

chaos. Both sides know that the point will come when after strong opposition from both sides, the point will come when either or both sides will have to make concessions in their own interests. This My Lords is the essence, the principle of collective bargaining, and my comparison with the Defiance Campaign lies in this, that I do not concede that the Defiance Campaign would ever, even if it had been carried on interrupted, have reached the point where the country would have been plunged into chaos. Long before that point could have been reached it would have been realised that concessions of some sort would have to be made, and it would be at that point that negotiations would start. 5 10

X BY MR. JUSTICE RUMPF :

In the position in this case as far as the state is concerned, that the workers in the factory intended to take over the factory? --- No, My Lords. 15

And to work it for their common interests? --- No, My Lords, but the workers in the factory are struggling firstly for improvement in their conditions. 20

I am really putting it on the basis of the Freedom Charter? --- The Freedom Charter My Lords is a longterm objective. The Defiance Campaign was waged against six specific Acts and was for their repeal.

X BY MR. ADAMS :

25

Mrs. Joseph, what would you consider to be the result of the Defiance Campaign? --- My Lords, I assessed the results of the Defiance Campaign as being firstly it had a profound effect upon the non-European people. It brought to them a realisation that they must unite together to struggle for their own purposes. I think that it greatly increased the strength of the 30

liberatory organisations. At that time it was the African National Congress and the South African Indian Congress. And thirdly I return to the point I have already made, and that is that the Defiance Campaign did have the result of making European White people realise the effectiveness and the need and the justification for extra-parliamentary activity amongst the non-European people. And this I think indisputably led to the establishment of two political organisations, the South African Congress of Democrats, which was the first European organisation to take this stand with the Congresses, and to accept the necessity for extra-parliamentary activity in addition to the normal channels of parliamentary pressure, and a little later the establishment of the South African Liberal Party which provided a political home for Europeans who had I think been effected by the Defiance Campaign, but who were not then ready to take the same stand with the South African Congress of Democrats.

Would you say that the Defiance Campaign played a revolutionary role in the liberatory struggle? --- I would say so, My Lords, in the sense of being revolutionary in the meaning of being a new accepted type of activity. There had been sporadic extra-parliamentary campaigns before this, but I think that this could be accepted as the first major campaign of that nature and it was revolutionary by way of contrast with the previous methods of deputations and petitions.

Would you look at page 464, line 20, where the following appears : "The formation in the latter part of 1953 and for the purpose of gaining further segments of the Union population for the liberatory movement of

the South African Peace Council, the South African Congress of Democrats, the South African Coloured People's Organisation, the South African Indian Youth Congress and the formation in April, 1954, of the Federation of South African Women and the formation in March, 1955, of the South African Congress of Trade Unions". Have you any comment on this? --- My Lord, my comments on this are that it is incorrect to suggest that these organisations were formed merely for the purpose of gaining further segments of the population for the liberatory movement in the sense in which the Crown uses that expression. All of these organisations had a specific purpose to take up the grievances, to attend to the needs of the specific group. The Federation of South African Women, for example was formed to deal with these specific needs of women. South African Coloured People's Organisation, the South African Congress of Democrats, were formed for specific work amongst their own sections of the population. South Africans - the South African Congress of Trade Unions likewise was first and foremost a federation of Trade Unions and had its roots in the trade union circles and in the trade union movement. These organisations certainly played their part in the liberation struggle, but it is quite incorrect to assume that they were formed for one purpose only.

Would you look at page 265, line 2, "The nature and extent of the early collaboration between the A.N.C. and the S.A.I.C. made clear that these two organisations took the initiative in the adoption of unlawful and extra-parliamentary action. The evidence will show that before the beginning of the period alleged in the Indictment, these two organisations were

committed to some form of revolutionary activity,  
revolution not seen as a sudden episode, but revolution  
as the consummation of a long and flexible process  
involving boycotts, strikes, civil disobedience and  
stoppage of work." What is your comment on this 5  
passage? --- My Lords, I want first to comment on the  
suggestion of the early collaboration between the A.N.C.  
and the S.A.I.C. I understand by this that the Crown is  
referring to their collaboration in the Defiance Campaign,  
but My Lords, the African National Congress and the South 10  
African Indian Congress had in fact collaborated several  
years before that. During the period between 1940 and  
1950, on more than one occasion these two Congresses  
took the decision to act jointly. I want My Lords, to  
deal then with what the Crown has put forward as revolu- 15  
tionary activities. They say the revolution is not seen  
as a sudden episode, but revolution as the consummation  
of a long and flexible process involving boycotts,  
strikes, civil disobedience and stoppage of work. My  
Lords these examples quoted by the Crown are all examples 20  
of non-violent activities. They are in fact the very  
examples quoted in the 1949 Programme of Action. It  
would seem to me therefore that any revolution which is  
the consummation of a long process of non-violent  
activities would be no violent and forcible revolut on 25  
but a revolution in terms of non-violence, in other  
words, My Lords, the type of realisation of our aims which  
we envisage.

BY MR. JUSTICE BEKKER :

Mrs. Joseph, there is just something which 30  
I would like to put to you, and to you too Mr. Adams,  
there is a lot as I see it of argument being advanced at

this stage. I suggest it may expedite the proceedings if you could cut out argument and confine the witness to facts. I don't know if you follow what I mean. She is advancing a comment on this which is really argument and which can come later, but at this stage we are really 5 interested in the facts, not argument.

BY MR. ADAMS :

My Lord, could we continue on this basis until the adjournment?

BY MR. JUSTICE RUMPFER : 10

Well, this was a particularly bad example of that, because she is asked to comment on this particular paragraph in the address of the Crown, and it is now truly a comment on the Crown's address, and now we are not at this stage in fact interested in any comment on the 15 Crown's address. As a matter of fact we are not interested in the Crown's address at all, anymore. We are interested in the evidence that has been led and is being led and the argument which will be advanced on that evidence. But as I have said, you have brought out 20 evidence which in a general way does cover certain points, and it may be a convenient way to deal with this witness, to lead her on this basis. But this is a typical example really of something which purports to be evidence and isn't evidence, but is argument. But proceed in the 25 meantime.

