

Lordship will remember that these lectures were especially amongst others for volunteers, for the education of volunteers. If she said - if she denied that she ever said that they ought not to have been issued, my submission is that she approved of the issue of those lectures. She had those lectures in her possession too.

MR. JUSTICE KENNEDY :

How did Mrs. Joseph come to make that statement? Was there a suggestion that she had made such a statement?

MR. TERBLANCHE :

Yes, My Lords.

MR. JUSTICE KENNEDY :

Under what circumstances?

MR. TERBLANCHE :

In cross-examination, My Lords.

MR. JUSTICE KENNEDY :

Was there a suggestion in cross-examination that on some previous occasion Mrs. Joseph had said that these lectures ought not to have been issued?

MR. TERBLANCHE :

May I just read it, it is very short, My Lords. She is asked, My Lords, in cross-examination : "I understood you to say that you didn't approve of these lectures? --- No, My Lords, I said studying the lectures carefully there were points in them with which I found - I would find myself in disagreement."

"But you were in agreement with the policy of issuing these lectures? --- My Lords, I think I have already

explained how these lectures, as far as I know came to be issued, that they were a basis for discussion and that I learnt about this after I returned from overseas. I don't know whether one or two had already appeared at that time, that I don't know."

"You approved of the fact that they should be issued?"

--- In retrospect?"

"Yes? --- Yes, My Lords, I have never said that they ought not to have been issued. I merely said that I myself find myself in disagreement with some of the interpretation. I haven't taken it beyond that. Our Congress is, My Lords, I have explained, it is an organisation in which members have different points of view."

And then My Lords, in regard to World Peace, I make the submission that Accused No. 2 stated that she thought that the South African Peace Council was affiliated to the World Peace Council. It supported the World Peace Council in its peace activities, such as opposition to the rearmament of Western Germany, Military alliances, NATO and SEATO, the desirability of China's admission to UNO and the opposition to the setting up of war bases.

MR. JUSTICE RUMPF :

Is that whole paragraph based on her statement she "thinks"?

MR. T. RBLANCHE :

No, My Lords, it is only the first portion.

MR. JUSTICE RUMPF :

You say that Accused No. 2 stated that she thought that the S.A.P.C. was affiliated to the W.P.C. and that it supported the World Peace Council in .....

MR. TERBLANCHE :

My Lord, I must apologise if the alteration has not been made in Your Lordship's copy. There should be a fullstop after W.P.C., and "and that" should be deleted, My Lord. A new sentence starts with "It supported....". Then she said that they regarded Russia as a peace loving country...

MR. JUSTICE RUMPF :

Who are "they"?

MR. TERBLANCHE :

That is her organisation, My Lord. In her evidence she said "we". She said she thought that the statement that the S.A.P.C. expressed a desire for the replacement of the South African government by a democratic and peace loving government was contained in one of the documents. She said the attitude of the South African Peace Council was ...

MR. JUSTICE RUMPF :

What is the meaning of it, of that portion, "she said she thought that the statement that the S.A.P.C. expressed a desire for the replacement of the S.A. government by a democratic and peace loving government was contained in one of the documents." Now what does that mean?

MR. TERBLANCHE :

That is how she always expressed herself,  
My Lord.

MR. JUSTICE RUMPF :

No. Looking at this, I don't know what to do with it, Mr. Terblanche, this particular point that you make here.

MR. TERBLANCHE :

My Lords, I will leave that because it is rather obscure, but I will just read it to Your Lordships. "You have already said that you regarded Russia as the main body or main country fighting for peace in the world? --- Yes, insofar as that general statement is concerned. I don't know whether we said the main, I think we said that we regarded Russia as a peace loving country, but the expression My Lords, foreign policy, took me considerably further than that." "Now in South Africa, the South African Peace Council expressed a desire for the replacement of the South African government by a democratic and peace loving government? --- That is contained in one of the documents, I think". That wasn't taken further, My Lords.

MR. JUSTICE BAKER :

Do you want us to delete this?

MR. TERBLANCHE :

Yes, Your Lordships can delete it, it is rather obscure.

