

the People. DM.31, is a New Youth, it says it is an independent youth journal, Vol. 2 No. 2 of March 1956. This appears in the policy schedule, page 55, item 10, and page 60, item 7. I read from page 1, the editorial, which is headed "Colonialism" I read first the first and second (5 paragraphs -

On the 21st of last month and on the 21st February each year since 1948, young people in all countries of the world observe the International Day of Solidarity with youth fighting against colonialism. That in this (10 age men and women still have to celebrate such a day remains a shameful indictment of the so-called European or western civilisation. But at the same time the fact that the day is being celebrated by increasing numbers of young people each year, is a forceful barometer (15 spelling the last days of this scourge and all its attendant evils. No longer does mankind reckon in terms of centuries, ~~years~~ of years, or even decades, it breathes the fresh air of freedom. Each year and each week colonial and oppressed people are unbending their (20 backs and beginning to pace the soil of their native land as free happy and proud human beings.

Then I read the last sentence of the next paragraph -

Erstwhile colonial peoples shackled for centuries to imperialism have risen and broken the fetters that (25 have meant such indescribable misery, poverty and bloodshed for so many people.....At the end of World War II/<sup>in</sup>country after country of Central and Eastern Europe the toiling classes who formed the bulwark of gal'ant partisans and guerillas, came from the moun- (30 tains and trenches to establish their own People's

Democratic Republics, to join in peaceful friendship and brotherhood ..... and until then only free people of the Soviet Union.

Then I turn to page 7, under the heading "On the Youth Front -- Colonial Youth Day" - (5

A meeting organised by the Transvaal Youth Action Committee at the Congress Halll Johannesburg, on 23rd February, on the occasion of Colonial Youth Day, was attended by a number of youths. Amid the tense setting of lighted candles....the youth present adopted a (10 pledge read out by four girls. Alfred Hutchinson was the main speaker of the evening, and together with another speaker spoke of the significance of the fight for the Liberation of all colonial and semi-colonial peoples. (15

Then on page 8, under the heading "Big Plans for Youth General Meeting." -

New Youth Learns that the annual general meeting of the Transvaal Indian Youth Congress will reach very high standards. Extensive plans are being made to make (20 this a Freedom Charter Conference.

Then on page 9, I read two small paragraphs -

Ahmed M. Kathrada banned secretary of the S.A. Indian Youth Congress, was tried for being in the Orange Free State without a permit, was discharged. The S.A. (25 Society for Peace and Friendship with the Soviet Union has just published their latest bulletin which includes a report of the 20th Congress of the Soviet Communist Party. These are available at 6d. from box 2920 Jo- Hannesburg. (30

Then on page 11, one small portion, at the bottom of the

page - "Are you reading New Age, Fighting Talk, Liberation?"  
DM.32, is the Symposium on the National Question, which  
is the same as B.24. DM.33, is the booklet South Africa's  
Way Forward by Moses Kotane, which is the same as B.79.  
(No further questions) (5)

CROSS-EXAMINATION RESERVED:

STEPHANUS F. DU TOIT, duly sworn.

EXAMINED BY MR. TERBLANCHE: You are a detective sergeant  
in the S.A. Police, and where are you stationed?-- Yes,  
at Cape Town. (10)

And on the 27th September, 1955, were you also stationed  
at Cape Town?-- At Goodwood, Cape Town.

Now, on that date, the 27/9/1955, did you go to a certain  
address, 57, 15th Avenue, Elsie's River?-- Yes.

Do you know who lived at this address?-- Yes. (15)

Who was it?-- John Mtini.

Did you know him before that date?-- No.

Did you find him at home?-- Yes.

Did you have a warrant for his arrest?-- Yes.

And did he ....?-- Not for his arrest, but to search (20  
his house.

Did you find this person John Mtini at home that day?--  
Yes.

Did he identify himself to you?-- Yes.

Did you have a warrant to search his premises?-- Yes. (25)

And did you conduct a search of the premises?-- Yes.

Was this search conducted in his presence?-- Yes.

Will you look at these documents, 5 JM.1, 2, 3, 4,  
5 to 11, 12, 13, 14, 15 and 16. ?-- Yes.

Are those some of the documents which you seized there (30  
that day?-- Yes.

Did this person say anything in regard to these documents?-- I don't think so.

Did he disclaim ownership of these documents?-- He said it was his property.

5JM.1. is One Million Signatures for the Freedom Charter, which is the same as A.2. On this list there actually appears the certain signatures of people. 5JM.2 is South Africa's Way Forward, by Moses Kotane, which is the same as B.79. 5 JM.3. is Fighting Talk, Vol. 11, No. 3 of May 1955, which has been dealt with under G.1132. (10  
5JM.4. is the bulletin Workers Unity, Vol. 1 No. 2, June 1955, which is the same as G.28 B. 5JM.5. is the Congressman, and it is the same as DM.22. 5JM.6. is the Congress of the People circular, addressed to Dear Volunteer. It is handed in for possession. 5JM.7. is the lecture, (15  
"The Country We Live in," which is the same as A.85.  
5JM.8. is a circular of the African National Congress, Cape Province, head office Queenstown, dated 30th June, 1955, and it is addressed to all branches of the A.N.C. in the Cape, and it is signed by Enoch Tshunungwa as (20  
Provincial Secretary. 5JM.9. is African National Congress Cape, Roneod document. It is the presidential address to the Provincial Conference held at Cradock on the 15th August, 1953, and this is the same as B.17. 5JM.10. is the lecture "A Change is Needed," which is the same as (25  
A.86. 5JM.11. is a circular from the S.A. Coloured Peoples Organisation, African National Congress and the S.A. Congress of Democrats, dated 17th September, 1955, and addressed to all members of regional committees. It gives notice of a meeting on the 24th September, and it says that the (30  
matters to be discussed will be the Freedom Charter, and

matters incidental thereto. And typed in signatures, R. September for S.A.C.P.O.; J. Mtini for A.N.C., and B. Turok, for S.A.C.O.D. 5 JM.12. is the Freedom Charter, the same as A.10. 5 JM.13. is a membership card of the A.N.C. issued in the name of John Mtini, for the year (5 1953, and 5JM.14. is a membership card of the African National Congress, issued to Miss E. De Beer. It is signed by J.D. Morolong, for general treasurer, A.N.C. 5 JM.15. is a membership card of the A.N.C., issued in the name of J. Mtini, 15th Avenue, 57, Elsies River, it is (10 for the year 1955. 5JM.16. is the annual report of the national executive committee of the A.N.C., to the 42nd Annual Conference held on the 16th and 19th December, 1954, and it is the same as A.37.

(No further questions) (15

NO CROSS-EXAMINATION:

GERT VAN DER MERWE. duly sworn,

EXAMINED BY MR. TERBLANCHE: Are you a detective head constable in the S.A.Police ?-- Yes, I am.

And where are you stationed at present ?-- Bellville.(20

In December 1956, where were you stationed ?-- At Parow.

Now, on the 5th December, 1956, did you go to a certain address in 15th Avenue, Elsies River ?-- Yes.

Do you know who resided there ?-- John Mtini.

Now, did you find him at home ?-- He was at home. (25

Where was he ?-- In his bed.

Did you have a warrant for the arrest of this man ?-- I had a search warrant.

Did you know him before this day ?-- I have seen him.

You knew who he was ?-- Yes. (30

Didn't you have a warrant for his arrest ?-- Yes.

Van Der Merwe  
5JM.....

And did you arrest him ?-- I did.

On what charge ?-- On a charge of High Treason.

Did you conduct a search of these premises ?-- That is correct.

And was John Mtini/<sup>present</sup>during the search ?-- All the time (5 he was present.

And did you seize certain documents there ?-- I did.

Did John Mtini say anything in regard to these documents ?-- He claimed the documents as his.

Will you look at the documents now before you, 5 JM.17,(10 18, 19, 20B, 21, -- are those some of the documents you seized there that day ?-- That is correct.

5JM.17 and 18, are two issues of Liberation, they have been dealt with under G.1114. 5JM.19, is Congress Voice, Vol. 2 December, 1955, and it is the same as WM.53. (15 5JM.20B, is a pamphlet, or a bulletin Inhlaba Nkosi, Vol. 1 No. 1. It is in a native language, translation will be put in at a later stage. 5JM.21, is the bulletin for Peace and Friendship, special information bulletin, March 1956, issued by the Society for Peace and Friendship with (20 the Soviet Union, and it is on the 20th Congress of the Communist Party of the Soviet Union. It is the same as G.964.

(No further questions)

NO CROSS-EXAMINATION:

(25

DANIEL JOHANNESHUGGETT, duly sworn.

EXAMINED BY MR. TERBLANCHE. You are a detective head constable in the S.A.Police ?-- Yes.

And where are you stationed ?-- At Epping, district of Bellville, Cape.

On the 27th September, 1955, were you still a detective(30 sergeant ?-- No, I was already head constable.

And where were you stationed at that time ?-- At Maitland.

