar as it tries to explain how the situation has come about, I think it is generally correct, again you can't pass judgment, my reading is casual. 20 25

This reference to exploitation, "this system we call exploitation", is "exploitation" a word that you have used? --- I have, My Lord. 30

Is it used in the A.N.C.? --- It is used, My Lord.

In what way? What does it mean, as you used it? --- Well, as we use it, we use it in the context of considering what has happened over the years to us as a result of imperialistic rule over us, colonial rule, where we have found ourselves a subject people denied many things, as one has already testified to in this Court.

Do you regard Africans as being exploited? --- I do, My Lord.

My Lord, the next paragraph is 7, it is about two pages long. If I start it now, I don't think that I'll finish it, My Lord. I don't know whether it would be convenient to Your Lordship to adjourn now?

BY MR. JUSTICE BEKKER :

Well, it occurs to me Mr. Kentridge, the whole of that is before the Court. I don't want to interfere in your manner of leading, but the witness said he has read. Couldn't you ask an omnibus question? Whether there is anything inconsistent or consistent, in all these lectures?

BY MR. KENTRIDGE :

Yes, My Lord, I think I probably could. It may not cover everything, there may have to be qualifications. My Lord, I can undertake to try and work out an omnibus question. I'll ask the witness to look at these lectures again over the weekend, but I have been trying to summarise My Lord. The lectures are of course in front of the Court.

BY MR. JUSTICE BEKKER :

It is something for you to consider. It may save time if the witness has another look at these lectures over the weekend, and on Monday he can say this is in order, this isn't in order, whatever the position is.

BY MR. KENTRIDGE :

I can ask this witness to do what was done

in the case of Dr. Conco, to look at them and perhaps to mark any passage on which he has a comment or a qualification or anything to say.

BY MR. TRENGOVE :

My Lords, in order to save time, My Lords, the Crown may also - depending on answers the witness gives - may also have to ask some questions about these lectures. The witness has so far qualified his statement by saying that he has casually look at them. Could the witness, My Lords, be requested to study them so that he would be in a position to answer questions not in a casual way, but giving his considered opinion?

BY MR. KENTRIDGE :

I'll ask the witness, My Lord, to read the lectures again this weekend.

CASE REMANDED TO THE 28TH MARCH, 1960.

COURT ADJOURNS.

11799.

COURT RESUMES ON THE 29TH MARCH, 1960.

APPEARANCES AS BEFORE.

COURT ADJOURNS FOR A SHORT WHILE AS NOT ALL THE ACCUSED ARE PRESENT.

ON RESUMING :

BY MR. KENTRIDGE :

Accused absent : Accused No. 7, L. Masina.
Accused No.22, C. Mayekiso.
Accused No.24, W. Mkwayi.
Accused No.28, T. Tshume.
Accused No. 9, I. Molaoa.

ALBERT JOHN LUTHULI, under former oath;

EXAMINATION BY MR. KENTRIDGE CONTINUED :

Mr. Luthuli, when the Court adjourned on Friday, we were talking about some lectures, A. 84, A. 85 and A. 86, called "The World We Live In", "The Country We Live In" and "Change is Needed". Have you had an opportunity to look at these lectures further over the adjourn- 5
ment? --- I did look them over, My Lord.

I wonder if I could just hand them to you again. I want to ask you some general questions on your views on these lectures. Now in the first place, what is your view of their suitability for Congress members from 10
the point of view of whether they are easy or difficult or something in between? --- My view, My Lord, is that they are on the difficult side for an average Congress member. They are the type of thing that would be good for the leadership to study and discuss. The lectures in 15
my view demand some background and knowledge of history, world history, some knowledge, an elementary knowledge of economics and the general setup of things. Without that background, My Lords, it must be difficult for any person

to grasp them. That is why I say for the general membership it would be difficult. I think the leadership would have to study them, because I personally don't claim that I have the necessary background of these matters. It might be a thing for the students of those particular things. 5

With regard to the outlook in those lectures, the outlook on history and economics and politics, have you any comment to make? --- It is a very general comment to this effect that as I have said, one requires a knowledge of history and economics. I would say they have a bias towards socialism or leftism, the degree I would not venture to say, but they do have that bias. 10

