

19709.

must take every form possible, for example meetings, demonstrations, petitions and resistance. Now My Lords, the resistance is not further described in the document which I will quote. They however propagated the view that other forms of struggle would be evolved and that the choice of form of struggle must be left to the leaders in each area. The document is C.1086, Forward to Freedom, already quoted, at page 2182, line 18 to 20 : "The government's wish to foist passes on women presents the Congress movement with an ideal opportunity to wage a campaign against passes in general". Then at page 2182, line 25 to line 6 : "The struggle against pass laws must take every form possible, in order that the maximum number and strongest blows shall be delivered to fight against the government's policy. There must be meetings, demonstrations, petitions, resistance and other forms of struggle which the people are sure to evolve themselves. Exactly which form of struggle will be employed will vary from area to area. The choice of the form of struggle must be left to the leaders in each area, they are the best judges of what the people in their area are capable of doing at any particular stage.

Then also My Lords, the document I.J. 92, Annexure B.6., there is a report by the National Consultative Committee on the struggle against passes, at page 1454 line 5 to line 8 it said : "We must rely on good sense, responsibility and sensibility of our leaders. They must weigh up every stage of the campaign what the state of organisation and preparedness is." My Lords, in regard to the first document I quoted, the witness Helen Joseph gave evidence on this document,

19710.

and her evidence starts at page 14110 and the portion I wish to refer to is at page 14130, line 17 to page 14131 line 28. In my submission what she said amounted to this, in order that the maximum number of strongest blows shall be delivered is political language, and it can't be taken in the literal sense. Then she says the document names non-violent forms of struggle, and it is all within their Congress policy. She then explains "the other forms of struggle" could have no meaning other than that in the non-violent programme. My Lord, I am not relying on the fact that this means anything else than it says, that those are the forms of struggle which they will use in this campaign. I am not relying on that that it means violence, but I am relying that it means mass action, extra-parliamentary.

Not only did the National Consultative Committee propagate the view that the ruling class will not easily be forced to give up the pass system, but also warned the people that the victory and resistance to passes by women will only be temporarily till the government can muster greater force and attack in a new direction. For this reason the National Consultative Committee propagated the view that it must be a joint campaign of men and women and that the aim must be not only to end the pass system, but also to end the government which upholds it. That is from the document quoted, P.J. 92, My Lords, Annexure B.6, the report of the N.C.C. on the Struggle Against Passes at page 1451, line 27 to page 1452 line 4 : "But even a temporary victorious resistance of the women to the present attack will not end the struggle against

19711.

the pass laws. Alone it will only postpone the day of the attack until the government can muster greater force. It will only be a breathing space before a new attack in a new direction. This must be a joint campaign of men and women, whose aim is to end the pass system and the government which upholds it."

The National Consultative Committee propagated the view that the struggle against passes should not only consists of acts of passive resistance because this was not the only way or even the best way, because there was a prospect, as the Western Areas Removal Campaign had taught them, that the government might use overwhelming force against passive resisters. That is also My Lord from the document P.J. 92, at page 1452 line 23 to page 1453 line 5. "But this is not the only way to fight, nor even the best way. Even widespread acts of passive resistance alone cannot in the long run deter the government from its course, if it is determined to use all its force, authority and power to force its will. This was one of the lessons taught us by the Western Areas Removal Campaign, which we cannot forget. We must not let our enthusiasm blind us to the prospect of overwhelming government force, mass deportations, sackings from jobs, evictions from homes et cetera, which can be unleashed against passive resisters to break their resistance. Passive resistance is good and effective, valuable at the right time and the right circumstances, but it is not the only way."

Then it is submitted My Lord that the National Consultative Committee held the view that the extension

19712.

of passes to women had caused the people to be more indignant than ever before, and that this gave them a golden opportunity to mobilise for action, that this great potential force had to be harnessed by a systematic campaign to educate the masses. That is from B1259, My Lords, the Memorandum on Anti-Pass Campaign, National Consultative Committee, which was attached to the 44th Annual Conference of the A.N.C. Transvaal, 1956. It states at page 1340, line 15 to line 29 : "Although the A.N.C. has been the bitterest opponents of the pass system and has carried out a struggle against the system in one form or another, never until now have the people been so indignant, never has the opportunity of mobilising for action been so ripe. But the harnessing of the great potential force will largely depend on a systematic campaign and on the systematic organisation which must be undertaken, the house to house campaign, yard to yard, location to location, factory to factory, towns, likewise in the countryside. The need for the moment is to conduct a countrywide extensive campaign to educate the masses of the people on the issue of the passes and their extension to women." Then this states, P.J. 92...