BY MR. ADAMS :

My Lord, I have always considered it to be allegations that have been made against the Accused, and as such I have prepared the evidence in this form to give 30 Your Lordships the correct version of what the position was.

BY MR. JUSTICE RUMPF :

Well, proceed. We may indicate that the witness be short on a particular point, but you just proceed as you have prepared your evidence.

BY MR. ADAMS :

5

We now go to the Peace Council, and reference is made on page 465, line 18. It reads : "The S.A.P.C. was formed at Johannesburg at a Conference held on the 22nd and 23rd August, 1953. Resolutions passed at this Conference show its objects to be profoundly anti-  
capitalist, anti-imperialist and anti-colonialist. It condemned the South African government policy internally and externally. The S.A.P.C. regarded South Africa as a member of the war-mongering bloc, a country eager to plunge the world into the devastation of further wars".  
Will you please comment on that? --- My Lords, my comment here is that I was myself present at that Conference, and while I would agree that the resolutions showed the objects of the South African Peace Council to be anti-imperialist and anti-colonialist, I do not recall that they showed the South African Peace Council to be profoundly anti-capitalist. The objection of the Conference..

X BY MR. JUSTICE RUMPF :

Is there any significance in the word "profoundly" anti-capitalist, in your own evidence? --- I think I have taken it from the Crown's Opening Address, My Lord. As I remember that Conference, the resolutions that were passed against imperialism and colonialism were because Conference considered that imperialism and colonialism can be regarded as a cause of war, and therefore those resolutions did attack these policies. It is true as far as I remember that the South African

government policies, both internally and externally may have been attacked. That was because the Conference did consider that the government's policy of apartheid is a threat to the peace of South Africa. As far as the government's external policy is concerned, at that time I think it is correct to say that there was considerable discussion on the proposals that had been stated of possibly sending South African troops to Kenya and also of the participation of the South African Government of the war in Korea. There was also considerable discussion on the use of South African's supplies of uranium and a strong desire that these supplies should be used for peaceful purposes only. 5

X BY MR. ADAMS :

Were you a member of the South African Peace Council? --- I became a member after that Conference. I wasn't elected a member until till later through the Transvaal Peace Council. 15

COURT ADJOURNS.

20

COURT RESUMES :

HELEN BEATRICE MAY JOSEPH, under former oath;

EXAMINATION BY MR. ADAMS CONTINUED :

I want to put to you a further passage in regard to the South African Peace Council. It appears on page 465 of the record, and it reads : - the extract is from the first Conference of the S.A.P.C. and it reads : "If we want peace, we must support national liberation movements of colonial people. We are concerned with the prevention of war and if we can put our finger on colonialism as a definite cause of war, then it is common

sense to throw in our lot to resist imperialism." What is your comment on that? --- My Lords, my comment on this quotation is that I think it expresses quite clearly the attitude of the South African Peace Council. It was the opinion of the Peace Council that imperialism and colonialism may be regarded as a cause of war. In fact I should put it more strongly, the opinion is that they should be regarded as a cause of war. The object of the South African Peace Council was to promote peace, and therefore they were and are vitally concerned with the prevention of war. If people in colonial countries who are struggling for their independence are to be involved in armed conflict, then it is obvious that that will be a danger or a threat to peace. But nevertheless, the liberation of these peoples in itself is essential to world peace, and that is why the South African Peace Council said that if we can put our finger on colonialism as a definite cause of war, then it becomes common sense to resist imperialism. I take that passage, My Lords, as indicating that the - or rather concerning the attitude of the South African Peace Council, that colonialism is to be regarded as a definite cause of war, and that would explain the anti-imperialist attitude of the South African Peace Council as reflected in their resolutions.

I would like you to look at Exhibit 248, an extract of this Exhibit is quoted in the Opening Address at page 466. The Exhibit number is A. 248, My Lord. The extract quoted appears under the heading "Part One", and it reads : "The overwhelming majority of the people of South Africa are whatever their views on other matters, opposed to war. At the same time the opinion is widely held that our country is so far



removed from any possible war theatre that our peace activities can have so little effect on the course of events, that therefore energies should be expended on what are regarded as more urgent and pressing problems. The struggle for liberation is regarded as completely independent of the work for peace, and the C.O.F. and Freedom Charter as having no connection with the struggle for peaceful co-existence." Then on page 2, the first paragraph : "While the Peace Movement must not usurp the functions of the liberation movement nor lose its independent character, it must start from the viewpoint that every conquest won in the cause of the struggle for national liberation, constitutes an advance of the peace forces over the forces of aggression, and every success of the peace movement represents an advance for the forces of liberation over the forces of aggression and oppression". What is your comment on that? --- My comment on that, My Lords, is that these two passages together represent the trend of thought within the South African Peace Council. There had been some difficulty at the outset in what should be the stroke (??) of the South African Peace Council, and there had been the school of thought referred to in the first of these passages, that it would not be very effective for there to be a Peace Movement in South Africa because we were so far removed from the theatre of war in the experience of the recent war, and there were people who thought that it might be a diffusion of our energies to take up the struggle for peace in addition, as it seemed to them, to the struggle for liberation. But the South African Peace Council itself finally took and held the view that the struggle for liberation is in fact an integral part

of the struggle for peace, and that that would apply both in South Africa and in other countries in relation to world peace. We therefore tried to make clear what the true function of the Peace Movement should be, and pointed out that although the liberation struggle and the struggle for peace are indivisible, the Peace Movement itself must not in any way usurp the functions of the liberation movement, nor lose its independent character, for the reason that there are many people in South Africa who might be consciously aware of the desperate need for a peace movement, people who had been shocked and appalled by the casualties of the recent war, people who were shocked and appalled by the implications of the developments of science in relation to atom warfare and weapons of mass destruction. But those people might not yet see in the conditions in South Africa further threat to peace. The peace movement felt it should be wide enough to embrace all people who were genuinely striving for the elimination of mass warfare and for the end of wars, but at the same time it would never cease to emphasise the relationship between the liberation struggle in South Africa, and the actual cause of peace. So from that point, the South African Peace Council took the point of view that insofar as the liberation struggle is related to the struggle for peace, every advance in a struggle for liberation must of itself advance the cause of peace.