She also said that the attitude of the South African Peace Council that peace and liberation are indivisible. They also condemned the South African

government in the sense that they felt it was committed to preparing for war. Then she gives a description of a 'peace loving government', My Lords, in the following terms, which I set out, and it shows, My Lords, that her description, as it - when she is, as it were driven by questions into a corner to make certain concession, then she alters her attitude, My Lords.

My Lords, I submit, at page 92, My Lords, I submit that as far as the overt act of conspiracy is concerned, that this has been proved against Accused No. 2. It is further submitted that the hostile intent of Accused No. 2 and her adherence to the conspiracy have been proved by all the facts proved against her, namely - and then I set it out again, My Lords. Most of those I have drawn Your Lordships' attention to. My submission is, My Lord, that this overt act has been proved against the Accused No. 2.

My Lords, as far as the other overt acts are concerned, she has admitted, My Lord, the last overt act on page 112, that is she admitted that she attended the Congress of the People, and I have set out her evidence there in that regard, My Lord. There is also other evidence that she attended, for instance My Lord Herbst found in her possession a document I have dealt with H.J. 145 and H.J. 143, a draft of a speech, and a Delegate's Badge and a Draft Freedom Charter. I submit My Lord, that that overt act has been proved against her.

MR. JUSTICE KENNEDY :

aren't you going to deal with the overt

acts seriatim? As you have set them out?

MR. TERBLANCHE :

Yes, My Lords. The second overt act, Detective Head Constable van Papendorp gave evidence as to the persons attending this meeting and also as to what was said at this meeting, My Lord. The witness van Papendorp stated that he saw Accused No. 2 attending this meeting. The Chairman was P.Q. Vundhla, My Lords. The witness, that is van Papendorp, stated that R. Resha, Accused No. 17, addressed the meeting. The portion alleged in the indictment appears at page 8367, line 4 to line 19, and on page 8367 line 30 to page 8368 line 6. The Crown alleges, My Lord, that this falls under 4(b)(iv), Campaigns, a meeting of the 7th November, 1954. The portion mentioned in the Indictment, My Lord, reads as follows : "The Removal of the Western Areas will bring about the forces of action in this country. We have many people in this country who are prepared to assist us, but nothing can be done if we are not prepared to fight ourselves. The government must realise that it is not going to remove cattle, but people. We have said so many times in this same square that we are not prepared to move from Sophiatown. The removal of Sophiatown will mean that we will have to build our own homes. We have no alternative but to resist the removal of Sophiatown. It is for us Africans to decide whether we will die like men in the fight for our people. Register your names with the A.N.C. Long before the police will shoot us, we will rule this country. You can see that there are Europeans who

are prepared to die with us." Then : "Tell Mr. Malan that the removal of the Western Areas will bring about a major clash in this country. In this the African people will march nearer to their freedom. The motto of every African must be, die like a man for the struggle. If you are prepared to die like a man, it is your duty to come forward and to register as a volunteer in the force to resist apartheid."

My Lords, the witness van Papendorp was cross-examined on this speech at page 9406 to page 8412, to the following effect, I submit, My Lords. He was referred to the portion: "It is for our Africans to decide whether we will die like men in the fight for our people. Register your name with the A.N.C. Long before the police will shoot us we will rule this country". And the witness admitted that he did not say that those were the exact words used or that those sentences came exactly one after the other like that. He said the last sentence he said was not his summary, but the sentence used by the speaker. He admitted that there could have been other sentences between the two, "Long before the police will shoot us we will rule this country" and "We can see that there are Europeans who are prepared to die with us". He also stated that the sentence, "Congress is not afraid to assault the police here, but we do not want to assault these imbeciles here" was actually said. He said that his procedure was that when he thought a sentence had to be taken down he tried to take it, and if the speaker finished his sentence before he had completed

writing it down, he let the speaker go on and he finished writing down the sentence.