If we can deal with particular examples, you will have noted in the lectures a certain amount of stress on the existence of two classes, the capitalist class and the working class. What is your feeling about that? --- It is my feeling there, My Lord, that running through the lectures generally as one has read them, and I must say it was just general reading, tends to leave one with the impression that you really are dealing with the world where there are two groups, the capitalist and the worker, and in my view you don't do justice to the fact that you do have, even if one accepts the proposition that the workers would be the majority in any group, but it doesn't seem the lectures give due recognition on account of what one might call the middle group, the peasant, the small business man, that group of people generally described as the middle group. My general reading gives me the impression that very little consideration is given to that aspect of human divisions. 15 20 25 30

BY MR. JUSTICE RUMFF :

Do you put the peasants in the middle group?
 --- No, I am not putting them in the middle group. I am
 saying it doesn't give attention to the middle group, the
 traders and that group, and not sufficient attention to 5
 peasants.

BY MR. KENTRIDGE :

Another section in the lectures that we men-
 tioned on Friday, is in connection with slavery, the
 history of slavery. Having reread it what would you say 10
 about the view expressed on slavery? --- Well, I think
 the presentation of slavery is a correct one, indicating
 that the world has been plagued by slavery from time
 immemorial to recent years, and that the slaves however
 have been freed. I think the note that is struck in the 15
 notes is that the slaves have been freed through their
 struggling. Now, that may be correct, but I don't think
 it does give due attention to historical fact, for instance
 that in the countries that recognised slavery, it was the
 force of public opinion assisted by some men motivated by 20
 moral considerations - I think My Lord, for instance in
 England, it was Wilberforce who was a great force in
 working for the abolition of slavery until the British
 public was going in that direction. To a certain extent
 I think I would also say that even in a country like 25
 America where slaves were brought from Africa to America,
 the freeing of slaves wasn't due to the struggle only
 of the slaves but was also due to the fact that there are
 some men in the United States who started to rebel against
 the institution, My Lord. That is my observation there. 30

Another passage in the first lectures is
 "The Low Wages of the Workers". What do you feel about that

part of the lecture? --- I think that that part of the lecture quite rightly emphasises the fact that workers generally are underpaid, particularly if one would be influenced by the situation in his own country, South Africa, workers generally are underpaid. I think it is correct to say that even the White workers, although they are much better paid than the non-Europeans, they have had to struggle too - there has been a struggle in our country by White workers for better wages. There again I think the emphasis on low wages is a correct one, but as a document of study, I think generally it is always fails to give the other point of view, as a document of study. I am thinking now, My Lords, - I cannot quote - but I think if you take a country like the United States for an example. Now I am not prepared to say - I don't know the figures - but I would think that the workers generally in the United States are fairly well off, and maybe to a lesser degree in a country like England. The point I am making is this, that as a document of study, while it rightly emphasises the fact that workers are underpaid, there would be the other side too from the point of view of a student studying it.

In the lecture "The World We Live In", would you look at paragraph 13, the last paragraph, that is in A.84. Now this says that the world is divided into two sections, the capitalist section and the other section where the means of production has become the common property of all the people, that is China, the U.S.S.R. and other countries. Now as far as you are concerned, what is your view about that division of the world, is it a factual division or is it not? --- I think My Lords, as already indicated, you do have workers, workers might

be in the majority, but I don't think it is a correct description to leave out other groups in the country, and present the picture as if it was just employer-worker.

As far as the A.N.C. is concerned, what is its attitude to these two sections of the world? Has it an attitude to those two sections of the world? --- My Lords, we have no particular attitude, we recognise the fact that you do have the groups as I have indicated, being part of the make-up - in terms of occupation - as being part of the world with no particular view on any one of these. I can only here stress, it is purely a personal outlook, I personally don't like the division of mankind into classes, this class and that class. I don't like the division, but that is purely a personal view.

Now you have indicated that in your view there is a socialist tendency in these lectures. Does that represent the policy of the African National Congress? --- No, My Lord, it doesn't.

What is your view on the issue to A.N.C. members of lectures putting forward a socialist outlook? --- My Lords, I would say this, from the point of view of study the African National Congress does encourage study, letting our people know about the situations and the conditions that obtain, particularly in our own country. There is no question about it, My Lords, probably the Freedom Charter indicates and I have given evidence that in a setup such as ours and for a group such as ours, you - in my view, you have to bend a good deal towards socialism. I wouldn't say it is policy, but it is taking account of realities. And therefore the question of study becomes important.