Now, on that day, did you go to a certain address, 24 Lancaster Road, Mowbray ?-- That is quite correct.

Who lived at that address then ?-- Mr. Horwitz. (5

Do you know his initials ?-- I.A., if I remember correctly, I am not too sure.

Did you know him before that day ?-- No.

Did you find him at home ?-- I did.

And did you have a search warrant for those premises ?--(10  
I had.

Did you inform this person of that fact ?-- Yes.

Did he identify himself to you ?-- Yes.

Did you then conduct a search of his premises ?-- I did.

Was this person Horwitz present during the search ?--(15  
Yes, he was.

And did you seize certain documents there ?-- Yes.

Will you look at these documents, IH.1 to 9, 10, 12, 16, 17 to 21, 23 and 24. ?-- Yes.

Are these some of the documents you seized there that(20  
day ?-- That's right.

Did this person say anything in regard to the documents ?-- He said they were his documents.

IH.1 is the booklet, South Africans in the Soviet Union and it is the same as A.197. IH.2. is Fighting Talk, (25 Vol. 11 No. 1 of March, 1955, and it has been dealt with under G.1132. IH.3. is the booklet "The Threatened People" which is the same as FA.22. IH.4. is the booklet South Africa's Way Forward, by Moses Kotane, and it is the same as B.79. IH.5. is a roneod document, resolutions adopted(30 at National Conference of the S.A.Congress of Democrats,

held on the 24th June, 1955, and it is the same as C.33. IH.6. are two issues of the bulletin, Counter Attack,, the first one shows that it is issued by the Claremont and Southern branch, and it is dated August 1955. It is handed in for possession, merely. And the second one is the (5 Counter-Attack, it is undated, and it is the same as C. 166. IH.7. is For Peace and Friendship, September-October 1955, and it is the same as NRM.15 . IH.8. is the bulletin of the World Council of Peace, June 1st, 1955. IH.9. is the lectures by J.H. Simons, and it is the same as LB.35.(10 IH.10. is the symposium on the national question, and it is the same as B.24. IH.12. is Speakers Notes No. 5, Suppression of Communism Act, and it is the same as NA.82. 12. IH.16. is the road to liberty, L. Bernstein, and it is the same as C.52. IH.17. is the draft of the immediate (15 programme of action by J. Hodson, and it is the same as C.281. IH.18. is the constitution of the S.A.Congress of Democrats, and it is the same as C.2. IH.19. is an issue of the newspaper "Advance," April 22nd, 1954, and it has been dealt with under G.1132. IH.20 is an issue of (20 Liberation, No. 4, August 1953, the same as E.626. IH.21 is Liberation No. 8 of 1954, and it has been dealt with under G.1150. IH.23. is a handbill advertising a torch light rally and send-off to the Cape Western Delegates to the Congress of the People, to takeplace at the Grand (25 Parade on the 8th June, 1955, issued by the Cape Western Action Council of the Congress of the People. IH.24. is the booklet, "Educating for Ignorance, ", which is the same as E.150.

(No further questions)

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CROSS-EXAMINATION RESERVED:

JOHANNES GABRIEL MARE, duly sworn.

EXAMINED BY MR. TERBLANCHE: You are a detective sergeant in the S.A. Police, ?-- Yes, stationed at Cape Town.

On the 5th December, 1956, did you go to an address, 24 Lancaster Road, Mowbray, Cape Town ?-- Yes. (5

Do you know who lived there at the time ?-- Isaac Oscar Horwitz.

Did you know him before that day ?-- Yes, I had seen him before.

Did you find him at home ?-- Yes, he was there. (10

Did you have a warrant for his arrest ?-- Yes.

And did you arrest him ?-- Yes.

On what charge ?-- A charge of High Treason.

Did you also have a search warrant for the premises ?-- Yes.

And did you conduct a search of these premises ?-- (15  
Yes.

Was this person present Horwitz present during the search ?-- All the time.

And did you in fact seize certain documents there that day ?-- Yes. (20

Did the person Horwitz say anything in regard to these documents ?-- He made no remarks.

Did he disclaim ownership of them ?-- No, he admitted that it was his property.

Will you look at the documents IH.25,-29; are those (25  
some of the documents you seized there that day ?-- Yes.

IH.25. is a Liberation, No. 22 of November, 1956, and it has been dealt with under G.1150. IH.26. is Fighting Talk. Vol. 12 No. 1, January 1956, and it has been dealt with under G.1132. IH.27. is bulletin of the S.A. Society (30  
for Peace and Friendship with the Soviet Union, for Peace

and Friendship, November 7th, and it is the same as AMK.45. IH.28. is another issue of Liberation No. 17, March, 1956, and it has been dealt with under G.1114. IH.29. is a Fighting Talk of October 1955, Vol. 11, and it has been dealt with under G.1132. (5)

(No further questions)

NO CROSS-EXAMINATION:

DANIEL STEFANUS SMIT MALAN, duly sworn.

EXAMINED BY MR. TERBLANCHE: Are you a detective head constable, S.A.Police, ?-- I am. (10)

And where are you stationed ?-- At Woodstock, Cape Town.

On 27th September, 1955, did you go to an address 18 Victoria Road, Woodstock ?-- I did.

Do you know who lived there on that day ?-- Yes. (15)  
Who was it ?-- George Peake.

Did you find him at home that day ?-- I did.

And did you have a warrant, a search warrant for those premises ?-- Yes.

Now, did you conduct a search of the premises ?-- (20)  
I did.

Was this person George Peake present during the search ?-- He was.

And did you seize certain documents there ?-- I did.

Now, did this person George Peake say anything in (25)  
regard to the documents you seized ?-- He said the documents are his property and I can help myself. "Take what you want."

Will you look at the documents before you now, GP. 1, 2, 3, 4, 6 and 7 ?-- Yes. (30)

Now, are these some of the documents you seized there

that day ?-- Yes.

GP.1, is the 10th Annual General Meeting of the Transvaal Indian Youth Congress, held on the 15th May, 1955. It is the same as B.99. GP.2, is the Chairman's Report of the 1st Annual Conference of the S.A. Congress of Democrats, to be held at Johannesburg on the 24th June, 1955. It is the same as C.32. GP.3, is the booklet "New Life in China," by Ruth First, and it is the same as PJ.67. GP.4 is a document, manuscript, in pencil, it appears to be notes for speeches. The first one on page 1 says - (10

I say again comrades that we the oppressed will march forward together, joining forces with all other freedom loving people till victory is won....

or "Till victory is ours." -

In our struggle we have nothing to lose except our (15 chains. In the noble cause's just struggle, we are not alone. Everywhere where people are oppressed and everywhere where oppression is no longer known, we have allies. Throughout the world comrades there are millions and millions of people who once experienced (20 oppression just as harsh and in many cases harsher than we do. They toiled under vicious laws. Today friends, they are happy contented people, following a life of dignified citizens. In them let us find inspiration. In them can we see the truth of our struggle. In them (25 can we see that in the final analysis the oppressed are always victorious. Comrades, in the struggle there is room for everyone, young and old. Of the young I would ask give your best. No sacrifice can be too great to secure freedom. To the not so young I say, "Your con-(30 tribution to the freedom struggle is just as necessary,

and if you do not survive to enjoy the fruits of struggle find consolation in the fact that they who go down in the struggle live on for all time in the memory of the liberated. Bantu Slave Education is being forced on to African children to chain their very (5 minds, to condition them to accept serfdom, inferiority as their lot. Not so far off we can almost smell the coloured education act which will also be designed to stultify the progress of the coloureds, to limit us to a pre-determined place in society, irrespective (10 of our ability or merits. We are to be the labour force, to appease the every increasing demands of the oppressors and exploiters.

That appears to be the notes of the first speech. Then there is another one, page 6 -

Mr. Chairman and Comrades, during the last eight years (15 of Nationalist tyranny many changes have come about on the South African scene. Unwelcome changes, I say friends, because they have been forced on the people. With these changes, friends, we have seen the oppression of the oppressed stepped up to such a degree, that it (20 makes one wonder how much longer it can go on without blowing the top off the volcanic situation that prevails due to the already over-tense race relations. The misery of the worker piles up around him owing to the increasing c.o.l. The home life of Africans is (25 destroyed. Section 10 of Urban Areas Act. The minds of the African child twisted into accepting the white man as his lord and master for all time through the Bantu Education Act. Our leaders are banned by the Suppression of Communism Act, to mention but a few, (30 the Statute Book is filled with unjust laws, laws that

humiliate us, laws that deprive us of citizenship in the land of our birth. Yes, comrades, laws that brand South Africa in the eyes of the world as a land where justice, peace and goodwill is unknown, a land where hatred, injustice and fear dog the lives of its people(5. And now comrades, the master plan, the king pin in the apartheid set-up, the Group Areas Act rears its ugly head. Let me briefly explain the reasons offered in favour of the Group Areas Act.....