Then there is further cross-examination, My Lords, at page 8410, I have quoted that from the record :

"Now look again at your note at the bottom of page 2 and the top of page 3, where you have got Resha saying at the bottom of page 2 that 'It is for our Africans to decide whether we will die like men. Register your name with the A.N.C. Long before the police will shoot us we will rule this country', and then about 'people being prepared to die with us', and at the top of page 3 you have got him saying 'Congress is not afraid to assault the police, but we do not want to assault these imbeciles here'. Now this speech as you have recorded it is a bit jerky. I suggest to you the proper context of these statements is the following. In the passage you have got on page 2, where you have got 'we have got to die like men in the fight for the people', the speaker was dealing with some critics of the A.N.C. who said that the A.N.C. shouldn't resist removal, because it is too dangerous, and his answer was, 'we have got to make up our minds that we have got to die if people are going to kill us", and then on the next page he went on to deal with other critics who said that the A.N.C. should be more aggressive and should actually fight the police, and his reply to that was what you have here 'Congress is not afraid to do so, but we don't want to do so'. You don't deny that that was the context of what you have got down here. I am not criticising your words, but



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I am suggesting that those words occurred in the context I have mentioned. On the one hand he was dealing with people who said that it was too dangerous to resist Western Areas Removal, and on the other hand with people who said that the Congress must actually assault the police, and he was criticising both lots of people? --- I cannot remember here people who spoke in connection with this meeting...."

"I don't mean that people actually said so, I mean that the speaker was saying there are some people who say that we are doing too much in resisting Western Areas because it is too dangerous, people might get killed by the police and on the other hand he was saying some people have criticised us for not going far enough, and he dealt with both classes. You don't deny that that was the context of these remarks that you have noted down here? --- I just wrote down here what he said, My Lord. I have got down here what was actually said by him."

"I am instructed that that is how the speaker came to deal with this theme, that what he was saying was that firstly there are people who are against the Western Areas resistance, because they say that people who resist will only get hurt...." - the same is put to him again, My Lord, and the reply is "All I can say here is that the speakers at this meeting, they were all against the removal".

"Very well. But you don't deny, you don't deny that what Reshs said - you have got what Resha said here, and you won't deny that what Resha said includes the

points that I have just been making, that Resha was talking about people who were afraid to resist, and saying they mustn't be afraid.." and it is again put to him, My Lords, and the answer is "According to the speaker he wanted the people to resist".

"But he said clearly that he wanted people to resist, they must be prepared to face risks of injury to themselves, but they mustn't assault the police? --- That is according to what he said here".

Now My Lords, the Accused Resha also gave evidence on this speech at page 16779 as follows : "He said that he had no recollection of using the phrase 'the forces of action'. It did not make sense to him. He might have used the phrase 'forces of progress'. He had read the whole but did not consider it an accurate report at all. And then on being referred to the portion 'We have no alternative ... but to resist removal in Sophiatown, it is for our Africans to decide whether we will die like men in the fight for our people. Register your name with the A.N.C. Long before the police shoot us we will rule this country. We can see that there are Europeans who are prepared to die with us', he said that he could not remember the particular words used. He might have referred to dying like men and it would have been in the sense that there was the possibility of the police acting in a manner already suggested and he felt that it would be a worthy cause if the police went out of their way to shoot people when they protest against an injustice and it could not be avoided". The phrase 'long before the police will shoot us...' - that phrase,

My Lord - "had no meaning for him. Certainly there were Europeans who were prepared to die with them, who are prepared to die for a good cause." Then the portion was put to him "Congress is not afraid to assault the police here, but we do not want to assault these imbeciles, ..." that one which I have already read, My Lords. He thought he could have said that. His point was that there was no need to fight the police, they came there and threw their weight about, and the fact that they did not assault them was not because they were afraid of them, but that their policy was not one of violence. Then I quote, My Lords : "We will and must remain in our houses till the last. Tell Dr. Malan that the removal of the Western Areas will bring about a major clash in this country". That was put to him, and he said he could not remember precisely what he had in mind, but it was possible that this was a warning that the removal of the Western Areas could bring about a clash - a physical clash or a sharpened antagonism. The physical clash could have come about as a result of the police brutality and their readiness to assault people." Then the next portion was put to him : "Through this the African people will march nearer to their freedom". He said this could not have come immediately after the previous sentence. He had never seen a physical clash bringing any people nearer to freedom, it brings disaster.