Now insofar as these lectures put forward views which are not actually the policy of the African National Congress, do you think that there is a need for the African National Congress to issue a disclaimer or to repudiate them? --- No, My Lords, I don't see that there is a need for that, if you approach, as you ought to approach, the whole question from the point of view of studying. You study the situation generally, and of course if anything would have to come up for decision, or anyone should desire to say now I have read this and I feel that the African National Congress ought to adopt a certain line, now that is a matter that comes up through the normal channels of the African National Congress and finally the Congress will either endorse it or not endorse it.

What is your view on the issue to A.N.C. members of lectures expressing let us say a particular view of world affairs or economics. Is it permissible in your opinion? --- There is nothing against it, if I may say so. I mean there is nothing against presenting a certain view. But I think I have said that if one is engaged in a study, you present that point of view, as strongly as you may present it, but it is only fair really if there should be other views, to present them, but I wouldn't say that there was something amiss if a person presented just the one view, depending on the particular person addressing the group at any time.

Would you yourself have recommended these lectures for study by the membership? --- I would recommend the lectures for study by the leadership, but I think I have already indicated My Lords, that I think it is a bit on the difficult side for the ordinary membership.

You would have to simplify them a great deal.

I wonder if you would just look at...

BY MR. JUSTICE BEKKER :

Let me get this clear. Do you say because
from the point of view of people other than the leadership 5
you would not have recommended the lectures, because they
are rather difficult? --- That is my feeling, My Lord.

Having regard to the contents of the lectures,
have you any objection to the issue of these lectures
to the leadership? --- No, I have no objection to the 10
issue of these lectures to the leadership, because I take
the view, which I tried to present, My Lord, that the
- you don't want a one-sided view of things.

BY MR. KENTRIDGE :

Would you look at the third lecture called 15
"Change is Needed", A.86. You see paragraph 4 there,
headed "Is it possible"? --- Yes.

It says "Can such a radical sweeping change
be made, little by little, by one reform after another,
by a long period of small concessions to the idea of race 20
equality". Now what is your view on the question of
small concessions? --- My view, My Lord, is this, that
small concessions, and I here think of small concessions
as little bit of things given which really do not effect
the question of the liberation of the people. One would 25
have to give examples to illustrate what is in one's
mind. For an example we sometimes hear some White
political leaders saying that they see the way being along,
going back to the 1936 Legislation, which provided for
the representation of Africans by a limited number of 30
Whites, and they say now retain that system or go back to
it. Now in my view, having regard to our demands, we were

never really even then a willing party to the 1936 Native legislation, and even more so now, and therefore if anybody were to come forward and say now I am taking you back to the 1936 legislation, I would say no, that doesn't meet the situation. That example comes to my mind. So that 5
small concessions which in fact don't take you anywhere, I mean it would really be a waste of time.

Do you on the other hand visualise that you would achieve all your aims as one step, in one day let us day? --- No, My Lord. One must be practical and 10
realistic in these things, you can't.

It said earlier in this lecture - it is suggested that the - that all people must be represented in Parliament, and it says that the Parliament must start off with the law doing away with all racial discrimination 15
and national oppression, and it mustn't simply amend the old laws one by one. What is your view about that? --- My view, My Lords, is that Parliament sitting to consider a question of this kind - the very first thing that a Parliament in my view should do, would be to repeal all 20
discriminatory legislation, almost by one stroke, insofar as discriminatory legislation is concerned. It is one of the first things that I would expect a parliament to address itself to.

Is that in accordance with African National 25
Congress policy, this doing away with all discriminatory laws? --- That is so, My Lords, but not only the African National Congress. I think I have already said in this Court the Native Representative Council itself demanded for that. I merely emphasise that it is not merely the 30
African National Congress desiring that.

But is that the policy of the African National

Congress? --- That is so, My Lord.

Would you look at paragraph 5 of that lecture. It has the heading "How it is Possible" and it talks about the need for People's Democracy, and then there is a heading "What is a People's Democracy", do you see that? 5
 --- I see it.