According to the Crown the S.A.P.C. regarded the struggle for peace in South Africa as indivisible and that in consequence of all those working for peace, peace as they saw it was destruction of the present state and the replacement by a different one. Is this allegation true? --- My Lords, I want to say

that this allegation against the South African Peace Council is completely untrue. The Crown states the greatest concern of all those working for peace was a destruction of the present government and its replacement. I have already stated, My Lord, that insofar as the Congress movement is concerned, it is not our intention to destroy the present government. Our intention is that it would take on a multi-racial character, but that does not involve its destruction. And that is equally true of the South African Council for Peace. To me it seems illogical to suppose that the South African Peace Council which is formed to promote peace and which is totally opposed to violence and warfare, should support any suggestion of the destruction of a government which could involve force or violence.

BY MR. JUSTICE BEKKER :

In what light did the Peace Council regard the present government? Was it a colonial or imperialistic government? --- I don't think the South African Peace Council would regard the present government as either imperialist or colonial.

Where did it place it? --- I assume that it regarded it as a capitalist government, but mainly as a racial government elected by one section of the people only. I think perhaps it is not correct to describe a government as a capitalist government, but they regarded it as a racialist government, but neither as imperialist nor colonial.

BY MR. ADAMS :

Mrs. Joseph, still on page 466, on line 30, 30 the quotation from the Crown's opening address, "The Crown will seek to show further that the South African Peace

Council was part of the world peace movement, and that the South African Peace Council slavishly followed communist policy in respect to foreign relations." Did the South African Peace Council slavishly follow communist policy? --- My Lords, I want to say that in my understanding of the South African Peace Council, we did not slavishly follow any policy in respect of foreign relations. South African Peace Council would support any country which genuinely strove to promote peace, no matter whether that country was what is called a communist country or not. 5 10

What do you understand by...

BY MR. JUSTICE BEKKER :

In this regard, how did the Peace Council regard Russia? As a country genuinely out for peace or not? --- Mainly My Lord, I think the South African Peace Council did regard Russia as a country that was genuinely striving to promote peace. I would like though to qualify that by saying that when the question of Hungary arose the South African Peace Council did not support either side in that dispute. 15 20

BY MR. ADAMS :

What do you mean by peace? --- My understanding of peace, My Lords, is that peace is something that is positive. It cannot to me be merely the absence of armed conflict, a period of armistice perhaps between conflicts, it must be a state in which people can live in freedom and security without fear of strife. It must be peace - peace must be peace the total abolition and outlawing of weapons of mass destruction, and the elimination of armed conflict. That My Lords is what I understand by peace. 25 30

We now pass on to the South African Congress of Democrats. On page 467, line 13, there appears a quotation from a circular issued by the Springbok Legion on the 15th June, 1953. It is Exhibit C. 292, My Lord. The quotation from the exhibit is : "The strategic need in 5 the struggle against fascism is to mobilise the people in active opposition to the fascists and their programme, to prepare the people for decisive action to defeat the fascists. In the situation which obtained in South Africa where the non-White people are being effectively 10 mobilised by the A.N.C., S.A.I.C., the need is for a national organisation amongst Whites capable of mobilising all who are prepared to wage a militant extra-parliamentary struggle for democracy in South Africa, and who will accept the non-White organisations and people as allies." 15

Do you know anything about the Springbok Legion? --- My Lords, I must state at the outset that I was not myself a member of the Springbok Legion, but as a member of the Executive Committee of the Congress of Democrats in the period prior to the information of the South African 20 Congress of Democrats, we were very closely in touch with the Executive Committee of the Springbok Legion. I know it to be an organisation during the war of servicemen and women and after the war of ex-servicemen and women. And I know that the Springbok Legion itself came to an 25 end shortly after the formation of the Congress of Democrats, because it had realised that the very people whom it was serving had now become reabsorbed into their civilian life and it was felt that the Springbok Legion itself could no longer function effectively for other 30 than a purely welfare organisation, and therefore it supported the suggestion for there to be a new organisation

the South African Congress of Democrats. It is however, incorrect to say that the South African Congress of Democrats was any amalgamation of the Springbok Legion and the Congress of Democrats. There was no organisational amalgamation. It was left to the choice of the individuals in both cases as to whether they would join the new organisation or not. 5

Have you read this circular C. 292? --- I have read the circular.

Would you say that it expresses the policy of the Congress organisations? --- I would say that it is very closely in line with the policy of the Congress organisations in that it stresses the need for extra-parliamentary action. 10

Mrs. Joseph, also on page 467, the Crown refers to the draft Programme of Action, Exhibit C. 281. It is the draft of the immediate Programme of Action which is alleged to have been drawn up by co-conspirator T.J. Hodgson. Do you know Mr. Hodgson? --- I know him. 15

Was Mr. Hodgson a member of the South African Congress of Democrats? --- Mr. Hodgson became a member of the South African Congress of Democrats, but at the time when that document was prepared, the South African Congress of Democrats was not in existence. 20

Was this document read at the inaugural meeting of the South African Congress of Democrats? --- Yes, it was there, it was read there, it was presented as a paper for discussion. 25

You were present at this Conference? --- Yes, I was. 30

Was it adopted by this Conference? --- No, My Lords, it was not adopted. It was read and discussed

at the Conference and it was decided by Conference that it should then be referred to the branches of the new organisation which was being formed for further discussion. It was not adopted at the Conference.

I would like to put to you Exhibit C. 342, 5 page 3, which reads : "Six: Papers, Road to Liberty and Programme of Action." Then it goes on...

BY MR. JUSTICE KENNEDY :

Mrs. Joseph, do you know if the Exhibit C. 281 was circulated? --- I don't know whether it was 10 circulated to the branches. I only know that in the Conference report it was a decision that it should be circulated, and I must presume that it was.

Do you know if anything further happened about C. 281? --- No, My Lords, I don't remember, in my 15 own branch ever discussing it, and as far as the National Executive to which I was elected, I do not remember that it ever came back again to the National Executive for any further consideration, but I am speaking from memory, but I think that I would have remembered if that were so. 20

BY MR. ADAMS :

On page 3 of this document, which is a Report of the South African Congress of Democrats, it is a Report of this inaugural conference, and on page 3 of this report, under "No. 6, : Papers, Road to Liberty and 25 Programme of Action. After discussion it was agreed to refer these to branches for further discussion." Is this correct? --- That is what happened to the best of my recollection, which is confirmed by the Report of the Conference. 30

The Programme of Action referred to here, is this document, The Immediate Programme of Action? ---

I understand it to be so. There was no other Programme of Action presented, I think it is an abbreviation of its title.