Then in cross-examination, My Lord, he stated that the report was incomplete and therefore inaccurate. He said that he referred to the police as

"imbeciles and cowards" because it was only a small mind which would go to a peaceful meeting of the A.N.C. and start throwing his weight about and it was only a coward who would go to a peaceful meeting where there is not one person armed, having fully armed himself. These remarks were not made because the police were there carrying out their duties, but because they were not carrying out their duties.

My Lords, My submission on that is that Your Lordships will accept that Resha did say what he is reported to have said, as admitted by him to a certain extent. I also wish to point out, My Lords, that as I read the evidence of Resha, in my submission that is not in accordance with what was put to the witness as having been the theme of Resha's speech.

My Lords, Accused No. 2 also gave evidence on this meeting and on the speech of Resha. She did not dispute that she attended this meeting or that Resha said what he is alleged to have said. On being referred to the alleged statement by Resha that "This will bring about a major clash in this country and the African will march nearer to freedom", she said that to her this conveys a major conflict, but not necessarily a violent conflict. To her a major clash means a meeting of dual opposition; it means it will intensify the conflict between the government and the people. She was not convinced that the phrase "we should not be afraid to die like men and those who are prepared to die like men must become volunteers" followed immediately upon the statement about the major clash, and that the speaker

therefore meant to say "we must be prepared to die like men in that major clash". He may have called for volunteers in support of the resistance to the scheme, and as a general exhortation to the people, which has been said on more than one occasion "You must be prepared to die like a man". Various people have said, "We must be prepared to make sacrifices, or even to face death".

It is submitted My Lords that this meeting was convened in pursuance and furtherance of the conspiracy, and Your Lordship will find that Helen Joseph attended this meeting with that view, and that this overt act has been proved against her, but that her explanation that what she understood by it cannot be accepted by the Court.

My Lords, the next overt act charged against her was the Freedom Charter Committee Meeting on the 18th September, 1955, at the Trades Hall, Johannesburg, and this My Lord, the Crown says falls under 4(b)(iii). The Crown witnesses who gave evidence on this meeting were Detective Sergeant Coetzee, the shorthand writer; Detective Head Constable van Papendorp; and Coloured Detective Sharp. The witness van Papendorp stated that Accused No. 2 attended this meeting. The witness Sharp also stated that Accused No. 2 attended this meeting. The witness Coetzee gave evidence in regard to the content of the speeches, and he stated that a person Nimrod Sejake addressed the meeting. A portion of the speech of Nimrod Sejake is alleged in the Indictment. This portion appears - and I set out where it appears, My Lords. I also say that one portion

of the speech alleged in the indictment was not proved, namely the portion which reads : "Friends, don't fear the police, don't even fear the armed forces, your powers of resistance are greater even than the Alien Country. Freedom in our lifetime."

My Lords, this has been read to Your Lordships on numerous occasions, and I don't think Your Lordships would require me to read it again. The witness also stated that after lunch R. Resha was the chairman, and he addressed the meeting and certain portions of his speech were alleged in the Indictment. That, My Lord, the crown also alleges falls under 4(b)(iii). It was also read to Your Lordships yesterday, where he said, "the more police there are the nearer we are to our freedom. We will live to see them tried before the . . . . . of history. We know that the government of this country remains in power in order to suck the blood of the people. It is the duty of the freedom volunteers to impose freedom . . . . . South Africa against the forces that are against them. Our struggle is non-violent, but if there is a pool of blood we still have to go through it."

My Lords, in the cross-examination of the Crown witness only further portions of the speeches were read in.

Accused gave evidence on this meeting, My Lords, and she stated that she was present when Nirrod Sejake made his speech. When the speaker said that one must be prepared to clash with the servants of the state, she understood that he might well have had in mind the difficulties of dealing with civil

servants. He had just been speaking about unemployment benefits, and it did seem to her that that would be a reasonable and logical explanation of what expression of the speaker. She further said that there might be a further violent meaning in it, but she felt that the previous sentences did provide an explanation.

On being referred to the portion "That if the struggle assumes very large and country wide dimensions, one shall have to clash even with the armed forces of the country". She said that here she felt the speaker had gone to the wider aspect of the struggle, but it did seem to her that the speaker was not suggesting that the liberation struggle should itself become violent. He was merely warning as all of them, had so often warned the people, that even in a non-violent struggle there were occasions when already violence had been inflicted upon the non-violent people, and that therefore this possibility must always be taken into consideration.