And then he further deals with the Group Areas Act, and (10 it says that they will be plucked away from where they are and taken down to inferior homes way out in the bush. It then deals with the education of the children, who are bound to suffer. It then says page 12 -

And comrades, do not underestimate the ruthlessness (15 of the Nats. Unless they meet solid determined opposition they will stop at nothing. In the past months South Africa has witnessed a great crime against humanity being committed. In the Western Areas of Johannesburg complete families were uprooted in the night, sometimes(20 in pouring rain at gun point they were forced from their homes by thousands of police, loaded on to lorries, with their belongings and dumped in Meadowlands, 20 miles away. Yes, I know, it chills you to think that such things can happen in our country. It should chill you(25 even more when I warn you that it can happen right here, yes, right in Walmer Estate. The months that lie ahead are going to be dark and difficult ones, comrades. (faced?) In South Africa today, we are forced with one or two choices. Either we remain indifferent and go meekly (30 to the slaughter, or we stand up as men and take our

places side by side with all freedom fighters in this land and thus help to shape the new South Africa. Comrades, prepare now to defend your homes, rally behind the banner of the Congresses, and we can yet win the day. As South Africa plunges along the road of fascism(5 there can be few people who fail to recognise the similarity of South African events of today with those of Hitler's Germany. Take any law passed in the regime of Malan and Strydom, and you are sure to find the counterpart in Germany of 1933. In Germany people were per-(10 secuted because they were Jews. In South Africa we are persecuted because we are black, but give warning to the white section of South Africa who do not subscribe to nationalism that they are next.

It further says that the policy is to divide and rule. (15 And then on page 18." We are determined and well organised and -

This diabolical plan of power drunk racialist politicians turns South Africa into an armed police camp where no man can be sure of his freedom, where people will be(20 forced to walk in the shadow of the jackboot, and the sjambok. The inhuman plan will fail and South Africa will be able to take its place amongst the nations as a free land, true democracy for all. Be not disheartened comrades, night always seems darkest just before the (25 dawn. Rapidly the camp of the oppressors is narrowing because the forces of good in South Africa, greatly outnumber those of evil. Let all freedom fighters march forward resolutely and courageously, sacrificing when (30 necessary, and freedom will be won in our lifetime.

Forward to the C.O.P. Forward to Freedom.

I omit GP.6. GP.7 is the Freedom Charter, the same as A.10  
(No further questions)

CROSS-EXAMINATION RESERVED:

COURT ADJOURNS:

(5

COURT RESUMES 13/10/1959:

MR. PLEWMAN ADDRESSES COURT:

(Accused 26 still absent).

PIET JACOBUS MOUTON. duly sworn.

EXAMINED BY MR. TERBLANCHE: You are a detective sergeant(10  
in the S.A.Police, and where are you stationed ?-- I am  
stationed at Cape Town.

On the 27th September, 1955, did you go to a certain  
address, Middelburg, Kloof Road, Clifton, Cape Town ?-- Yes.  
Did you have a search warrant for those premises ?-- Yes.<sup>(15</sup>  
Is it a dwelling house ?-- Yes.

Do you know who resided there ?-- It is the house of  
Mr. and Mrs. Brian Bunting.

Now, when you arrived there, did you find Mrs. Bunting  
present ?-- No. (20

Was there anybody in the house at the time ?-- There  
was a Mrs. Festenstein.

Did you then conduct a search of these premises ?-- Yes.

And did you seize certain documents ?-- Yes.

Will you look at the documents marked SB.2, 3, 4-10 (25  
11, 12, 13, 14-20, 24, 25, 26, 27, 28 and 29 and 31 ?--  
Yes, but 16 is not here.

We will leave that for the moment. Are those the docu-  
ments, some of the documents, which you seized there that  
day ?-- Yes. (30

SB.2.is a booklet,"Let's talk about Russia,".....

BY MR. JUSTICE RUMPF: Mr. Terblanche, before you go, on perhaps I have missed something, but who lives in this house?

BY MR. TERBLANCHE: Mr. and Mrs. Bunting, Milords. I will lead evidence later when another witness gives evidence. (5

BY MR. JUSTICE RUMPF: Well, why don't you say so? How do I know? He finds a Mrs. Festenstein there.

BY MR. TERBLANCHE: Milords, this witness can't give that other evidence. I will lead evidence from another witness who will state that..... (10

BY MR. JUSTICE RUMPF: Did he find this in the room where Mrs. Festenstein lived? If she lived there.....

EXAMINATION BY MR. TERBLANCHE CONTD.: Can you tell us where you found these documents?-- These documents were found in the lounge, and some in the room, the bedroom. (15

Was this bedroom occupied at the time?-- That I cannot say. Mrs. Festenstein occupied the house temporarily, during the absence of Mr. and Mrs. Brian Bunting.

How long?-- That I do not know.

BY MR. JUSTICE RUMPF: Well, how can this be -- in the (20 house of Mrs. Festenstein -- is she a co-accused, co-conspirator?

BY MR. TERBLANCHE: No, Milord, I will ...

BY MR. JUSTICE RUMPF: Well, when did Mr. and Mrs. Bunting leave this house -- how long has this Mrs. Festenstein (25 been staying there, a year, two years, three months, a day, how long? I don't know.

BY MR. TERBLANCHE: No, Milord, it was only occupied by Mrs. Festenstein during the absence on holiday of the Buntings, and I will lead evidence from a person who (30 knows Mrs. Bunting very well, to state what her activities

were at that time.

BY MR. JUSTICE RUMPF: Then you must do that before you lead a witness like this, because this is completely irrelevant, unless as you now do, you inform the Court just exactly what the situation is. (5

BY MR. TERBLANCHE: As Your Lordship pleases; on this booklet there is no indication by whom it was issued, nor a date, SB.2. SB.3., is a booklet, the Development of the German Democratic Republic. And it is published by the German National Preparatory Committee for the third (10 world festival of youth and students for peace. SB.4. is a booklet on Inter-Party Struggle by ..... Foreign Languages Press, issued Peking, China. And it says it is a lecture delivered on July 2, 1941, at the Party School for Central China. SB.5. is a Liberation No. 12 of 1955, (15 and it is the same as G.1114. SB.6. is a booklet Mao Tse Tung, on the Chinese Revolution, and it is a Foreign Languages Press Issue, Peking, 1953. SB.7. is the booklet Georgi Dimitrov, and it is issued in Sophia, 1948. SB.8. is a Booklet on the Party, Foreign Languages Press, issued (20 Peking, China, March 1950. SB.9. is a booklet Internationalism and Nationalism Foreign Languages Press, issued Peking, China. SB.10. is a booklet, People's Democratic Dictatorship by Mao Tse Tung, and it is issued in 1950 by Lawrence and Wishart of London. SB.11. is a booklet, 30 years of (25 the Communist Party of China, and it is issued in 1951 by Lawrence and Wishart, London. SB.12. a booklet, How the Tillers Win Back Their Land, it is the Foreign Languages Press, Peking, 1954. SB.13. is Workers Unity, Vol. 1 No. 4 of August 1955, and it is the same as B.28D. SB.14. (30 is the Fighting Talk. Vol. 11 No. 7 of September, 1955,

and it is the same as G.1132. SB.15. is a letter from the South African Peace Council, dated 1st September, 1953, and it is addressed to the Secretary, Cape Town Peace Council, Bcx 2706, Cape Town. I wish to omit SB.15 and SB.16.

SB.17. is a typed document, Could Peace Cost So Much? and (5 it deals with the collecting of Peace Signatures in the Cape Town Municipal Housing Area, occupied by what is described as the hard-working and thrifty type of coloured worker. It also deals with the collection of these signatures in different areas of Cape Town, and also with the (10 World Peace Movement in different countries. Israel, Italy and Canada. And there is a paragraph on page 3 dealing with the Rev. Thompson's return from Europe. It says -

The Rev. Thompson is home from his European trip which took him as a delegate to the World Youth Rally for (15 Peace in Berlin, followed by a tour of European countries and a visit to Russia as a guest of the peace movement there. The Transvaal Peace Council of which the Rev. Thompson is chairman is organising a report back campaign for him, and as a start meet- (20 ings have been called for October 8th and 11th.

SB.18, is the roneod document, Africa for Peace, and it is the same as E.40. SB.19, is the draft constitution of the Cape Peace Movement, handed in for possession.

SB.20, S.A. Peace Council circular. It is undated. It (25 shows the typed in signature of the Rev. D.C. Thompson, Chairman, and it is signed H. Wolpe, for Rev. D.C. Thompson. It deals with the support given by diverse circles to the ideas of settling the <sup>inter-</sup>national differences by negotiation and it then quotes from what certain people said, for (30 instance, Winston Churchill, Malenkov, Eisenhower, and

it deals with the campaign conducted by the World Peace Council against the atom bomb. SB.24, is a draft speech for the Congress of the People. I read certain portions from this. It says -

I am speaking here from the Cape Action Council of the (5  
C.O.P. ....