And there are certain suggestions made. It says, "For South Africa it is suggested..." and then you will see eight suggestions. Now would you just look at the third one, which says "The biggest imperialist mono- 10
 polies and industries, including mines and factories must become the property of the people". Now as far as that suggestion is concerned, is that in accordance with African National Congress policy? --- It is not, My Lord, as stated there. I think one would have to refer to our Freedom 15
 Charter, where we have something of this nature and indicate to what extent nationalisation goes. I am saying that the paragraph there should not be read as indicating an A.N.C. policy, because it is more or less defined, the degree of our nationalisation. 20

And then if you look at paragraph 8 there is a statement that "housing must be provided for all the homeless by a redistribution of present housing". Is that African National Congress Policy?

BY MR. JUSTICE RUMEFF : 25

I am sorry. I think the witness said, one has to refer to the "African Charter"? -- No, My Lord, the Freedom Charter.

To what extent does the Freedom Charter differ from that particular clause? --- My Lord, I think 30
 the Freedom Charter makes references to monopolies, and it specifies specifically mines and banks, but it doesn't

give a general nationalisation of industry.

Would you just read that again? --- "The biggest imperialist monopolies and industries including mines and factories must become the property of the people".

I see the reference in the Freedom Charter says 5
"The mineral wealth beneath the soil, the banks and monopoly industry shall be transferred to the ownership of the people as a whole"? --- Yes, My Lord.

Would you say that there is a difference between the contents of that clause that you have referred 10
to in A. 86 and the Freedom Charter? --- Yes, My Lord, I personally read a difference.

I would like to have your opinion on the difference? --- My Lord, the first portion - I am reading from the Freedom Charter : "The mineral wealth beneath 15
the soil.." - now I take that to cover here where it says "mining". Then there is the banks and monopoly industry. I would take that My Lords, to cover the first portion of 3, "The biggest imperialist monopoly". And My Lord, I then say the Freedom Charter ends there, whereas 20
here you have a generalisation "industry", and this would leave me with the impression that industries as such would be nationalised. Now the Freedom Charter doesn't go that far.

You mean all industry? --- Yes, in terms of 25
the lecture. Whereas the Freedom Charter doesn't go that far.

Is that the extent of difference as you see it?
--- As I see it, My Lord.

BY MR. KENTRIDGE :

30

If you look at paragraph 8 of the lecture, there is talk of the "redistribution of present housing".

Is that African National Congress policy? --- One might have some difficulty with terms (?) there, but I think that insofar as providing housing, it is the policy or it is the desire of the African National Congress to see that housing is provided. Now I wouldn't of course quite understand what meaning one must give to "redistribution of housing", exactly what that would mean here. 5

Let us mean - let us assume that it means that if a man with a small family has a big house and a man with a big family has a small house, you must make them exchange houses. If it meant that, would that be African National Congress policy? --- My Lords, one must stress a personal note of interpretation - I would say it would not be. 10

In general on this reference to People's Democracy, as you understand the term, could you have a democracy which you would call a People's Democracy if you had full political equality in this state, full political and civil rights for everybody? --- That is so, My Lord. 15

And supposing that there was no nationalisation at all, would you still call it a People's Democracy? --- I would, My Lord. 20

Mr. Luthuli, in general in connection with lectures, notes or lecture notes, if you found that lectures had been issued which contained views on economics or history or politics with which you disagreed or which you thought expressed individual views and not the views of the African National Congress, would you consider it a matter for disciplinary action? --- No, My Lord. I think that all that I would do as I indicated already, if I found that, I would merely point out certain weaknesses, but it is not a matter for discipline at all. 25 30

NO FURTHER QUESTIONS BY MR. KENTRIDGE.

CROSS-EXAMINED BY MR. TRENGOVE :

You have given evidence of African National Congress policy and activities during the period of the Indictment, 1952 to 1956? --- That is so, My Lord.

In giving your evidence, do you rely purely on 5
your memory or did you prior to giving evidence refresh
your memory from documents to which you have access? ---
My Lords, it was memory and trying to refresh my memory
from available documents, documents that I could lay my
hands on. 10

So one can assume that you are satisfied that
you are fully qualified to speak on the activities of the
A.N.C. and its policy during that period? --- I think My
Lord, it would be a correct assumption to say that I am
qualified to speak on the policy of the A.N.C. 15

I just want to ask you a few questions on the
African National Congress as an organisation. You handed
in the Constitution of the African National Congress,
M.W.S. 34, which you said remained in operation until
1957, is that correct? --- That is so, My Lord. 20

Now do you agree that organisationally the
African National Congress is a highly centralised organisa-
tion? --- I don't agree to say it is highly centralised.