What is your comment, Mrs. Joseph, on the summary of the Crown of this document? --- My Lords, in 5 their Opening Address the Crown said that in this paper it was stated that only - the Crown says that in that paper it was stated that only extra-parliamentary action involving the masses of the people could defeat the Nationalist Government, and that the alternative to the 10 Nationalist Government was no longer a government of any of the White parliamentary political parties, but a democratic people's government elected by direct universal and equal suffrage. My Lords, it is correct that the paper states that in one part. I think it is on page 2. But 15 these are really three comments made by the writer of this paper. The whole of the paper itself really is an examination of the political situation as the writer saw it and emphasising the need for extra-parliamentary action. But in reading the whole paper, My Lords, I do 20 not get the impression that the writer intended to convey that there should be only extra-parliamentary action. I do not get that impression at all.

BY MR. JUSTICE KENNEDY :

What is C. 342? --- C. 342 is a report of 25 the South African Congress of Democrats held in the Trades Hall, Johannesburg, the 10th and 11th of October 1953.

“ report by the Executive? --- I should imagine it was a report made to the Executive. 30

By whom, do you know? --- I don't know. There was a National Secretary elected at the Conference,



and this person may have prepared the Report, it is not signed and it is a roneod document.

Would that represent any official view of the Congress of Democrats? --- My Lords, this contains some resolutions so far as resolutions are contained it would, but I was actually reading from another paper, from the draft Immediate Programme of Action. As far as the draft Programme of Action is concerned, My Lord, it represents the view of an individual. It was presented to the Conference over his name, and was the view of an individual. My impression of the paper as a whole is that because this idea of extra-parliamentary activity was to some extent new in relation to the White people amongst whom the Congress of Democrats would have to work, great stress was laid in the paper on establishing the need for this extra-parliamentary action. But the writer also made the point that the solution to South Africa's problems did not lie merely in the electoral defeat of the National Government and its replacement by the parliamentary opposition. The point was made very strongly that the only solution lay in the election of a people's government by universal franchise, a government which would represent all the people of South Africa.

BY MR. ADAMS :

Mrs. Joseph, has the C.O.D. ever called for a boycott of parliamentary elections? That is the South African Congress of Democrats? --- No, My Lords, it has not done so. In fact the South African Congress of Democrats has on more than one occasion assisted parliamentary candidates in elections and moreover the South African Congress of Democrats gave its full support to Mr. Lee-Warden as vice-chairman of the South African

Congress of Democrats when he stood as Native Representative in the Cape Western.

Did the Congress of Democrats nominate any other candidate for the parliamentary elections? --- Yes, My Lords. We have assisted, and we have nominated 5 representatives on two occasions.

Mrs. Joseph, I would like to refer you now to page 468 line 6, where the following appears : "The evidence will show SACOD soon became a very vigorous partner in the enterprise. The Chairman's Report to the 10 First Annual Conference of SACOD held at Johannesburg on the 24th June, 1955, states that during the twenty months preceding the Conference, SACOD had taken its place as an equal partner with the ANC, SAIC and SACFO in the people's struggle for freedom, and that the future of 15 South Africa would inevitably be decided by the struggle of the liberatory movement. It urged its listeners to join with the main Congresses in all struggles effecting the masses, and that no issue should be regarded as too small or insignificant in their struggle." What is your 20 comment on this passage? --- My Lords, my comment on this passage is that it is quite correct to state that the South African Congress of Democrats had taken its place as an equal partner with the African National Congress, the South African Indian Congress and the 25 South African Coloured People's Organisation. And I want to emphasise, My Lord, that this is to some extent a reflection of the pattern of a multi-racial democracy which is envisaged by the Congress movement. The South African Congress of Democrats is small in 30 numbers compared to the South African Indian Congress and the African National Congress, but despite this

we have been accepted in the partnership on the basis that we represent a section of the population of the Union. I would however, My Lord, say that although there is equal partnership in the sense that major decisions are taken in full consultation between all the Congresses 5 nevertheless each Congress is independent insofar as its own organisation is concerned and to this I would add that the Indian Congress, the South African Coloured People's Organisation, and the South African Congress of Democrats, we all do regard the African National Congress 10 as the senior partner in our alliance. We recognise that the A.N.C. is - has taken its place as the national movement for liberation amongst the African people. We recognise that the African National Congress represents the section of the population which has suffered the most 15 under the present system of racialism, and we therefore recognise the African National Congress and look to the African National Congress for guidance in our struggle for liberation. To go on, My Lords, to the other quotation from the Chairman's speech that the future of South 20 Africa would inevitably be decided by the struggle of the liberatory movement, I feel that that is not a really true reflection of the tenor of the Chairman's speech. The Chairman was addressing the members of the South African Congress of Democrats and he emphasised 25 very much the role of the Congress of Democrats in the struggle between the two opposing forces in South Africa, the forces of what we term oppression on the one hand, and the forces for liberation on the other. But his remarks were mainly in the context that it was for the 30 Congress of Democrats to address itself to the European electorate in order to show the people that the choice

lay before them in one of two directions, and that the Congress of Democrats much play its part in assisting the people to make the correct choice. Finally, the Chairman urged the listeners to join with the Congresses in all struggles effecting the masses, and urged that no 5 issue should be regarded as too small or too insignificant. Here, My Lords, I want to point out that what the chairman was aiming at was that the struggle for liberation cannot be conducted in some lofty vacuum.

Could you perhaps tell me if the South 10 African Congress of Democrats was a subversive organisation? --- The South African Congress of Democrats was not a subversive organisation My Lord. It shared the objective of the Congress alliance.

We now get on to the South African Congress 15 of Trade Unions. On page 468, line 22, the following passage appears : "Its declaration of principles states that in South Africa only the working class in alliance with other so-called progressive minded sections of the population are able to build a happy life for all." 20 Have you any comment on that? --- My comment here is, My Lord that in this passage it seems to me that the statement was made to emphasise that the working class in its efforts to build a happier life for all, must work with other progressive minded sections of the population. 25 That is my understanding of this passage. I don't accept the alternative interpretation that - which might be taken to indicate that only the working class could build a happy life for all.