Then to the portion : "That is the test we must pass before we can have work and security", she said it seemed to her that her interpretation of - would be that he was emphasising to the people what they must be prepared to face. She could see no incitement to violence in any part of the speech as a whole. She could not remember any reaction at the time that she regarded it as outside the policy.

My Lords, then in one portion the Accused was cross-examined by Lilian Ngoyi, and she said that she had listened carefully to the speech made by Ngoyi,

and did not remember her saying "There are some people opposing us, but the time will come when they will be taken alive and thrown into the fire". That is not a portion of the speeches mentioned in the Indictment, My Lord. If she had heard it she would have discussed it with her at the earliest possible opportunity, - discussed it with Mrs. Ngoyi. She was convinced that she did not hear Mrs. Ngoyi make this statement.

My Lords, the accused Rasha admitted his own speech and explained his reference to having to go through a pool of blood, by saying that even in their non-violent struggle they are likely to be shot by the enemies of the struggle, but that should not deter them. In cross-examination he said that it was a meeting of accredited delegates. He stated that although their struggle was non-violent, they would not be deterred by the actions of the government - even if they are gaoled, baton charged or even shot, the struggle will carry on.

My Lords, the witness van Papendorp stated that after Nimrod Sejake had spoken, and as soon as the meeting adjourned for lunch, he went to Sejake on the platform and searched him and took from him a manuscript document, Exhibit G.867. Sejake, when speaking had been reading from a written document. He also confirmed certain portions of Sejake's speech as reported by Coetzee.

My Lords, it is submitted that this meeting was convened. - My Lord, it is submitted that this overt act has also been proved against the Accused.



Then overt act No. 4, My Lords. It is submitted that Accused No. 2 wrote the article "Women against Passes", in Fighting Talk of January, 1956. My Lords, it is submitted that she wrote this article and published it or caused it to be published in pursuance and furtherance of the conspiracy alleged in the Indictment. It is referred to as 4(b)(iii) and 4(b)(iv) My Lords. I set out the portion of the Indictment quoted where it appears in the record, My Lords, and the portion that is quoted in the Indictment reads as follows :

"This struggle against the pass laws does not matter for African women alone. It is not a matter for the African people alone. It is part and parcel of the struggle for liberation. But time is passing and January is upon us. The Government has announced that an immediate start will be made with the issuing of passes to African women. The people must be prepared and ready for action. The women are waiting for the Congress lead. In their present mood hundreds of thousands are likely to reject the passes totally. Their spirit is high, their anger deep." Then : "The coming year will be a vital one for the liberation movement, for it is to see the translation of the mighty Congress of the People and the Freedom Charter into action, to defend the freedom of the individual. Carefully planned, decisive action which can translate at least one section of the Freedom Charter into reality, 'The Pass Laws shall be abolished'. If this campaign is courageous and determined, not only can be passes for women be made inoperable, but the whole

pass system, the whole Population Registration Act can be dealt a mortal blow." My Lords, then the Crown alleged an innuendo in regard to the portion "It is part and parcel for the struggle for liberation", which is an allegation by the Crown that this referred to an international liberation movement. My Lords, I have dealt with her evidence in regard to that, and she denied that there existed an international liberation movement. My Lords, the whole of this article was read into the record, it is typed in at page 32 of this Summary. The Accused admitted that she wrote this article, My Lord, and she gave evidence on this article. She said that it was an article written by her on the subject of the campaign of women against the extension of passes. She referred to the portion reading "This struggle against the pass laws is not a matter for African women alone, not a matter for the African people alone, it is part and parcel of the struggle for liberation", and stated that she intended to convey her feeling that it would be incorrect to restrict the struggle for passes to a struggle amongst African women only. She said she was laying emphasis on the fact that this campaign against passes for women should not be isolated, but should be seen in the context of the wider struggle, but that did not mean that she considered that the pass struggle of the women was merely a part of the greater struggle.