I am not talking about politically or consti-
tutionally, there it may be a decentralised organisation, 25
having your Provincial bodies and local bodies and other
organisational bodies. But from an organisational point
of view, isn't it a fact that the African National
Congress is highly centralised? --- I wouldn't use the
words "highly centralised". There is centralisation, 30
but I wouldn't say "highly" centralised.

I find that view expressed in some National

Executive Committee Reports, and I want to tell you why I think that view was correct. The organisational control of the African National Congress is in the hands of the National Executive Committee, isn't that correct? --- That is correct, My Lord. 5

That committee is elected every three years?

--- That is so, My Lord.

And your Constitution also provides in paragraph 9 for a Working Committee? --- That is correct, My Lord.

And the Working Committee consists of not less than seven persons who must be resident within an area of fifty miles from the National Headquarter? --- That is correct. 10

Now the National Headquarters over this period has been situate in Johannesburg? --- That is so.

So that the Working Committee during that period would always have consisted of A.N.C. Executive Members on the Rand? --- That is so, My Lord. 15

And at the time when the National Executive Committee are not in sessions, the the Working Committee enjoys full Executive powers? --- That is so. 20

So that one would be entitled to say as a matter of practice that the day to day activities of the African National Congress are in the hands of the seven Executive Members on the Rand? --- My Lord, I would not at all agree with that emphasis, if it is intended to ignore completely the entire structure of Congress, namely you have got to start, My Lord from the top, and understand that insofar as anything in Congress becomes policy, a major decision, that must have the approval of Conference. 25 30

Would you just listen to the question. I am not talking about the making of policy. I am talking about

the Executive functions, and I say that the day to day activities of the African National Congress would be in the hands, the direction of those activities would be in the hands of the Working Committee at Head Office on the Rand? --- In an administrative way, yes. 5

And in an executive way? --- It depends upon really what one must understand when you say executive. I will say this My Lord, that there is a provision there which says that inbetween Executive meetings, the Working Committee has the power of the Executive, that is true. 10
Now that must be real of course, to mean in cases of emergency you can have the Working Committee attending to a situation.

I am merely relying on clause 9(d) of the Indictment - of the Constitution, which says : "Between 15
the meetings of the National Executive, the Working Committee shall enjoy full Executive powers of the National Executive Committee and shall carry into effect the policy and programme laid down by the National Conference and meetings of the National Executive Committee as 20
provided herein, and it shall remain responsible to the National Executive Committee". That is correct, is it not? --- That is correct, My Lord.

The members of the National Executive Committee are elected for a period of three years? --- That is so. 25

And in 1952 there was an election? --- That is correct, My Lord.

I have the Report here, I will just hand it to you for confirmation, document L.L.M. 81, the same as I.H.S. 72. Is it correct that in 1952 the following 30
people were elected to the National Executive? Your name, Luthuli, is that correct? --- Correct, My Lord.

And then there is Sisulu, who is Accused No. 19 in this case? --- Correct.

Then there is C.R. Tambo? --- Yes.

Was he the Tambo at the Preparatory Examination? Was he the one who was an Accused at the Preparatory Examination? --- That is so, My Lord. 5

Then there is D. Tloome? --- Yes.

Pausing there for a moment, the 1946 Miner's Strike, you remember that? --- Yes.

The African National Congress participated in that strike, didn't they? --- That is so, My Lord. 10

And they had a member on the Committee? --- I will not know the details.

Do you know - you can't remember that Tloome was the A.N.C. representative on that Committee? --- No, I wouldn't know. 15

Then another name that you have got there, Mji, is that Dr. Mji? --- That is so, My Lord.

And F.Q. Vundhla? --- Yes.

And Dr. Letelo, is that correct? --- Yes. 20

Yengwa? --- Yes.

Simelane? --- That is so, My Lord.

Is that I.H. Simelane? --- Yes.

Dr. Conco? --- That is so.

The Accused in this case. Then Mandela? --- That is so, My Lord. 25

He is also an accused in this case? --- That is so, My Lord.

Then Professor Matthews? --- That is so.

Then Resha? --- That is so. 30

Then Hutchinson? --- That is so, My Lord.

Tshunungwa? --- That is so, My Lord.

The Accused? --- Yes.