This is a typed document, it doesn't bear a date or a signature. -

As a member of the C.O.D., one of the sponsoring organisations, today it is our task to elect delegates (10 to the Congress of the People which will take place in Johannesburg on June 25th and 26th.....We want you to choose delegates from Blaauwvlei that you would like to see representing you in Parliament because C.O.P. is going to be something like a Parliament, only there (15 will be many more people there. It will be a sort of mass parliament where people of all colours and races will come together to say what sort of South Africa they want, and they will be elected people, elected by people who have never before had a chance to vote. (20

I omit the next few lines -

Whoever is chosen I am sure will represent you well. You have made many demands already and if there are any others who want to make demands they can do so now or later. We want the wishes of all people to be in- (25 cluded in the Charter, because this Charter must show us what sort of South Africa we want to live in. We want to live in a free South Africa, a South Africa where everyone has the vote, where everyone can live where they like, work where they like, where they (30 earn enough money to live decently and buy the things

that everybody needs.

And underneath there is "Grand Parade Rally, June 8th, from 5.30 p.m." And then page 3, which is on a different type of paper, again typed says -

As one of those who attended the Congress, I must also(5  
make the point that it was one of the most inspiring  
week-ends of my whole life. The inspiration that I  
got there will last me until we have received the Free-  
dom laid down in the Charter. The Charter itself is a  
wonderful document. It sets out in simple language (10  
the simple demands of the people of our country. It is  
up to us now to see that this Charter becomes a living  
document, that its demands become a reality and we must  
pledges ourselves to devote our whole lives from now on  
without stopping to this great aim. Throughout the (15  
history of the world it has been the people who have  
fought for freedom who have made the greatest contribu-  
tion to humanity.

I omit the next few lines -

The speakers before me have dealt with their sections (20  
of the Charter. I have to bring before you the two  
sections dealing with "All shall be equal before the  
law," and "All shall enjoy equal human rights." And  
the document then deals with those two sections of the  
Charter. (25

And there is written in in pencil, with an arrow, to fit it  
in between the second last and the last paragraph "Why is it  
that the laws are violated?"

Because a handful of mining magnates industrialists and  
rich farmers want to exploit the people of our country (30  
in order to make large profits. The mass of the people

must be kept in ignorance and poverty in order to enable the few to live in luxury and ease.

Then page 5, again on a different type of paper, again typed, The history of mankind is the history of man's struggle for a fuller and freer life. From the earliest times (5 the men and women who have made the greatest contribution to the welfare of humanity have been those people who have fought for freedom, for the right of all people to share equally in the enjoyment of the good things of life. Each great state in the development of human (10 society has been marked by the extension of rights, privileges and opportunities to larger and larger numbers. And it then says "Refer to universal declaration of human rights, stating the articles." And it then says 9 -

.....leaders summarily arrested and gaoled in Bloem- (15 fontein for three months by Verwoerd under the Native Administration Act without any charge ever being preferred against them. The deportation of Ngwenshe, Lingise and Manara under the native Administration Act. 12. Police break into people's homes in the middle of (20 the night and any policeman now can enter a house without a warrant.

And 13, Pass Laws -

The Passport Act of Last Session, the Immorality Act and Mixed Marriages Act...17 Africans not allowed to (25 own land in non-reserve areas and the Land Act of 1913 and the Africans deprived of property under Western Areas Removal Scheme. 19. Suppression of Communism Act and the banning of literature under the Customs Act. Threat of internal censorship and actual ban- (30 ning of Guardian, Advance under Suppression of Communism

Banning of meetings and individuals under Riotous Assemblies Act and Suppression of Communism Act. Threat of dictatorship under Public Safety Act enabling Government to declare an emergency and to suspend all laws, to rule by decree. (5

Then the last paragraph deals with Bantu Education, and page 7 says -

Where are our tried and trusted leaders? Where our Moses Kotanes, our Yusuf Dadoos, our J.B. Marks. They have been prevented from coming here by the vicious (10 action of Swart and the Nationalist Government. But for every leader that is banned, a hundred a thousand must rise to take their place; for every voice that is silenced a thousand voices must be raised; for every leader that is exiled a thousand more must spring up from where (15 they have been sent.

Then the last page which is numbered 8, also deals with the Congress of the People, and it says -

Together with the 40 of our delegation who managed to get through from Cape Western I have travelled 1,000 (20 miles to attend this great Congress, and I am sure I am speaking for all of them when I saw we would have travelled 10,000 in order to be here. We have come together to talk about freedom. The whole history of mankind..... (25

It then repeats more or less what is on the previous one.

And then says -

But what do we find in our country?

And it again refers to Vitzieshoek, and the leaders Gwentshe and Lingisi, Monare and Sibande, and the action of the (30 police, and it says -

We must now take our freedom(Charter) to all the corners of South Africa. We must think of it not merely in terms of what we can get not only in relation to the future, but we must make it a living document around which we will struggle for its implementation. For we are (5 the people. We are the majority of the population of this country. No force on earth can stop us from winning our freedom. We must take the one course open to us, to fight and to organise, until the just demands of our charter become a reality and freedom and equality(10 become a reality for every man, woman and child in South Africa.

SB.25. is a roneod document "Messages to the Congress of the People" which is the same as A.52. SB.26. is a draft Freedom Charter which is the same as CM.42. SB.27. is a draft reso-(15 lution of the Congress of the People, handed in for possession. SB.28. is a roneod document, S.A.Congress of Democrats, Notes on the political situation by the national executive committee for discussion at Conference, and this is the same as C.41. SB.29. is roneod document, N.E.C. Resolutions to (20 be submitted to the annualnational conference. These are handed in for possession. It is the same as B.42. SB.31. is a roneod document, Chairman's report to the annual conference of the/<sup>S.</sup>African Congress of Democrats to be held at Johannesburg on 24th June, 1955, and it is the same as C.32.(25 (No further questions)

CROSS-EXAMINATION RESERVED:

BY MR. TERBLANCHE: In this connection I wish to refer the Court to the admissions made in regard to this witness' search, which appears on page 1436 and page 1422 of the (30 Preparatory Examination. On page 1436: "I now deal with Sonia Bunting, Accused No. 79. She was searched on two

occasions. The first search took place on 27/9/1955, by Det. Sgt. Mouton, who is stationed at Cape Town Central. He took possession of documents which I now hand in as SB.1 to 32. The search took place at the residence of the Accused Middelburg, Kloof Road, Clifton, Cape Town, and (5 the search was in the absence of the Accused." Then on page 1442 by Mr. Coaker: "The Defence admits that on 27/9/55 one Det. Sgt. Mouton of the Cape searched the premises at Middelburg, Kloof Road, Clifton, Cape Town, in the absence of the Accused, and there took the documents SB.1 to 32. (10  
BY MR. JUSTICE RUMPF: Does that cover it?

BY MR. TERBLANCHE: No, Milords, I will also lead the other evidence. The next witness deals with the same series, Det. Sgt. Costhuizen.

SOLOMON JOSIAS OOSTHUIZEN. duly sworn, (15  
EXAMINED BY MR. TERBLANCHE: You are a detective sergeant in the S.A. Police, and where are you stationed?-- I am stationed at Pretoria at the moment.

And in December 1956, where were you stationed?-- In Cape Town then. (20

Now, on the 5th December, 1956, did you go to a certain address, Middelburg, Kloof Road, Clifton, Cape Town?-- Yes.

Do you know whose house this is?-- Sonia Bunting.

Did you find her at home that day?-- I did.

Did you have a warrant for her arrest that day?-- (25  
Yes, I did.

And did you arrest her? - Yes, I arrested her that day  
On what charge did you arrest her?-- On a charge of  
High Treason.

Did you also have a search warrant?-- Yes. (30

Did you inform her of this?-- Yes.

And did you then conduct a search of the premises ?--  
I did.

And did you seize certain documents ?-- Yes.

Did this person Sonia Bunting say anything in regard to  
the documents which you seized ?-- She claimed them as her (5  
property.

Now, will you look at the documents SB.33, 35 - 43; and  
45 ?-- Yes.

Are those some of the documents you seized there that  
day ?-- They are. (10

SB.33. is a pamphlet "What is behind the anti-communist  
campaign, a statement by the Central Committee, Communist  
Party of South Africa. SB.35. is a booklet, Speech by M.A.  
Churchlov, member of the Praesidium of the Central Committee  
of the C.P.S.U. at the 20th Congress of the Communist Party (15  
of the Soviet Union, February 16th, 1956. SB.36. is a list,  
with a number of photographs. They are numbered 1 to 15,  
and each one explains the photograph bearing the same number.  
They all relate to China. I am only handing in one of the  
list and one of those photographs, which is No. 7. No. 7 (20  
says -

The mutual aid and co-operative movement is rapidly  
developing in China's vast countryside, bringing forth  
a total of 95,000 agricultural producers' co-operatives  
in which many outstanding women members distinguish them- (25  
selves as leaders in production. Picture shows Li Hey-li,  
director of an agricultural producers' cooperative named  
after her in Yungshin Country, Kiangsi Province. She has  
led her co-op members to use advanced technique in zea- (30  
lous work thus reaping bumper harvest after bumper harvest.