She further stated that in the whole of this article there was no indication whatsoever of any advocacy of illegal action, but that she had specifically

refrained from advocating illegal action by stating that the question as to what action must be taken was one which would have to be considered by the whole Congress movement. She said that she posed the question but did not supply any answer. She also said that throughout the article there is no implication whatsoever or any intention on her part to advocate any use of violence.

Then she was questioned by His Lordship Mr. Justice Kennedy : "What do you mean, Mrs. Joseph, by saying this question demands an answer from the liberatory movement? --- It was a question which I felt that the women alone could not answer; it was not for them to decide on any act of defiance, it was a question which would have to be answered at some time, but not by the African women alone, but by the whole Congress movement."

"Would you not say that the defiance of a law is an illegal act? --- Yes, My Lord, I would".

"I only ask because I think you said that this was not intended to be illegal? --- I did say that in this article I was not advocating illegal action; I put the question that the time might come when some decision might have to be taken as to whether there would be illegal action in the future."

Then by His Lordship the Presiding Judge : "Yes, but the statement there is based on the assumption that no passes will be carried. I think you said it is not a question of carrying passes or not, the answer is clear. It was only a question of how to conduct yourselves and

and that will have to be decided later? --- Yes, My Lord. But at that stage it was still not illegal, and later in the article, towards the end, I state again that the women are waiting for the Congress lead. I felt, I said, in their present mood - hundreds of thousands are likely to reject the passes totally; that was my own assessment of the situation, but I was trying to make it clear, My Lords, that this decision ought not - of whether they should finally decide or not - ought not to be taken by the women. It was not intended as an advocacy at that stage of defiant action."

And then again by His Lordship Mr. Justice Kennedy :

"And was it not settled decision arrived at, not to carry passes, by the women? --- No, My Lords. We have said women don't want passes; that was our cry. Women don't want passes."

"Not that 'We will not carry passes'? --- My Lords, that may have been said on occasion, I wouldn't deny that in a mood of resentment that may have been expressed, but that was not a policy statement. We restricted ourselves to 'Women don't want passes'."

By His Lordship the President Judge :

"What is the meaning of the phrase you have referred to, that it was not a question of carrying passes or not? --- Yes, I see it here, My Lord...."

"Would you just read that again"? --- Yes. "The question is not 'Shall we carry passes or not, but what action shall we take when we are told to take out passes'."

"Yes; well, what does that mean? Doesn't that imply that

no passes shall be carried? That is not the question at all. Don't carry passes? --- Yes, My Lord."

"What does it mean then? --- The question of whether or not women shall carry passes - they have not got as far as that, My Lord. They are saying 'What action shall we take when we are told to carry passes'."

"Is that your construction of that sentence? --- I am trying now, My Lords, to think over clearly what I had in mind then, but I think I'm correct in construing it in this way."

"You construe it as meaning that at that stage there was no need to carry passes? --- There was no need to carry passes then".

"I am not asking that. I am asking, is that the meaning of that phrase, to indicate that at that time there was no need to carry passes. There was no requirement for women to carry passes. Is that the meaning which you put on that? --- My Lords, I think I was taking it into the future. But what I did intend here, My Lord..."

"As you read it, Mrs. Joseph, the impression that I got from listening to it was that this was an exhortation telling the women 'Look, it's not a question whether we shall carry passes or not; that has been finally disposed of; we don't carry them.' I am now reading into it.

'We don't carry passes, but what exactly will - we will do when the time comes, that it is madelaw, well, that will have to be decided'. That is the impression I got? --- I can see, My Lord, that it is capable of that interpretation. I must concede that it is capable of that, although I think it was clear in my own mind

at the time, but I can see now that it is capable of quite a number of interpretations. It was not intended to be ambiguous, but I can see that it is capable of that, My Lord. But the point I wanted to make, My Lords, the question that was concerning me greatly at the time was that I felt that at the present stage - at that stage - the women had shown in great numbers their resentment against passes, and their determination to oppose the passes, being extended to them, but it seemed to me that the time had come when some decision as to what the women were to do when passes were made compulsory was to be taken, and that it was one that must be taken not by the women alone because the whole resistance to the pass system is part of the struggle for liberation. In fact my article was intended, My Lords, to be a challenge to the Congress movement to face this decision because it appeared then as if the compulsory taking of passes was likely to come within a short time." "Would you just carry on? --- I come back to my reply to his allegation. I myself, My Lords, as the writer of this article, do maintain that it was not intended to be any advocacy of illegal action, and certainly not illegal action including the use of violence, which is the allegation laid against this article."