F. Mathole, Accused No. 8? --- That is so, My Lord.

L. Masina who is Accused No. 7? --- That is so, My Lord. 5

And Moretsele who is Accused No. 12? --- That is so, My Lord.

Resha is the Accused No. 17. During the three year period, 1952 to 1955, did any of these people lose their position on the National Executive because they were 10 banned by the Government? --- Yes, that is so.

Who? --- Sisulu - well, I was then.

But you didn't lose your position. You were banned from attending meetings? --- Yes. Sisulu.

Sisulu was the Secretary-General, is that 15 correct? --- Yes.

You say he had to vacate his position? --- Yes. And Tloome, and Mji, Mandela, Masina - no, no, I am not sure about Masina.

Who filled their places? --- You will notice 20 that in that list you have what we call Executive Members co-opted. Those members were co-opted My Lord to fill up vacancies.

And who are the members that were co-opted? --- Mji, Resha, Hutchinson, Tshunungwa, Mthole, Masina, 25 those were co-opted.

To take the places of those that had to vacate? --- Yes, My Lord.

Vacate their position on the National Executive? --- That is so. I cannot say whether they were co-opted, 30 at the same time, they were co-opted as vacancies would arrive.

BY MR. JUSTICE KENNEDY :

I think you mentioned Mji's name and Mandela as being amongst those who through bannings had to vacate their positions on the Executive? --- That is so, My Lord.

Were they amongst those who were later co-opted, 5 because I think that is the evidence? --- You have the list 1 to 21, and in that list 1 to 21, some men had to vacate their seats because they were banned.

BY MR. JUSTICE RUMIFF :

No. 1. being Mji? --- Yes. 10

Does he appear in the list co-opted again? --- Yes, he does appear in the list of the co-opted, but what I am trying to say, there is this that I wouldn't say the co-option was at one and the same time.

BY MR. JUSTICE KENNEDY :

15

I am just puzzled how it was possible for him to be banned so as to lose his position and then be a co-opted member of the Executive?

BY MR. TRENGOVE :

My Lords, I think there might be - there is 20 a Dr. Mji, and then I think the co-opted member is Matjie, who is...? --- Yes, I am sorry, it is Matjie, I read wrongly myself.

The secretary-general, I don't find any provision - express provision relating to the Secretary- 25 General in your Constitution. What is he? What is the Secretary-General? --- You mean in the Constitution there is no provision for the appointment of a Secretary-General?

No, just tell me whether there is provision 30 or not, what is the Secretary-General? --- I think that the Secretary-General....

What is his function? --- His functions are administrative. He is the chief administrative officer, attending the usual functions pertaining to a Secretary, correspondence, drafting the Executive Annual Report, and generally an administrative officer.

5

Is he a member of your National Executive Committee? --- Yes.

A full member? --- Yes.

And he would also be a member of your Working Committee? --- That is so.

10

And you say he is the chief administrative officer of the African National Congress? --- That is so.

You will see, as a last page to those minutes you have there, you have banned leaders of the African National Congress and various other organisations? --- Yes.

15

I am sorry, it is the next page. Now would it be correct to say that notwithstanding the Government ban on any leaders of the African National Congress, he is still regarded by the African National Congress as one of its leaders? --- I suppose My Lord, he would be regarded as one of the leaders.

20

And to the extent that the law permitted, he would still participate in all the activities of the African National Congress, to the extent that his ban allows him to do so? --- If the ban allows him to do so.

25

Yes, to that extent? --- Yes.

And where he is banned and he is not allowed to belong to the African National Congress any longer, that of course does not mean that he necessarily stops all political activity? --- My Lords, it means that he stops all political activities insofar as running Congress is concerned.

30

Insofar as the African National Congress... ?

--- Yes, but insofar as an individual, he is concerned as an individual, he can think and act naturally.

Now you remember that they had a Let the People Speak Committee. Now it was under the auspices of that Committee you usually found that leaders who were banned from membership of Congress, they conducted their political activities under the auspices of that organisation. Do you know that? --- I do know, My Lord, that you would have - it did have such a committee, now I cannot say about the composition of those Committees.

You don't know anything? --- No, I don't.

In 1955 a new Executive Committee was elected?

--- It would be correct in terms of the Constitution, My Lord.

I want to hand you a document marked J.J.19. If you turn to page 16, is it correct that that sets forth the names of the people who were elected in 1955? --- I would say so, My Lords, as I see this document.