BY MR. JUSTICE RUMPF: Now, what have we got to do with that?

BY MR. TERBLANCHE: I am only reading this, because the photo Your Lordships will find is the photo appearing on the booklet by Rth First.

BY MR. JUSTICE RUMPF: Yes, if you say that, why do you read all that? (5

BY MR. TERBLANCHE: To explain the photograph, only to show what it is.

SB.37, is a booklet, "New South African Series," No. 4, The African worker, communists demand trade union rights for Africans. SB.38. is the Communist Song Sheet, and (10 SB.39. consists of a letter, dated 14th February 1956 and the address at the top is 202, Roseacre, 30 Cooper Street, Cyrildene, Johannesburg. It is addressed to Dear Sonia, and it comes from a person "Jack" It refers to certain other correspondence, and then says "We are happy (15 about your taking on the distribution of Fighting Talk and Liberation." And it then gives certain addresses of other people who previously were concerned with these two publications, and attached to it is also a list giving names and addresses, and it is headed "Fighting Talk," (20 and another list headed "Liberation" also giving names and addresses. SB.40. is the Call, the special pictorial issue which is the same as B.95. SB.41. is a booklet, Communists Plan for Victory, Reports of the Central Committee of the Communist Party of South Africa to the National Conference (25 held at Johannesburg, January 1943. SB.42. is a Cape Town Peace Council circular, roneod, dated 26th November, 1956, and it is headed Statement on World Crisis. In paragraph No. 1 it says -

The world has during the last few weeks been plunged (30 into a period of strife and dissension. Both in Egypt

and in Hungary, events have brought us to the brink of war -- a war which every peace-loving individual must strive to avert. ....In Europe we demand the dissolution of NATO and the Warsaw Pact and the withdrawal of all foreign troops. It is only by ending the cold war (5 that the peoples of Europe will be free to exercise their right to independence and genuinely settle their own affairs. It is only in this way that there will be a guarantee of peace.

SB.43. is New China News Agency issue, of the 8th November (10 1956, it is a daily bulletin. SB.45. is the booklet, Suez, the Soviet View, and it is B.A. Bulganin replies to questions Statement by the Soviet Government on the Suez Canal Issue. Statement by D.P. Shepilov, the Suez Canal Conference in London. It is dated 9th August, 1956. (15

BY MR. JUSTICE RUMPF: In regard to Exhibit SB.38 . As far as I remember, you said that is a Communist Song Sheet. Is that all you want on the record? Are there songs on the sheet, which appear to be songs, songs by Communists?

BY MR. TERBLANCHE: Yes, Milords, it is headed Communist (20 Song Sheet, and the first one The Internationale, and inside it says "Join the Party of the Workers."

(No further questions)

CROSS-EXAMINATION RESERVED:

JOHANNES HERONIMUS VLOK. duly sworn, (25

EXAMINED BY MR. TERBLANCHE: You are a detective sergeant in the S.A.Police, ?-- Yes.

And where are you stationed ?-- At Cape Town.

On the 27th September, 1955, did you go to a certain address, The Briars, Rembrandt Road, Claremont, Cape Town (30 ?-- Yes.

Do you know who resided there at the time ?-- Yes.

Who was it ?-- Fred Carneson.

Was he present when you arrived ?-- He wasn't present at the time of my arrival, but he arrived later.

And did you have a search warrant for those premises ?--(5  
Yes.

And did you inform Fred Carneson when he arrived of the purpose of your visit ?-- Yes.

And did you then conduct a search ? - Yes.

In his presence ?-- Yes. (10

And did you seize certain documents there ?-- Yes.

Now, will you look at the documents marked FSC.2,3 and 4 ?-- Yes.

Are those documents you seized there that day ?-- Yes.

Did this person Fred Carneson say anything in regard to (15  
these documents ?-- No, he didn't say anything.

Now, on 5th December, 1956, did you again go to this same address ?-- No, to ... Road, . Newlands.

Who was living at this place at that time ?-- Fred Carneson lived there. (20

Was he present when you arrived ?-- Yes, he was.

Did you have a warrant for his arrest that day ?-- Yes.

And did you in fact arrest him ?-- Yes.

On what charge ?-- On a charge of high treason.

Did you also have a search warrant ?-- I did. (25

Did you conduct a search of those premises ? - Was this person Fred Carneson present during your search ?-- Yes.

And did you seize certain documents there ?-- I did.

Will you look at the documents marked FSC.10, 11, 12, 13, 14, 15, 16, 17 and 18 ?-- Yes. (30

Did he on this occasion say anything in regard to these

documents ?-- No.

Did he disclaim ownership ?-- No.

FSC.2. is a typed document, headed The Bantu Education Act, Education for Slaves, and it deals with that Act. FSC.3. is the booklet New Life in China by Ruth First, and (5 it is the same as PJ.67. FSC. 4 and 10. are two issues of Fighting Talk, and they have both been dealt with under G.1132. FSC.11. is a Liberation No. 19 of June, 1956, and it has been dealt with under G.1144. FSC.12. is a photostatic copy of a portion of the paper New Age, June 30th (10 1955, containing a Freedom Charter, with certain pictures inserted. Also the resolution adopted by the Congress of the People, contents are the same as A.10. FSC13. is the booklet, The Threatened People, which is the same as C.268. FSC.14. is the booklet, S.Africa's Way Forward by Moses (15 Kotane, the same as B.79. FSC.15. is the booklet, The Communist Party, Leader of the Chinese Revolution, in commemoration of the 30th Anniversary of the Communist Party of China. It is a Foreign Languages Press Issue, Peking China. FSC.16. is a booklet, the Soviet Trade Unions during the (20 period of the post-war Five Year Plan, and it is issued in Moscow, 1951. FSC.17. is a booklet, Conditions of Life Work and Struggle of the Transport Workers in Africa and Madagascar, it is a World Federation of Trade Unions issue, 1952. FSC.18. is a new Age, which is a booklet, it is not(25 the Newspaper by that same name. It is dated September 1955, and it says it is printed by D.P. Shina, New Age Printing Press, Delhi. It says "New Age Political Monthly of the Communist Party of India."

(No further questions)

(30

CROSS-EXAMINATION RESERVED:

PIETER ANDRIES VAN ZYL, duly sworn.

EXAMINED BY MR. TERBLANCHE: You are a detective sergeant ...

?-- Lieutenant.

In the South African Police, and you are stationed at Klerksdorp ?-- Yes. (5

In September 1955, where were you stationed ?-- In Cape Town.

On the 27th September, 1955, did you go to a certain address Pelendaba, Colenso Road, Newlands, Cape Town ?-- That is correct. (10

Do you know who resided there at the time ?-- Mr. Lionel Forman.

Did you have a search warrant for those premises ?-- That is correct.

And when you arrived there, was Mr. Lionel Forman (15 present ?-- He was not present.

Was he present at any time ?-- He was not present at any time, during the search.

Did you then conduct a search of these premises ?-- I did. (20

Did you know him before the time ?-- Not personally, I knew about him.

You knew him by sight ?-- I wouldn't have recognised him at the time.

Now, I will have to bring other evidence in this re- (25 gard.

You then seized certain documents ?-- That is correct.

Will you look at the documents LSF.1, 2 and 3, 5, 6 and ; 7 -- are those some of the documents you seized there that day ?-- Yes. (30

Where did you find these documents ?-- I found them in

one of the bedrooms at this address.

Was anybody present during the search?-- The wife of the Accused -- of Mr. Forman was present during the search.

LSF.1. is a typed document, Symposium on the National Question, contribution by L. Forman. This is the same as (5 appeared in document "Symposium on the National Question," which has already been dealt with. LSF.2. is entitled "Outline Notes for article on the national question," which appear to be the first rough notes of this document just handed in. LSF.3. is a symposium on the national (10 question, which is the same as B.24. LSF.5. is a copy of Liberation, No. 8 of 1954, which has been dealt with under G.1150. LSF.6, is a roneod document, The Peace Movement and the Congress of the People, which is the same as E.30. LSF.7. is the annual report of the National(15 Executive Committee to the 42nd Annual Conference of the African National Congress, held on the 16th to 19th December, 1954, and it is the same as A.37.

I also wish to refer the Court to the admission in this regard made at the Preparatory Examination on page (20 1548, "The next is Lionel Forman, Accused 83. On 27/9/55, his house at Pelandaba, Colenso Road, Newlands, Cape Town, was searched by Det. Sgt. P.A. Van Zyl of the S.A. Police, Cape Town. " The search was, it is stated here "in his presence, and documents now handed in as LSF.1 to 7 were removed from his house." And then on page 1549 (25 by Mr. Coaker, "With regard to the search on 27/9/55, the Defence admits the facts set out by my learned friend with regard to the searches and documents." I then further deals with a search on another occasion, but that is obviously a mistake as far as the presence is concerned. (30

(No further questions)

CROSS-EXAMINATION RESERVED:

JAN ABRAHAM SWANEPOEL, duly sworn,

EXAMINED BY MR. TERBLANCHE: Are you a detective sergeant. .