Now on the same page also, line 29, "At 30 its inaugural meeting the co-conspirator Boyleveld who was chairman of the meeting warned the meeting that their

struggle could not be an easy one, but that while the enemies of the workers were strong, they had exhausted their potential. The potential of the workers, however, lay in the masses of the people who were chafing against the yoke of oppression and who were waiting for a lead." 5  
Is there anything sinister in this statement? --- My Lords, I can see nothing at all sinister in this statement. It conveys to me...

BY MR. JUSTICE BEKKER :

Well, isn't that a matter for argument, 10  
really Mr. Adams? Was the witness present when this statement is alleged to have been made?

BY MR. ADAMS :

I asked for her comment on this, because  
this again is an allegation. 15

BY MR. JUSTICE BEKKER :

Well, the Crown may say there is something sinister, and the Accused without having to listen to the witness' comments can argue that the Crown is wrong and there is nothing sinister in it. That is a matter 20  
for argument.

BY MR. ADAMS :

My Lord, I am sorry, I cannot....

BY MR. JUSTICE BEKKER :

I don't want to interfere with the way 25  
you present your witness' evidence, but I would like you just to consider what may be argument as opposed to fact.

BY MR. ADAMS :

My Lord, there is also the question - the 30  
Crown does not merely rely on facts to prove its case, but as I can see this case, it also relies on the state

of mind of the Accused.

BY MR. JUSTICE BEKKER :

Were you present at this meeting? --- I was not present, but because the South African Congress of Trade Unions is one of the organisations linked in this case with me, I have taken care to acquaint myself with its statements and its policy. 5

BY MR. JUSTICE RUMIFF :

Well, just leave that question for the moment and take the next question. 10

BY MR. ADAMS :

Mrs. Joseph, I would like to refer you to page 469 where the following statement is quoted from the issue of "Workers' Unity", Volume I, No. 3, and the quotation reads : "When the workers struggle must be fought not just against one group of bosses in a single industry, but against a whole system, against the government or against the whole ruling class, the best form of organisation is not one restricted to a single industry, but one which embraces every one who can be encouraged to struggle against the government or ruling class". Is this in line with Congress policy? --- My Lords, to me this statement is very clearly in line with Congress policy because it is clear that emphasis is laid on the importance of the workers' struggle being against the very system which creates conditions of inequality both in the field of labour, as in other fields, this passage emphasises that and points out that in relation to the struggle for liberation the best form of organisation is not one of a trade union limited to a single industry but in the context of the South African Congress of Trade Unions, shows the importance of taking the struggle 15 20 25 30

even beyond the field of industry and into the whole sphere of political struggle. Therefore My Lords it is in line with Congress policy.

Now on the same page, at line 17, the following appears : "My Lords, at the Annual National Conference of S.A.C.T.U. at Cape Town in March, 1956 the co-conspirator Beyleveld made a speech in which he said that the conference would be called upon to consider and endorse the Freedom Charter. He further said that although S.A.C.T.U.A was bound to pursue an independent policy in the interests of the workers, it should also participate unreservedly in the struggle to mobilise the people behind the demands in the Freedom Charter, and that there should be co-operation with all other organisations engaged in the struggle." Is this in line with Congress policy? --- My Lords, I would say that this passage also is directly in line with Congress policy. The Freedom Charter was adopted by the Congress alliance and here the co-conspirator Mr. Beyleveld is emphasising the relation of the Congress of Trade Unions. He pointed out that as a Congress of Trade Unions, S.A.C.T.U. must have an independent policy insofar as the workers are concerned...

BY MR. JUSTICE RUMFEE :

That speaks for itself. You see, the object of this part of the address by the Crown was to indicate to the Court that in the opinion of the Crown there would be evidence, for instance this, to show that the South African Congress of Trade Unions was allied to the objects set out in the Freedom Charter and was associated with the other movements.

BY MR. ADAMS :

I think it goes further, My Lords. I think it was Professor Murray who gave evidence...

BY MR. JUSTICE RUMFEE :

I am on the address of the Crown. You put 5  
that - you put to the witness that particular paragraph  
from the address by the Crown not so? It may go further  
on other evidence..

BY MR. ADAMS :

My Lord, I regard this as an allegation 10  
which is taken further by Professor Murray, when he said  
that communists regard the struggle for liberation and  
the trade union movement as one, they should always work  
together.

BY MR. JUSTICE RUMFEE :

The witness at the moment is just repeating  
what is in that paragraph. Do you want to ask her anything  
else? On this paragraph?

BY MR. ADAMS :

Yes, My Lord. Mrs. Joseph, is there anything  
treasonable in a link between...

BY MR. JUSTICE RUMFEE :

I am afraid that question you can't ask  
the witness. That is for us to decide.

BY MR. ADAMS :

I am sorry, My Lord, can I put it in any  
form?

BY MR. JUSTICE RUMFEE :

You can't ask that question at all. She  
may say yes, and then where would you be?

BY MR. ADAMS :

Mrs. Joseph, is there anything communistic



as far as you can see in the link between the Congress movement and S.A.C.T.U.? --- My Lord, it will be difficult for me to say that there is anything communistic. I regard the link between S.A.C.T.U. and the liberation struggle as being a perfectly normal and logical link and one that is essential to a struggle for liberation. I would not be able to say whether that is a communistic approach or not, It is my approach and is the approach of the Congress alliance.

Mrs. Joseph, you have given evidence to the effect that you were a member of the Labour Party. What was the attitude of the Labour Party in South Africa towards trade unions? --- My Lords, as I remember it there was a very close link indeed between the Labour Party and the trade unions, although I must say that as the Labour Party was a parliamentary party it might be more correct to say that there was a strong link between the Labour Party and the white trade unions. I would not be able to take it any further than that.

Do you know of your own knowledge if there is any link between the Nationalist Party and any trade union? --- I have no knowledge about that.