MR. JUSTICE RUMFF :

The words "golden opportunity" is not taken from that quotation is it, in your submission.

MR. TERBLANCHE :

My Lord, I am reading two further quotations which I have listed there. P.J. 92, I refer to the Annexure B.6, the Struggle Against Passes, page 1450 line 10 to line 18 : "Is this a new struggle? The struggle against passes has gone on, sometimes fiercer, sometimes quieter

19713.

for many years. The new round of struggle which is opening as a result of the threat to extend the passes to African women, does not mark the beginning of a new struggle, but only a phase. It opens up the possibility of widening and making changes in the whole struggle against passes, and of rousing great sections of the people for the struggle." Then at page 1451, line 5 to line 16 it says : "The present struggle against passes for women can well prove to be the decisive turning point of the whole long drawn out war. There is no aspect of the pass system which will cause such bitter opposition as this, and the present situation therefore enables us to bring thousands of new militant fighters into the struggle, to rouse those who have become accustomed to and tolerant of the pass laws for a new effort and to awaken the conscience and the resistance of those sections of the people, White, Coloured, Indian, who do not themselves directly suffer under these laws." My Lords, the word "golden" was my own word.

The National Consultative Committee, I submit My Lords, propagated the view that in the struggle against passes victory could not be won by a single action of the people, because the pass system is the foundation of the whole cheap labour system in South Africa, and that the ruling class will not easily be forced to give it up and that final victory for the people against passes and thus against the cheap labour system can only be achieved by the overthrow of the ruling class and by the achievement of the Freedom Charter as the ruling policy of South Africa. That is from B.259, My Lord,

19714.

again a Memorandum on the Anti-Pass Campaign, already quoted, page 1341 line 5 to line 21 : "In such a long drawn out war as the war against the pass laws, it would be foolish to expect that victory can be won by a single action of the people. The pass system is the foundation of the whole cheap labour system in South Africa, and the ruling class will not easily be forced to give it up. It follows that victory in the struggle against pass laws must not be looked for in every minor skirmish against the enemy. In a long drawn out battle there are many minor victories, minor defeats, many advances, many retreats, but final victory for the people which means the end of the cheap labour system in South Africa can only be finally achieved by the overthrow of the ruling class and by the achievement of the Freedom Charter as the ruling policy of South Africa."

And also, My Lords, from P.J. 92, already quoted, N.E.C. Report on the Struggle Against Passes, page 1450 line 20 to page 1450 line 3, it is in practically the same words as the previous one and I am not reading that one.

And then the National Consultative Committee propagated the view that the forms of struggle can be active and passive, demonstrations and strikes, petitions and meetings, boycott and resistance and disobedience, and the one to be used must be appropriate and possible at the time. That is from P.J. 92, page 1453 line 9 to line 31 : "There are other ways of struggle against the pass laws, each of which has its place. Pass laws can be fought by demonstrations and strikes, by petitions and meetings, by boycotting and resistance, and disobedience, by active struggle as well as passive. Which of

19715.

these ways is the best? This can only be conceived in the precise circumstances in which we find ourself in each area at any one time. Sometimes one and sometimes another. We must learn from the errors of the Bantu Education and Western Areas Campaigns not to be rigid, formal and tied by preconceived ideas about the only possible way of forms of action which do not fit the circumstances. We must be ready to use any and every means of struggle which are appropriate and possible at any time, and which advance us to our goal. The campaign against the new passes for women must not therefore be allowed to stand or fall by the success or failure of passive resistance by the women. The campaign must be conducted as befits a long drawn out war, with flexibility and skill, now using one weapon, now another, now passive, now active."

My Lords, the National Consultative Committee propagated the view that it was Congress policy that in the struggle only mass action should be used and that they should be bold when the time for action comes. This comes from the same document, My Lord, I.J. 92, at page 1454, line 13 to line 21 : "We must beware of calls to action which do not lead all the people into action but serve only to cut the militant vanguard off from the masses. But we must be active, organising, explaining, agitating the people, preparing them for struggle and we must be bold when the time for action comes. Mass work, mass agitation dealing with the struggle, this is the ABC of Congress policy on the pass laws."