?-- Detective Head Constable, (5

In the S.A. Police, stationed where ?-- Windermere, Cape  
Town.

In December, 1956, were you still a detective sergeant

?-- That is correct.

And where were you stationed ?-- Cape Town. (10

Now, on the 5th December, 1956, did you go to an address  
in Colenso Road, Newlands, Cape Town ?-- The name of the  
house is Pelendaba, in Colenso Road.

Do you know who lived there at the time ?-- Advocate  
Forman. (15

And was he present when you arrived there ?-- He was

Did you have a warrant for his arrest ?-- <sup>Y</sup>es, I had one.

Did you arrest him ?-- Yes, I did.

On what charge ?-- High treason.

Did you also have a search warrant for the premises ?-- (20  
Yes, I had one.

And did you conduct a search of the premises ?-- Yes.

Was Lionel Forman present during the search ?-- He was.

Did you seize certain documents ?-- Yes.

Did the person Lionel Forman say anything in regard (25  
to the documents you had seized ?-- As far as I remember,  
he did not say anything.

Did he disclaim ownership of the documents ?-- No, he  
claimed it as his.

Will you look at the documents marked LSF.8 to 17, (30  
18, 20 -- are those some of the documents you seized there

that day ?-- They are some of the documents.

LSF.8, 9, 10, 11 and 12. are all issues of Fighting Talk, different issues, and they have been dealt with 8 and 9 under G.1132, No. 10 under G.1131 and 11 and 12 again under G.1132. LSF.13, 14, 15 and 16. are all issues of (5 Liberation, different issues. Nos. 13 has been dealt with under G.1150, No. 14 under G.1114, 15 under G.1150 and 16 under G.1114. LSF.17. is the roneod document, the lecture "The World We Live In," and No. 2, "The Country we Live In" and No. 3 "The Change is Needed," they are the same (10 as A.84, 85 and 86. LSF.18. is the bulletin, Workers Unity, Vol. No. 5 of September, 1955 it is the same as LLM.73. And LSF.20. is a pamphlet issued by the Congress of Democrats, P.O. Box 4552, Cape Town, and it deals with the signatures for the Freedom Charter. That completes the (15 documents to be handed in by this witness.

(No further questions)

CROSS-EXAMINED BY MR. FISCHER: Mr. Swanepoel, why do you say Forman claimed these documents as his ?-- I found these documents in his bedroom, and I asked him whether they were (20 his, and he said 'yes.'

By the way, were you surprised to find him present there ?-- I was not surprised to find him there, because it was still early in the morning. It was approximately 7 a.m. (25

And you say you asked him whether they were his documents ?-- I asked him whether they were his.

And he said yes ?-- Yes.

Why did you tell my learned friend that he said nothing about these documents ?-- I didn't ask him any other (30 questions. I just told him these things are being taken now

are they yours, and he said "Yes."

Why did you tell my learned friend that he said nothing about these documents ?-- Because he gave me no other explanation. I asked him that question.

Mnr. Swanepoel, verstaan my nou goed. Waarom het u (5 aan die Kroon gesê dat hy niks omtrent die dokumente gesê het nie ?-- (Reply not interpreted -- not into microphone)

Moenie daardie antwoord elke keer gee nie; ek vra u waarom het u aan my geleerde vriend daar gesê dat Forman niks van sy dokumente gesê het nie. U sien dis nie die (10 eerste keer, mnr. Swanepoel, elke keer gebeur dit dat 'n getuie sê die man het niks gesê nie, en as my geleerde vriend vra omtrent eiendomsê die getuie ja, hy het dit gesê. Waarom het u gesê in die eerste instansie dat hy niks gesê nie ?-- (Reply not interpreted -- not into (15 microphone)

As u hom gevra het, is dit dan nie moontlik om die regte antwoord aan die Kroon te gee ?-- .....het hy iets te sê gehad.

Nou, wat het hy gesê ?-- Ek het hom gevra of....ek (20 neem die dokumente in beslag, is dit u eiendom, en hy het my geê "Ja."

Waarom het u gevra of dit sy eiendom is ?-- Omdat ek daar beslag op gelê het.

En toe u eers gevra is omtrent die ding het u vergeet (25 dat u die vraag aan hom gestel het ?-- Dis 'n blote antwoord wat hy gegee het op 'n vraag.

BY MR. JUSTICE RUMPF: No, but counsel wants to know why in reply to the Crown Prosecutor, you said that he said nothing about the documents ?-- I must admit that I made (30 a mistake there then. I took charge of the documents, I

gave him a receipt for them. I told him I was going to take possession of them and asked him whether they were his, and he said yes.

(No further questions)

SAMUEL HENDRIK WHITE, duly sworn, (5

EXAMINED BY MR. TERBLANCHE: Are you a detective sergeant, S.A. Police ?-- I am a special constable at the moment; I was a sergeant in the S.A. Police.

During 1955, September, you were a sergeant ?-- Yes,

And on that date where were you stationed ?-- In Cape (10  
Town.

Now on the 27th September 1955, did you go to a certain address in Woodstock, Cape Town ?-- Yes.

Do you remember what that address was ?-- 35 Ravenscraig Road. (15

Do you know who lived there at the time ?-- Reginald September.

Did you know him before that date ?-- Yes.

Now, when you arrived there, was he present ?-- Yes.

Did you have a search warrant for those premises on (20  
that day ?-- I did.

And did you inform him of the purpose of your visit ?--  
I did.

And you then conducted the search of the premises ?--  
Yes: (25

Was he present while you conducted this search ?-- He  
was.

Did he occupy the whole house there ?-- Yes.

Was he -- who else occupied the house ?-- On the first  
occasion, on that particular occasion, there was another (30  
man, Lionel Morrison, who occupied one room.

Now, the documents which you seized on this occasion, from what portion of the house did you seize them?-- That occupied by September.

Will you look at the documents, RSS.1, 2, 3 and 4, 6 to 11, and 12?-- Those were documents I found in the house (5 of September, on that date.

In one or more rooms?-- He occupied the whole house, I searched the whole place. I can't remember whether these documents were found in one room or more than one room.

Was he present when you found the documents?-- He was (10 present and admitted....

When you seized the documents?-- Yes.

Was there anything said about the ownership of these documents?-- I asked him whether the documents belonged to him and he admitted that they were his. (15

Now, on the 5th December, 1956, did you again go to the same address?-- Yes.

And did you find Reginald September present?-- He was there.

Did you have a warrant for his arrest that day?-- Yes. (20

And did you arrest him?-- I arrested him.

On what charge?-- On a charge of treason.

And did you also have a search warrant?-- Yes.

And did you conduct a search of the premises?-- I did.

Was September present during the search?-- He and his (25 wife were present.

And did you seize certain documents?-- Yes.

Was anything said in regard to the ownership of the documents?-- September claimed ownership of all the documents found. (30

Now, will you look at the documents RSS.13 to 20,

22 to 24 -- are those some of the documents you seized on the 5th December?-- They are.

RSS.1 is the booklet "New Life in China," by Ruth First, which is the same as PJ.67. RSS.2 and 3, are two issues of Liberation, they have been dealt with under G.1150. (5  
RSS.4, is the booklet, South Africans in the Soviet Union, which is the same as A.197. RSS.6, is the lecture "Change is Needed," which is the same as A.86. RSS.7, is a letter from the National Action Council of the Congress of the People, dated 30th May, 1955. It is signed by Moola for (10 the Secretariat, Congress of the People, and it is addressed to Mr. Reggie September, P.O. Box 4552, Cape Town. And it says -

Dear Friend, the National Action Council of the Congress of the People, has decided to nominate you as (15 one of the chief speakers from the platform from the Congress of the People in Kliptown on June 25th and 26th, 1955. We therefore extend to you an invitation to attend the Congress of the People to deal with one Section of the Freedom Charter for discussion by the delegates.(20 And attached to it is an envelope addressed to Mrs. Sonia Bunting, P.O. Box 4552, Cape Town, and in ink is written 'Reg September.' RSS.8, is a Freedom Charter, which is the same as A.10. RSS.9, is the lecture, the Country we Live In which is the same as A.85. RSS.10, is a document which (25 appears in the policy schedule at page 126, item 6. It is a letter from the Federation of South African Women, and it is P.O. Box 2706 Cape Town, dated 23rd May, 1955, and it is addressed to the Secretary-General, S.A.Coloured Peoples Association. It says - (30

Dear Friend, the Federation of South African women was formed as a result of the growing need that women felt for women's organisations to embrace all women irrespective of race and colour.

It then says -

(5

This Federation is carrying out a nation-wide campaign to enlist support and the National Executive Committee invites your organisation....

that is September's organisation -

to affiliate to them and thus make a valuable contribu- (10  
tion to this cause.