My Lords, my submission is that her evidence in this regard will not be accepted, the Court will find that this article contains an advocacy of illegal action, because the decision not to carry passes has already been taken according to her, - according to the article. The other action which she suggests should be

decided upon could only be further unconstitutional and illegal action.

Then My Lords, the last overt act is the meeting of the Congress of the People at Kliptown, which she admitted she attended and which the evidence shows she took part in, My Lords. It is submitted that this has also been proved against her, and I submit My Lord that on all the evidence the charge has been proved against the Accused, and I ask Your Lordships to find her guilty.

My Lords, my learned senior, Mr. de Vos, will address an argument to Your Lordships.

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MR. DE VOS :

May it please Your Lordships. My Lord, the Crown does not propose in this particular instance to direct any argument at the personal position of this particular Accused as far as communism is concerned. But I have made a few notes on certain points appearing from her evidence bearing on the policy of the South African Peace Council and the South African Congress of Democrats. They are very short, concisely made. I indicated formerly to the Court that in certain instances I would make use of the evidence of particular Accused in that regard. My Lords, may I hand in copies of the note I have prepared on this particular point to the Court. (COPIES HANDED TO COURT).

My Lords, I only deal with two of the organisations. Much of her evidence was directed to her

personal position, and only insofar as her evidence seemed to the Crown to relate to the policy of the organisations concerned - the two are the South African Peace Council and the South African Congress of Democrats. I note there, My Lords, firstly as far as the South African Peace Council is concerned, (a) that she conceded that the South African Peace Council regarded the the U.S.S.R. as a country genuinely working for peace, and I give the reference there. She also conceded that the South African Peace Council did not regard the Western powers, America and Britain, as countries striving for peace. She proffered as reason for this attitude, My Lords, the imperialist policies of the Western powers which were regarded as the cause of war, and she also said that the system of communism works for peace. That is a personal reason she gave, but it seemed to elucidate what she thought was the reason for the policy or the attitude of the South African Peace Council in the context of her evidence. She thought that Russia was so engrossed by building (?) communism, that she was not seeking - she was not interested in seeking extension of her territories. She also conceded, My Lords, that the South African Peace Council considered every conquest one in the course of the struggle for national liberation, as an advance of the peace forces over the forces of aggression. She conceded that the concepts of peace and liberation are indivisible in the view of the South African Peace Council. Accused conceded that the South African Peace Council took it upon itself to judge the



correctness of the claims between East and West, the Eastern camp and the Western camp, as to who was defending itself and who was the aggressor.

As far as the South African Congress of Democrats is concerned, My Lords, she conceded that SACOD held out to the people - held out China to the oppressed people of the country, which has reached a stage of liberation, and she conceded that no document known to her, either in the A.N.C. or any other of the organisations referred to a non-communist country as a people's democracy. She conceded that she knew of no country outside the communist bloc officially described as a people's democracy, but that the communist countries did describe themselves as people's democratic governments, people's democracies. She does not accept that is the exclusive use to which that term can be put. She conceded that SACOD never condemned any facet of communism, and she conceded that SACOD never criticised any action by a communist person. She also conceded that SACOD had always approved of and admired the achievements of socialist or communist countries as improvements, and she conceded that SACOD had never praised any facet of capitalism as far as she could remember, nor referred with approval to achievements of capitalism.

My Lords, these are the points I ask Your Lordships to note.

MR. JUSTICE BEKKER :

What is your submission on these points?

MR. DE VOS :

My Lords, my submission on these points are

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that they bear out what I have submitted so far on the South African Peace Council policy, as to its communist orientation on the points I there mentioned, My Lords.

MR. JUSTICE RUMPFY :

Did you not deal with her evidence in respect of the S.A.P.C.?

MR. DE VOS :

My Lords, I do not deal with her evidence beyond noting these points which I pointed out to Your Lordships now.

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