Then My Lords, I submit that the next quotation is a report - the next quotation in which they report

19716.

what the women of Winburg did, that they there propagate the view that the action of the women in Winburg in burning their passes has fired women everywhere with a new determination not to accept the passes. The document is A.G. 55, a letter from the National Consultative Committee to the Midlands Region, dated the 21st April, 1956, and the leaflet, Women Reject Passes attached, page 4175, line 6 to line 13 : "The Winburg women have rejected the hated passes which were issued to them. They took them back to the government official who had deceived them into accepting them, and when they - when he refused to take back the passes, they burnt them. Some of them have been arrested. This action has fired women everywhere with a new determination not to become victims of the pass laws."

My Lord, then I deal shortly with the linking of the campaigns with the Freedom Charter.

The National Consultative Committee had to popularise the Freedom Charter, that has been admitted. In carrying out the campaign for the Freedom Charter the National Consultative Committee had to integrate that campaign with all the other campaigns and agitation on daily issued such as Bantu Education, the Evaton bus boycott and the Population Registration Act. That is C.1082, My Lords, the Plan of Campaign for the Collection of Signatures for the Freedom Charter, page 2174 line 5 to line 10, and page 2176 line 31, to page 2177 line 5.

MR. JUSTICE BEKKER :

How is this linked up with the Consultative Committee?

19717.

MR. TERBLANCHE :

My Lords, it deals with the collection of signatures which was something specially - which the National Consultative Committee was really called into existence for. C.1082 is a roneed document, unsigned, undated, headed Plan of Campaign for the Collection of Signatures for the Freedom Charter. That is all it says, My Lords, and it was found in the possession of the South African Congress of Democrats. My Lords, there is a reference to the National Consultative Committee in the document, page 2176, it says at line 29 : "Why then is there a need to state, because this approach to the Charter has not yet soaked through to all our activities. On the national level the National Consultative Committee needs to discuss how to win support for the Freedom Charter." That is the only reference to the National Consultative Committee, showing that at a time when this document was drawn, My Lords, it was actually in existence. But I do not feel quite certain, My Lord, that this document was drawn by the National Consultative Committee, and it is possible that it was drawn by some other organisation. I suggest that we delete this.

Then the next submission My Lord is that the National Consultative Committee propagated the view that the Freedom Charter co-ordinated all the struggles of the people and that it is the picture of the South Africa they want. That is from A.M. 30, My Lords, which is the bulletin of the Transvaal Consultative Committee dated the 12th of October, 1955, at page 3385 line 24 to line 30 : "The Freedom Charter is a live

19718.

document, the testimony of the people of South Africa to be free, it is a fighting document, a Charter of the struggle for freedom, it and co-ordinates all the struggles of the people. It stems from the demands of the people, it contains their deepest aspirations and is a picture of the South Africa they want." At page 3388 line 4 to line 7 : "Every struggle of the people whether it be against the Bantu Education Act, the Senate Bill, the Population Registration Bill, demands for better working conditions, all these things have their place in the Charter."

Then My Lords the National Consultative Committee propagated the view - next My Lord, also the Transvaal Consultative Committee propagated the view that the Freedom Charter must be translated into the daily Congress activities, and every small event must be put into its true perspective in the liberatory struggle by reference to the Freedom Charter. That is from J.K. 16, Forward to Freedom, bulletin of the Transvaal Consultative Committee, it is undated, at page 2529 lines 3 to line 9. This is taken word for word from the quotation and I don't propose reading it.

Then My Lords, the Transvaal Consultative Committee supported the Bantu Education Campaign and the boycott of the schools and propagated the view that as the people came to accept the Freedom Charter, the task for education of a school boycott would become easier, for the one embraced the other. That is from C.1086, Forward to Freedom, a Transvaal Consultative Committee bulletin, dated 1.3.1956, page 2184 line 9 to line 22 : "In 1956

19719.

the liberation movement calls for the intensification of the school boycott. This can only be achieved by extensive propaganda and personal contacts. Cultural clubs will have great propaganda value for they show how alternatives can be provided, whereas in 1955 hundreds of parents decided to withdraw their children without any full knowledge of what would be done. But the boycott must depend upon the conviction of the parent, the conviction that will only be achieved by persistent and patient education. As the people come to accept the Freedom Charter, so will the task of education for a school boycott become easier, for the one embraces the other".