It then gives the aims of the Federation, which is to abolish the discrimination practised by law and custom against women, and it says further -

To build and strengthen women's sections in the national (15  
liberatory movements; to assist in organising women in trade unions,

and it further says that a copy of the draft constitution is attached, and that is attached to the letter. RSS.11,

is a bulletin S.A.C.P.O. Rally, Vol. 1 No. 2, and it is the (20  
same as ALG.12, which will be dealt with later. RSS.12, is

the lecture "The World We Live in," which is the same as  
A.84. RSS.13 and 14, are two issues of Fighting Talk which

have both been dealt with under numbers G.1132. RSS.15, is

a booklet, by J. Stalin, Marxism and the National Question. (25

It is a Foreign Languages Publishing House Issue, Moscow,

1950. RSS.16, is the booklet, by V.I. Lenin, The State and

Revolution, also issued in Moscow, 1951. RSS.17, is the

booklet, What is Marxism, by Neil Burns, issued in London

in 1946, and on the inside page there is a stamp "Peoples (30

Bookshop, Africa House, 45 Kerk Street, Johannesburg."

RSS.18. is the book "On the Party," and it is from the Foreign Languages Press Peking, 1954. RSS.19. is the book, Economics and Politics, a Communist Course for South Africans, published by the Communist Party of South Africa, Lloyds Buildings, 58 Burg Street, Cape Town. (5 There is no date when it was published. RSS.20. is a book The Origin of the Family, Private Property and the State, by Frederick Engels. It is the Marxist Leninist Library and it was issued in London, and it shows that it was reprinted in February 1941, and first published in the (10 Marxist Leninist Library in 1942. RSS.22. is a booklet, B.S. Kruschchev report of the Central Committee, at the 20th Congress of the Communist Party of the Soviet Union. February 14th, 1956. RSS.23. is another issue of Liberation(15 No. 21 of September, 1956, which has been dealt with under G.1114. RSS.24. is a roneod document memorandum on the anti-pass campaign, which is the same as B.259.

(No further questions)

CROSS-EXAMINATION RESERVED: (20

WILLEM VAN HEERDEN CONRADIE, duly sworn,

EXAMINED BY MR. TERBLANCHE: You are a detective sergeant in the S.A. Police ?-- Detective Head Constable.

And where are you stationed ?-- At Cape Town.

On the 27th September, 1955, did you go to a certain (25 address at 13 Louisvale Road, Athlone, Cape Town ?-- Yes.

Do you know who resided there at the time ?-- Alex La Guma stayed there at the time.

Did you know him before that date ?-- No.

Did you find him present ?-- He wasn't there at the (30 time of my arrival, but I sent a message to have him come,

and he arrived afterwards.

And did he identify himself to you as Alex La Guma ?--  
He did.

And did you have a search warrant for the premises ?--  
I did. (5

Did you inform him of that fact ?-- Yes, I explained to  
him that I had a search warrant to search his house.

And did you conduct a search of his house ?-- Yes.

And was he present while you conducted the search ?--  
He was present. (10

And did you seize certain documents during that search  
?-- Yes.

And was anything said in regard to the ownership of the  
documents ?-- Alex La Guma admitted that the documents  
belonged to him. (15

Will you look at the documents marked ALG.1, 2 and 3  
5, 6, 7, 8, 9 and 10, 12, 14 and 15, 17 and 18, 23, 26,  
28, 32, and 32(2) -- are those some of the documents you  
seized there that day ?-- Yes.

ALG.1. is the minute book of the S.A.Coloured Peoples (20  
Organisation, S.A.C.P.O. In this regard I will treat this  
book similarly to the previous one, which Your Lordships  
will remember. I will make extracts from this book which  
I will place on the book and hand to the Defence, showing  
positions. ALG.2. is resolutions at the Congress of the (25  
People, handed in for possession. ALG.3. is a letter from  
the S.A.Coloured Peoples Organisation, Johannesburg, dated  
29th August, 1955, and it is signed Yours in the struggle,  
Stanley, and it shows printed, and then typed in "Secretary  
Stanley B. Lollan," and it is addressed to the general - (30  
secretary, Mr. R. September, S.A.Coloured Peoples Organisation

35, Ravenscraig Road, Walmer Estate, Woodstock, Cape.

It deals with a meeting which the writer attended at Durban of the National Executive meeting there on the 31st July, 1955, and then says -

I on behalf of S.A.C.P.O. agreed to the formation of (5 a National Consultative Committee, consisting of two representatives of each of the Congresses, this committee to have its headquarters in Johannesburg. The primary function of the committee will be to popularise the Freedom Charter, the first task being the collection (10 of a million signatures.

Then ALG.5, is a letter from the African National Congress Head Office, Johannesburg, dated 8th July, 1955, and it is signed "Yours for Freedom, R. Resha," for secretariat, and it is addressed to the secretary, S.A. Coloured Peoples (15 Organisation, Johannesburg. And there is written in in pencil, Alex La Guma, and it states "The A.N.C. Working Committee proposes that a conference of the Executive of the S.A.I.C., the S.A.C.O.D., S.A.C.P.O., and A.N.C., be held in Durban on the 31st July, 1955. The purpose of (20 the Conference is to receive a full report of the C.O.P. and future plans for popularising the Charter. And there is a note on this at the bottom, typed in by a different typewriter -

Dear George, Sorry I am not enclosing a letter as it (25 is too heavy for airmail, and..

this is signed by "Stanley". ALG.6, is a letter from New Age, dated 5th September, 1955, addressed to Mr. George Peake, Chairman, S.A.C.P.O., Cape Town, and it is signed by Lionel Forman, editor. It says - (30

Dear Mr. Peake, A number of readers have written to

New Age asking us for details of the Freedom Charter signature campaign and the Durban meeting over which Chief Luthuli presided last month. ...We would be most grateful if you would let us have a short message at your earliest convenience, as the newspaper wishes (5 to publish statements by leaders of each of the four Congresses, stating their views on the signature campaign.

ALG.7, is a report to the Area Council, a typed document headed "Report to the Area Council, 30th July, 1955. I (10 read a few paragraphs from this, and on page 1, referring to the Congress of the People, it says -

Apart from holding joint meetings with other sponsoring organisations and co-operating with the general organisation of the campaign, we feel that S.A.C.P.O. did not (15 get down to the Coloured people with the limits which we looked forward to. It is hoped that this condition will be remedied with the campaign to popularise the Freedom Charter. Twenty S.A.C.P.O. delegates were elected to attend C.O.P. Of these only four eventually (20 arrived at Kliptown..... Joint Congress Committee:

With the close of the C.O.P. campaign the relevant committees were converted into Joint Congress Committees to organise the popularising of the Freedom Charter.

S.A.C.P.O. representation continues as before. (25

Then on page 2 -

Due to the illness of the Secretary, Mr. September, the general administrative work has suffered somewhat. This was aggravated....Mr. September has been granted two months sick leave, and Mr. La Guma has taken over (30 the duties until he returns.

And this is signed by A. La Guma, Acting Secretary.

ALG.8, is a handwritten document, headed "Minutes of Executive Meeting held in Salt River on Tuesday 14th June, 1955. It says "In the chair, Mr. G. Peake. Present, La Guma, September, Morrison." And under business -  
Delegates to C.O.P. It was reported that 25 coloured(5 delegates including non S.A.C.P.O. people had been elected in the Cape Peninsula area.....C.O.P. requires a speaker in Wellington and one in Worcester on 15th. Mr. La Guma and Mr. Peake will each attend one of these meetings. Mr. Morrison will speak in Hermanus on Satur-(10 day the 18th.

Then on page 3, it says -

It was agreed that Mr. Morrison, the chairman, ...  
this is dealing with the youth organisation -  
.....serve on S.A.C.P.O. executive as the representa- (15  
tive of that junior body.