Now Mrs. Joseph, I would like to refer you to page 470 of the opening address, where the following quotation appears : "The victory can only be won and imperialism be uprooted by forging strong ties of alliance with the liberatory movement and the trade union movement. The coming into being recently of a real and true trade union co-ordinating body in South Africa, S.A.C.T.U. which is led by people who are themselves in the forefront of the struggle of the liberatory movement, such as Leslie Masina, Pieter Beyleveld, who will no doubt

bring about the desired alliance and thus hasten the downfall of the ruling class." What is your comment on this passage with relation to the allegation by the Crown that the evidence will show that S.A.C.T.U. laid particular stress on the link between the trade unions and the liberatory movement? --- My Lords, I think this passage again concerns the existence of that link. But I would, My Lords, like to make if I may an additional comment on the passage, and that is that I find it is couched in political language, particularly towards the end where it refers to the fact that the alliance such as Lieslie Masina and Beyleveld will no doubt bring about the desired alliance, and thus hasten the downfall of the ruling class. In that passage I don't see any indication of a violent downfall. I think it is common trade union language all over the world, which regards the ruling class as the enemy of the workers and to hasten the downfall means to bring to an end the supremacy of the ruling class, but not necessarily in any violent manner.

We now go on to the South African Coloured People's Organisations. The reference is to page 470, where the following appears : "S.A.C.P.O. was formed in 1953 in order to organise the Coloured people as distinguished from the Natives and the Indians for the so-called struggle for freedom and liberation. This organisation became part of the national liberatory movement in South Africa, joining forces with the A.N.C. and the S.A.N.C. and the other organisations already mentioned." Of your own knowledge, do you know how it was formed? --- To my knowledge it - the South African Coloured People's Organisation came about as a result

of the insecure feeling of the Coloured People at the time that they were being removed from the common voter's roll. The Separate Representation of Voters' Act had been passed, I think it was in 1951, and was then invalidated. The High Court of Parliament was set up, also invalidated and finally with the enlargement of the Senate the Act was passed, and it was then that the Coloured People were removed from the roll. This My Lords I understand to be the background to the formation of the South African Coloured People's Organisation. There was at that time no other political organisation of the Coloured people which was prepared to take a militant stand on this matter. I do not think it is correct therefore to imply that the S.A.C.P.O. was formed merely in order to organise the Coloured people in the so-called struggle for freedom and liberation. I want to stress, My Lord,...

BY MR. LIEBENBERG :

With respect, My Lord, I don't know whether this witness is qualified to speak about the South African Coloured People's Organisation. Was she there? Does she know the background? She is giving evidence as an expert on the history and background of this organisation and I submit she is not competent to do so. My Lord, with respect the way the questions are being put at the moment rather suggests that this witness is placed into the witness box to - as an expert to comment on the policies of these various bodies.

BY MR. JUSTICE RUMFF :

Well, not necessarily the policies, she may be referred to documents and so on. But this is - it may be your impression but actually you don't know

of your own knowledge? --- My Lords, I have worked very closely in the Transvaal, when the Transvaal South African - when the Transvaal Coloured People's Organisation was formed.

X BY MR. JUSTICE RUMPF :

Obviously you were not a member? --- No, I was not a member.

X BY MR. ADAMS :

Do you know for what purpose the South African Coloured People's Organisation was formed? --- To my knowledge, as I have already stated, it was to organise...

BY MR. JUSTICE RUMPF :

You have said that. The effect of your evidence is really that the statement made by the Crown, that portion which has been put to you, you think it is not quite correct, because you think it was not merely formed for the purposes set out there, but for other reasons too.

BY MR. ADAMS :

Is there anything sinister in the alliance of the South African Coloured People's Organisation with the other Congress organisations? --- My Lords, I can see nothing sinister in such an alliance. I find it to be logical and what would be expected of such an organisation.

What is its function in the Congress alliance? --- Its function is the same as that of all the partners in the Congress alliance, and that is that each of the Congresses has the duty to work amongst that section of the population which forms that Congress, to work amongst that section to educate the people to a realisation and understanding of the aims of the Congress movement, and

both jointly and separately to work towards the achievement of our common objective, which is a multi-racial democracy.

We now pass on to the Federation of South African Women. What part, if any, did you play in the formation of the South African Federation of Women? --- My Lords, the part that I played was that I assisted in organising the first national Conference in Johannesburg which was held in April, 1954. It was a mass conference of women of all races, who came from all parts of the Union and there the resolution was taken to form a national multi-racial organisation of women.

Did you hold any position in the Federation? --- At that conference I was elected to the National Executive Committee and at the first Conference that was called in the Transvaal, I was elected as the Transvaal Secretary. I afterwards, in August 1956, was elected National Secretary, to the Federation of South African Women.

For how long did you hold this position? --- I still hold them.

Do you know who the members of the first National Executive of the Federation were? --- My Lords, I cannot remember all the members, for the reason that first headquarters of the National Executive were in Cape Town, and I was in the Transvaal, so did not actually attend any meetings of the National Executive, of which I was a member. I can remember some of the members. They included Mrs. Lilian Ngoyi, who is an Accused in this case; the late Ida Mtwana, Mrs. Gladys Smith of Cape Town, Mrs. Dora Kumane (?), Mrs. Hilda Bernstein, Miss Ray Alexander, Miss Bertha Mashaba,

13990.

(H. JOSEPH)

myself - My Lords, I don't think that I can clearly remember the others of my own recollection. I could of course refresh my memory from the minutes.

CASE REMANDED TO THE 6TH JUNE, 1960.

COURT ADJOURNS.

MR. DE VOS: My lords, the accused Ndumba is back  
in Court to-day, and in view of what is laid down in sec-  
tion 156 ter of the Criminal Procedure Act which deals with  
the procedure in the absence of an accused, the procedure  
to be observed in such cases, sub-section (4), my lords,  
which reads as follows: "If an accused in respect of whom  
a Court has made a direction under sub-section (1), that  
is a direction entitling the Court to go on in the absence  
of that particular accused, again attends the trial he may,  
unless he is legally represented during his absence,  
examine any witness who gave evidence during his absence,  
and inspect the record of the proceedings or require the  
Court to have such record read over to him. My lords, I  
suggest that the Court explain this position to Ndumba who  
is back this morning and enquire from him what the position  
is, in terms of this sub-section.