My Lord then shortly, just on the next heading Study and Support for Publications. The Transvaal Consultative Committee held and propagated the view that all workers in the Congress movement should study in order to make the correct decision and make it a task of the volunteers to read and study the following publications, for this purpose, namely New Age, Congress Voice, Liberation, Fighting Talk, and the S.A.C.T.U. bulletin, Workers Unity, Sechaba and Peace Council bulletins. In addition volunteers were given the task to sell New Age and Liberation, That is from C.1086, Forward to Freedom, bulletin of the Transvaal Consultative Committee already quoted, at page 2183, line 20 to page 2184, line 3;: and page 3398, A.M. 32, T.C.C. bulletin, - a Transvaal Consultative Committee letter to the Secretary of the Witwatersrand Local Committee of the S.A.C.T.U., 11.6.1956. It says : "Task Three. Every single volunteer must sell

19720.

at least twelve copies of New Age every week, and three copies of Liberation every month. Task Four : Every single volunteer is required to read carefully, to study and discuss in his group every issue of the following publications : New Age, Liberation, Workers Unity, S.A.C.T.U. bulletin, Congress Voice, A.N.C. bulletin, Sechaba, Transvaal A.N.C. bulletin, Peace Council bulletin, Fighting Talk."

The National Consultative Committee also arranged and conducted study classes for volunteers every week to study (a) the building of strong trade unions and (b) national liberatory organisations; (c) the Freedom Charter and (d) National liberation. That is from A.M.32, the same letter quoted above, My Lord, page 3389, lines 16 to 21 : "Task 6. Each volunteer group meets once a week. Every volunteer will attend this meeting, which will be a study circle to discuss the building of strong trade unions, national liberatory organisations, the Freedom Charter and national liberation."

MR. JUSTICE RUMFFF :

You say the Transvaal Consultative Committee also arranged and conducted study classes for volunteers every week?

MR. TERBLANCHE :

My Lords, may I alter it to "instructed that there should be".

My Lord, just one last document in regard to Freedom Volunteers, that is the one quoted, in this regard it is submitted that the Transvaal Consultative Committee propagated the view that volunteers should be

19721.

elected from the most able, courageous, consistently reliable Congress men. This is from the same letter A.M. 32 just quoted, at page 3388k line 22 to line 24 where it states that : "From among the most able, courageous, consistent and reliable Congress members Volunteers shall be elected and formed into volunteer groups."

My Lords, that completes the argument on the National Consultative Committee, the provincial committee, and I have worked out all the searches where these documents were found, but I undertake to have it typed, My Lords, with the page references and hand it in to the Court later.

My Lord, may I just return to the document N.T.N. 7, Schedule 10, page 2. My Lords, I wish to refer Your Lordships to the evidence of Dr. Conco at page 10943, and he is asked this : "Dr. Conco you also opened the second meeting of the Coastal Region of the Congress of the People on the 12th of June, 1955? --- I don't seem to remember that very well."

"I get that from a document which was handed in marked N.T.N. ?
N.N.M. 7, which is a press statement issued by the National Action Council of the Congress of the People. N.T. Naicker, did he represent the Congress of the People in any way? --- Yes, he did, he was at the Congress of the People as well, he was in the National Action Council".
"And was he authorised to issue statements on behalf of the National Action Council of the Congress of the People? --- Yes".

"Now this is a press statement in which it says that you opened the second meeting of the Coastal Region of the

1972.

Congress of the People in Durban, do you remember that?
---Yes, I remember that, I was chairman at that meeting
and then I left afterwards. I think it is that meeting
you are referring to."

My Lord, this doesn't definitely state that this
one was issued, but N.T. Naicker was authorised to issue
press statements, and this one refers to a meeting which
Conco admitted he attended.

My Lords, my learned leader Mr. de Vos will
now argue the next portion of the case.

Collection: 1956 Treason Trial
Collection number: AD1812

PUBLISHER:

Publisher:- Historical Papers, The Library, University of the Witwatersrand

Location:- Johannesburg

©2011

LEGAL NOTICES:

Copyright Notice: All materials on the Historical Papers website are protected by South African copyright law and may not be reproduced, distributed, transmitted, displayed, or otherwise published in any format, without the prior written permission of the copyright owner.

Disclaimer and Terms of Use: Provided that you maintain all copyright and other notices contained therein, you may download material (one machine readable copy and one print copy per page) for your personal and/or educational non-commercial use only.

People using these records relating to the archives of Historical Papers, The Library, University of the Witwatersrand, Johannesburg, are reminded that such records sometimes contain material which is uncorroborated, inaccurate, distorted or untrue. While these digital records are true facsimiles of paper documents and the information contained herein is obtained from sources believed to be accurate and reliable, Historical Papers, University of the Witwatersrand has not independently verified their content. Consequently, the University is not responsible for any errors or omissions and excludes any and all liability for any errors in or omissions from the information on the website or any related information on third party websites accessible from this website.