You were re-elected as President, is that correct? --- That is correct.

And then it contains the other names, I will just read them out, and ask you whether it is correct. It contains the name of O.R. Tambo, A. Letele? --- Yes.

Reverend Calata? --- Yes, that is so.

Professor Z.K. Matthews? --- That is so.

R. Resha? --- That is so.

A. Hutchinson? --- That is so.

F. Mathole? --- That is so.

C. Mayekiso? --- That is so.

J. Nkadimeng? --- That is so.

W. Mkwayi? --- No, I haven't got that name.

Have you got the name of Mqotha? --- That is so, My Lord.

G. Sibande? --- That is so.

And L. Ngoyi? --- That is so, My Lord.

These people, Mathole, Nkadimeng, Mayekiso, 5
Sibande, Ngoyi, Resha, they are all the people who are
the Accused in this case? --- That is so.

Do you remember that the other names were added,
the other people also became members of the National
Executive, Tshunungwa, Moretsele and Simelane. Now you 10
won't find it in that document, but do you remember? ---
That is so.

They also became members of the National
Executive, Tshunungwa, Moretsele and Simelane? --- That
is so. 15

Tshunungwa and Moretsele are also Accused in
this case. Can one take it that these people who served
on the National Executive over the period 1952-1955, and
1955 onwards, can one take it that they performed their
duties conscientiously? --- Do you mean the people included 20
in this list?

Yes. You can leave out the name of Vundhla,
he was expelled, and we might deal with him later. But
the other people, members of the Executive, did they
carry out their duties conscientiously as far as you 25
know? --- I would just like to be clear on one thing.
There - The members that we have here are those that
were elected in...?

1952 to 1955, and 1955 to 1956, during that
period. Now these people on the National Executive, did 30
they carry out their duties conscientiously? --- Yes, My
Lord.

And I take it it would be part of their

activities to keep themselves informed of A.N.C. policy of A.N.C. practice and trends in the African National Congress? --- That is so, My Lord.

And I also take it that these people by virtue of their office are hardly likely to be under any illusion 5 as to what Congress policy and Congress activities are? --- I would take it so, My Lord.

And they would generally speaking, be as qualified as you are to speak on Congress policy and activity as far as it relates to that period? --- I would say they 10 should.

Who were the members of the Working Committee during the period 1952 to 1956? --- I am afraid My Lord I wouldn't remember from memory the members of the Working Committee, I am sorry, at this period. 15

They were - the one qualification that they had to have was that they had to stay within a radius of fifty miles from Johannesburg, is that correct? --- That is so, My Lord.

Now looking at this list of 1952, Sisulu, was 20 he on the Working Committee during the period 1952 to 1955? --- My difficulty there, My Lord, is that at some stage Sisulu was debarred from participating in Congress, and then Mr. Tambo came in. I cannot just recall the year in which Mr. Sisulu was debarred. 25

The period - during the period prior to these bannings...? --- Yes, prior to his banning, yes.

Prior to his banning he was on the Working Committee? --- Yes.

Mr. Tambo I take it would have been on the 30 Working Committee? --- As I say, I don't remember from memory, but I would think he would be.

You see, this Working Committee as you said has a very important function, and you as the National President, you were ex officio also the head of the Working Committee? --- That is so, My Lord.

I want you to the best of your ability to give the names of people that to your knowledge were on the working committee during the period 1952 to 1955? --- My Lords, I must say that I don't know if I would recall the names of people that served the Secretary-General, and men like for instance Tambo, I am afraid I wouldn't remember to give the list insofar as names are concerned.

If I put a few names to you, would you be able to remember? --- My Lords, do you mean merely reading the names and saying was this man on the Working Committee or was he on the Executive? I am afraid - what I am trying to say is this that there is a long list of Executive, I wouldn't guarantee to say that I would say he was Working Committee, he was Working Committee.

So you are not in a position to give that information, is that correct? --- I am not in a position to remember that information. Of course that information would be contained in our records. I am not in a position to remember the names of people.

Could you find out? --- Well to the extent that our records might be available, unless they are taken by the Police.

Would you endeavour to find out who the people of the Working Committee were during 1952-1955 and 1955-1956. When did Mr. Nckwe become Secretary-General? --- Mr. Nokwe became Secretary-General in the last election, that was 1958.

Would it be correct to say that the African

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