The next document I deal with is ALG.9. It is a typed document, headed Minutes of Executive Committee meeting of the S.A.C.P.O., held on Wednesday 7th September, 1955. It is signed "Assistant Chairman, A. La Guma." And it shows (20 present Messrs. Morrison, La Guma and September. And I read one paragraph -

Join Congress committee. Mr. September explained the problems connected with the joint consultative committee in Johannesburg. (25

Then the next document is ALG.10, which is headed: Minutes of Executive Committee Meeting held on Thursday 14th July, 1955, and it is signed G.E. Peake, Chairman, and it shows present, Messrs. La Guma, Peake, Morrison, and in the chair, Mr. Peake. And then correspondence shows that a letter (30 from the secretary, Mr. September, asking for leave of ab-

sence of two months was considered. And another paragraph -  
S.A.C.P.O. Rally. It was agreed that the rally should  
be issued at the end of each month, Messrs. Peake and  
Morrison to hand in their articles by Wednesday the  
20th. (5

Then ALG.12, is a copy of the S.A.C.P.O. Rally, Volume 1 No.  
2. This document appears in the policy schedule, page 105,  
Item 8, and page 106, item 4. And it is the article "Some  
Lessons of the C.O.P. The whole document appears to be a  
roneod and not a printed document. It says under "Some (10  
Lessons of the Congress of the People" -

June 25th and 26th, a week-end never to be forgotten  
by all who attended the historic Congress of the People,  
will surely be regarded by the millions of the South  
African oppressed as a very iimportant milestone in (15  
the history of the liberatory movement. We can hardly  
be wrong if we now prophesy that in the new South Africa,  
the truly democratic South Africa of the future, June  
25th and 26th will be proclaimed national holidays of  
rejoicing and celebration. .... (20

Then the writer deals with the Congress of the People, and  
how he saw it and continues -

Yes, these people who had pledged to carry the Freedom  
Charter to every corner of the land, and to work for  
its implementation, were unafraid and confident. Can (25  
anyone doubt the outcome of our struggle? We have  
learnt a number of important lessons at C.O.P. It has  
proved to us that as the oppressor unleashes more terror  
and harsher laws against the people, so we are moved  
to more intensified struggle. Has not the whole C.O.P.(30  
campaign been consistently hounded by police allegations

of treason? Yet the C.O.P. was held, a resounding victory for the people and a crushing defeat for Swart's Gestapo. Yes, folks, the C.O.P. has proved that we have the future in our hands. We have only to maintain the spirit that prevailed during the (5 preparations for C.O.P., and as surely as Kliptown witnessed this memorable event, so shall Freedom be ours in our lifetime. There is the old cry that we, the people, are not civilised enough nor mature enough to share in the running of the country. Who were not (10 mature in the final hours of the C.O.P. Who acted with absolute disregard for the property of others, who behaved only as uncivilised people can? Were it the delegates who behaved calmly and coolly in the face of police provocation, or was it the police rampant, in- (15 sulting the delegates, spitting in the faces of women, slashing placards in the Peace Pavilion, making bonfires with poles which had served as fencing, and prodding innocent people with guns? At C.O.P. it was proved in no uncertain terms that the common people of South (20 Africa possess all the qualities necessary to justify their participation in the good government of the land. Above all, C.O.P. proved to us that in the leadership of the liberatory movement, there is nothing lacking. The indiscriminate raids and bannings of the Special (25 Branch cannot stop the surge to Freedom. The modern Canutes who stand in the path of the liberatory struggle are doomed to be engulfed and overwhelmed by the popular will of the masses whose aim and ambition is to break those bonds which shackle them, within their lifetime. (30 George Peake.

Then on page 3 -

Read for Freedom. We have copies of the latest Fighting Talk in the office. These sell at sixpence each. Also copies of Liberation which sells at one shilling. Get your copies from me now. Read about the struggle, begin to understand it and carry its message to (5 your friends. Learn so that you may lead.

Then on page 5, there is another paragraph "Read of Freedom" We have two excellent pamphlets for sale. One is called "South Africans in the Soviet Union." The other is "New Life in China." Both pamphlets tell of great (10 achievements in lands which not long ago were as bad police states as our land is at the moment. It shows what can be done in places where the people are free and have a direct stake in the future of their land's development. Get your copies from me soon. There are very (15 few left.

And then another paragraph -

Free Press. The only newspaper which supports our fight is again in danger. It is always in danger of banning, but also of money. Start reading it. Do not (20 forget to pass it on. Start selling it. By helping New Age you are helping the march to Freedom in our lifetime.

On page 6 there is another paragraph in regard to New Age.

For a weekly true report of the struggle, read the (25 paper of the oppressed, the organ of the future South Africa. New Age.

ALG.14. is a manuscript document, it is headed "Proposed Programme and Amendments to the Constitution, S.A.Coloured Peoples Organisation, and I read a few small portions from (30 this. The first is on page 4, where it says -

The S.A. Coloured Peoples Organisation pledges itself to work for the unity of the Coloured People with the other non-Europeans in the struggle for National Liberation, and calls upon the African and Indian people to do likewise with them. (5

Then on page 6, the second paragraph -

As a preliminary to the successful struggle for national liberation of the oppressed people of South Africa, it is imperative that an understanding be firmly established that no-one section can be free while the other section, (10 the vast majority, namely the non-Europeans, remain enslaved.

Then on page 7, the first paragraph, headed "Declaration."

S.A.C.P.O. identifies itself with the convictions and aspirations of the S.A. people, more especially the (15 non-Europeans and determines to assist them in developing and realising these convictions. S.A.C.P.O. declares its support for the Freedom Charter, drawn up by the C.O.P. on the 26th June, 1955.

Then on page 8, one paragraph - (20

We are confident above all that we will receive the support of the non-European peoples of South Africa and in other parts of the world who are struggling for liberation from the system of colonialism and imperialist domination. (25

ALG.15. is a typed document, headed "Minutes of the Executive Meeting held on Wednesday the 14th September, 1955," and it shows present Messrs. September, Morrison, Peake and Mr. La Guma presided. It shows that the minutes were adopted on a motion of Mr. September. It also deals (30 with the national conference, and it shows that Mr. Sep-

tember suggested that efforts be made to sound the Action Council which had just been revived in Natal with regard to their attitude to Conference. And then it says further on page 2 -

Letters to be sent to the Transvaal and Mr. Lollan to (5 be approached with the view to going to Durban to interview the Council of Action.....Agenda for the Conference .....Political Report, Mr. Alec La Guma.....Joint Congress, Mr. Morrison reported that two delegates had to be elected to serve on the J.C.C. It was generally (10 felt that alternating representation was found to be unsatisfactory. Mr. La Guma nominated Mr. Parker, seconded Mr. Morrison.

Then ALG.17, is a typed document, minutes of Cape Western National Council, held on 30th August, 1955. It shows (15 amongst those present, Morrison, September, La Guma, G. Peake. It is the minutes of the Cape Western Regional Council. And then on page 2 it shows that a mass meeting was held in the Banqueting Hall on Sunday evening 28th, to protest against the classification of coloureds as (20 Africans, in Johannesburg. The meeting was addressed by Messrs. Peake and La Guma, and a report was given from the A.N.C. and C.O.D. ALG.18, is a letter from the African National Congress, Cape Town Branch, dated 26th August, 1955, addressed to the Secretary of the S.A.C.P.O., Cape (25 Western, and it is signed "Yours in the struggle, J. Morolong, Secretary." ALG.23, is a letter from the African National Congress, Cape Town Branch, dated 9th August, 1955. Addressed to the Secretary of the S.A.Coloured Peoples Organisation, and it deals with the use of certain office (30 and it is signed by J. Morolong, Secretary. ALG.26,

is a copy of a letter from the S.A. Coloured Peoples Organisation dated 7th September, 1955, addressed to the Secretary, Cape Western Region, African National Congress. And it deals with the signature campaign for the Freedom Charter, and it suggests that there should be a meeting between members (5) of the two regional councils. ALG.28, is a letter from R. September, signed by R. September, dated 14th July 1955, from 35 Ravenscraig Road, Woodstock, addressed to the chairman, Mr. Peake, S.A. Coloured Peoples Organisation, and it is an application by R. September for two months (10) leave. Then ALG.32, is an exercise book, in which there is written an article in ink, on the outside of the book there is a heading "A Single Spark," and inside also "A Single Spark can start a Prairie Fire. I read this article, I read from a typed copy to facilitate the reading. (15)

There are those who believe that a revolutionary upsurge will inevitably arise. They do not believe that it may arise soon. They have no profound notion about establishing political power among the people. They (20) seem to think that since the upsurge is still far away, it will be labour lost to attempt to build up our political power by hard work. The people must first be educated. Once the masses throughout the country have been won over, or more or less won over, then only (25) should political power be established. Their theory, i.e. we should on a nation-wide scale and in all regions win over the masses first and establish political power afterwards does not fit in with the situation. The formation and development of active political national (30) organisations, are the highest forms of struggle and most

important form of re-organising the oppressed peoples and the most important factors in accelerating the rev. upsurge throughout the country. Regular and active political work combined with education, the building up of political power. Only thus can we win the con- (5  
fidence of the masses, only thus can we create the tremendous difficulties for the ruling class, shake their foundations. Only thus we can accelerate the revolutionary upsurge. Because of the smallness and apparent weakness of the political organisation many (10  
comrades feel pessimistic. It should be realised that the greatness of the subjective forces of the rev. does not guarantee the rev. outbreak i.e. in Western Europe where the subjective forces of the rev. are stronger than in S.A. the forces of the ruling classes are much (15  
stronger than those in our country. Therefore it may be that all through the subjective forces in S.A. we are weak, the ruling classes may be weaker and the situation lead to a rev. upsurge sooner. "A single spark can cause a prairie fire." i.e. although the (20  
fire is only a small one, it will rapidly develop. If it is asked whether the upsurge will arise soon in South Africa, we can give a definite answer only after studying carefully whether the contradictions leading to the rev. upsurge are really developing. (25  
Contradictions are developing internationally between imperialist countries, between imperialist countries and their colonies -- between imperialist and the proletariat of these countries -- the imperialist and the people of Africa the contradictions between the im- (30  
perialist oppressor in S.A. and the vast masses of non-

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