RUMPF J: Was the witness Lithuli still giving  
evidence when he was away.

MR. DE VOS: He was away, my lord, on Wednesday,  
Thursday and Friday and on Wednesday and Thursday morning  
the witness Lithuli was still in the box.

RUMPF J: Yes. Well, the re-examination of  
Luthuli is not in question now; the re-examination took  
place also on his behalf I understand - of all the  
accused.

MR. DE VOS: Your lordship will note that the  
section says: "If an accused in respect of whom the  
Court has made a direction under sub-section (1) again  
attends the trial, he may, unless he was legally repre-  
sented during his absence, examine any witness who gave  
evidence during his absence, and inspect the record of

proceedings, or require the Court to have such record read over to him." Now, my lords, it's at least doubtful whether there was any legal representation of the accused during the period concerned.

RUMPF J: There was no legal representation.

MR. DE VOS: I take it that is the position, my lord.

RUMPF J: Yes.

MR. DE VOS: Though Nokwe spoke on his behalf, it seems that could not be regarded as legal representation.

RUMPF J: But as far as the re-examination of witness is concerned, there is no trouble there, because that was done on his behalf.

MR. DE VOS: My lords, could it be ascertained whether that is the position?

BEKKER J: Nokwe said he was re-examining on behalf of all the accused.

MR. DE VOS: Well, that was said in his absence, my lord, and I assume it would be the proper procedure to have Ndumba confirm the position, as put by Nokwe to the Court.

RUMPF J: Yes. Mr. Interpreter, will you just go up to accused No. 25, Ndumba, and tell him that the Court proceeded with the case while he was in hospital. When he was absent, in the first portion of his absence the witness Luthuli gave evidence under re-examination and he was asked questions by Mr. Nokwe, and Mr. Nokwe informed the Court that he was re-examining the witness on behalf of all the accused. Is he satisfied with that, as far as the witness Luthuli is concerned? Or what does he want?



RUMPF J: Actually Mr. Nokwe was not cross  
examining the witness at all; he was re-examining the  
witness. So is he satisfied with that?-- (ACCUSED) Yes.

Thereafter Mrs. Joseph entered the witness  
box and she is at the moment, and she has, when he was  
absent, given evidence in chief. She was called by  
accused No.1 to give evidence on his behalf and she is  
also actually giving evidence on her own behalf. Now,  
in regard to her evidence, you are entitled, if you so  
wish, to read the record of the proceedings naturally,  
the proceedings at which you were not present, and in  
addition you are also entitled, if you so want, to have  
the record read over to you, that is the record of the  
proceedings when you were absent. Now, do you want to  
read the record yourself, or do you want the record to be  
read over to you?-- I am satisfied to read it myself.

MR. ADAMS: My lords, before I start with the  
witness again I would like to mention that I have been  
going through the evidence of this evidence over the  
week end, whatever time was made available to us, and I  
have tried to leave out any matter in the light of your  
lordship's remarks on Friday.

HELEN BEATRICE MAY JOSEPH (UNDER FORMER OATH)

XD. BY MR. ADAMS: Mrs. Joseph, when we broke up on  
Friday you were giving us evidence of your knowledge  
of the Federation of South African Women, and the  
position which you held in the Federation of South  
African Women. You were also giving us a list of mem-  
bers whom you remember were members of the National  
Executive Committee of the Federation of South African

Women. Now, could you tell me if there was anything unusual in the fact that leading members and Executive members of the Federation of South African Women were also members or Executive members of the other Congress organisations?-- My lords, I can see nothing whatever unusual in that position - in fact, I would say that it would be expected in the circumstances. At that first National Conference of Women, the delegates came from all over South Africa and it does seem to me that these delegates would have been those women who were outstanding and well known in their own communities, and that at the Conference the women who played perhaps a leading part in the Conference - women who gave addresses, participated in the discussion - women who were well known amongst the delegates, would almost inevitably be elected to that National Executive. It is a very natural tendency and I can see nothing at all exceptional in it, but I would like to add, my lords, that at the Provincial Conferences of the Federation that is not always the case; we have had examples of women elected to our Provincial Committees who were not leading members of the Congress organisations, and here I would point out, my lords, that because the Federation is based on affiliation of organisations it would be the Congress women who would be mainly present because it is the Congress organisations who mainly have affiliated to this Federation. But at the Provincial level particularly I have observed a two-way process, in that women who have been elected to the Regional Committees of the Federation have afterwards become leading women in their own organisations. And that, my lords, I would point out is really one of the tasks of a Women's organisation, to encourage

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and fit women to play a leading part either in their own  
organisation and also in their own communities. 1

Mrs. Joseph, I'd like you to look at Exhibit  
BBM.14, The Work of the Federation of South African Women.  
My lords, this exhibit was read in at page 3172 of the  
record?-- My lords, when this document was read in only 5  
certain parts were read in by the Crown and others by  
the Defence. We did, however, through the Defence read  
in the part which deals with the aims of the Federation.  
I think it is not necessary for me to repeat that: it  
is already on record. But I would like permission, my 10  
lords, to read in one additional paragraph.

RUMFORD J: Yes?-- It is the second paragraph on  
the first page of this exhibit, my lords. "As women go  
forward so there arises the need for womens' organisations,  
and here in South Africa the picture is different from 15  
that in other countries. It is not that our needs are  
different. Everywhere women struggle for their rights,  
for equal pay for equal work, for better conditions for  
their children, for freedom from want, for freedom from  
fear of war and destruction. Our needs as women are the 20  
same the world over, but here we are divided by the colour  
bar. For the past fifty years the white women have been  
organising white women. We have the National Council of  
Women, Die Vroue Federasie, the Child Welfare Society,  
the Black Sash, but these are for the white women. We 25  
have organisations, too, amongst the non-white women,  
church organisations, womens' leagues, but because of  
the colour bar women have failed to come together as women."  
My lords, in that paragraph I think is shown very clearly  
why the Federation of South African Women was formed. 30

I would just like to qualify the remarks on the National Council of Women and the Child Welfare Society because I am aware that both these organisations have either affection now for non-European women, or in the case of Child Welfare societies do a great deal of work amongst non-Europeans. They are not, however, my lords, to be classed as multi-racial womens' organisations. I want to clarify also, my lords, a point which occurs later on page 2 which has been read in by the Crown. It was the statement that the fundamental struggle of the people is for National liberation and that any womens' organisation that stood outside this struggle must stand apart from the mass of women. The Federation realised from the outset that it must receive the support of the women of the National Liberatory Organisations. My lords, I want to emphasise that this statement does not in any way mean that the Federation of South African Women was not concerned with the problems of women's rights, and that it did not strive for the emancipation and development of women. What was realised was that it would be impossible for women to achieve their rights as women in a society in which so many fundamental rights were denied to both men and women by virtue of their colour. This, my lords, is the explanation of this statement. It has always been clear to the Federation of South African Women that we have a two-fold struggle as women, the struggle against discrimination, against us as women, and the struggle against the discrimination against non-white people, both men and women. It would be impossible to achieve the rights of women while rights are denied generally.

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MR. ADAMS: Mrs. Joseph, does this document set out the policy of the Federation?-- My lords, in this document as a whole is contained the history of the work of the Federation and the policy as such is clearly set out in the part on page 1 which was read in by the Defence. The policy is in a few words to strive for the rights of women, for the protection of children, and for the achievement of peace.

Mrs. Joseph, was the South African Congress of Democrats affiliated to the Federation?-- The South African Congress of Democrats was not affiliated as a whole organisation, but it affiliated to the Federation on behalf of the women members in the Congress of Democrats.

Was the Federation a constituent organisation of the National Action Council of the Congress of the People?-- The Federation of South African Women was at no time a constituent member of the National Action Council for the Congress of the People. The Federation supported the Congress of the People, and particularly in the Transvaal undertook a number of tasks in connection with the preparation for the Congress of the People, but its relationship to the National Action Council was in fact through the organisations which were affiliated to the Federation and the organisations which were themselves the constituent bodies of the National Action Council.

Were you a member of the National Action Council?-- My lords, I was a member of the National Action Council of the South African Congress of Democrats.

For how long were you a member, Mrs. Joseph?-- I became a member to the best of my recollection I think in May 1955; it was shortly before the Congress of the

People, when I was appointed by the National Executive  
of the Congress of Democrats to fill a vacancy.

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Mrs. Joseph, for what purpose was the National  
Action Council formed?-- The National Action Council was  
formed for the purpose of conducting the Congress of the  
People itself. It had no other function than to be res-  
ponsible for the preparation and the holding of the Con-  
gress of the People. By the preparation, however, I must  
add that that of course includes the collection of demands  
for the Freedom Charter; that would be an integral part  
of the preparation for the Congress of the People.

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Mrs. Joseph, whose function was it to co-ordinate  
the linking of various campaigns, such as the campaign  
against Bantu Education, the Anti-Removal Campaign, and  
the Anti-Pass Campaign?-- My lords, the linking of these  
campaigns, both with the struggle for liberation and  
also with the Congress of the People would be the task  
of the Executive Committees of the Congresses themselves,  
as they met in their session of joint Executive committees.

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Whose concern was it to organise freedom volun-  
teers?-- Again, my lords, I would say that the actual orga-  
nising of the Freedom Volunteers was undertaken by the  
Congresses themselves, although insofar as the Freedom  
Volunteers were mainly called for for the Congress of the  
People, the National Action Council also had a respon-  
sibility in connection with the Freedom Volunteers.

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But the organising was in fact done through the Congresses  
who were themselves, of course, constituent bodies of the  
National Action Council.

Mrs. Joseph, did the National Action Council  
publish and distribute pamphlets, leaflets, brochures,

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as alleged by the Crown?-- The publication of pamphlets  
leaflets and brochures was undertaken by the National  
Action Council mainly through the Regional Action Coun-  
cils of the Congress of the People. To the best of my  
knowledge the only pamphlets that were published at the  
National level by the National Action Council were the  
printed call to the Congress of the People. I think that  
was the only one. Others were, however, produced, as I  
have said, at the Provincial or the Regional level of the  
Councils for the Congress of the People, which were them-  
selves responsible for this to the National Action Council.  
Not only printed publications, but roneoed pulletins were  
also produced at these levels.

Mrs. Joseph, is it correct that the National  
Action Council organised and conducted study classes either  
of Congress members or of volunteers? To prepare them  
for the liberatory struggle?-- It is not correct that the  
National Action Council organised or conducted such study  
classes. The National Action Council did, however, urge  
upon the Congresses the importance of political education.  
In fact, I think they urged the importance of study classes  
as such. But whatever study classes were organised  
would have been done by the Congresses themselves, and  
not directly by the National Action Council.

Is it true that the lectures entitled "The  
World we Live in", "The Country we live in", and "Change  
is needed" form the basis of any discussion classes con-  
ducted by the National Action Council?-- My lords, as  
I have already said, the National Action Council itself  
did not organise such classes. It was, however, respon-  
sible for the production of these lectures, which were

circulated through the Congresses when the recommendation  
that they should be used as a basis for discussion was made

BEKKER J: When you say it was responsible for the pro-  
duction of these lectures, what do you mean by that?— My  
lord, what I mean is that the lectures emanated from the  
National Action Council. To the best of my information I  
say that, my lord, because at the time that these lectures  
appeared I was overseas, and so I was not in any way a  
participant to their distribution. I found them on my  
return and have always accepted that they came from the  
National Action Council, and were being distributed as  
a basis for discussion groups, or study classes.

MR. ADAMS: Mrs. Joseph, what importance, if any,  
did the accused and co-conspirators in this case attach  
to these lectures, of your own knowledge?— My lords, I  
want to make this quite clear, and that is that in my  
understanding, although these lectures emanated from the  
National Action Council, it is not my recollection inso-  
far as my own organisations are concerned, that is the  
S.A. Congress of Democrats, and the Federation of South  
African Women, that we attached an enormous amount of  
importance to these lectures; they were accepted as a  
basis for discussion in branches, but I'm not aware of  
any profound significance being attached to them.

Did you, Mrs. Joseph, attach any particular  
significance to the fact that the Congresses conducted  
study classes for its members?— No, my lords, not at  
all. I have always accepted it that any political  
organisation would stress the importance of political  
education. I imagine that all political parties do so;  
political education, moreover, is not confined to political



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