

M. Aslam 2

PREPARATORY EXAMINATION

in the matter of

REGINA versus 153 INDIVIDUALS

on an allegation of high treason

OUTLINE OF CROWN CASE.

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PUBLIC PROSECUTOR: Your Worship, the case arises out of certain activities of certain associations which are commonly called the National Liberation Movement, and this Movement consists mainly of the organisations, bodies, committees, councils and societies such as the African National Congress, the Indian Congress, the South African Congress of Democrats, the South African Congress of Trade Unions, the South African Coloured People's Organisation and the South African Congress of Mothers with the respective youth and women sections, generally referred to as the Congress Movement or Congresses; and other organisations such as the South African Peace Council, the South African Society for Peace and Friendship with the Soviet Union, the Federation of South African Women, and various committees, such as the Peoples' Peace Committee, the Anti- (inaudible) Committee, the Liberation Committee, the New Youth Committee, the "Fighting Talk" Committee, and others.

The Accused, it will be alleged by the Crown, are all office bearers or active members or supporters of the various organisations, and also active supporters of the so-called Liberatory Movement, and the campaign known as the Congress of the People.

I propose to deal, firstly, with some of the organisations involved, and then with the charge to be preferred.

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On the 15th August, 1953, at the African National Congress, Cape Province, Prof. Z. K. Matthews, the President of the Cape African National Congress, in his presidential speech, said this:

"Various groups in the country, as you know, are considering the idea of a National Convention, at which all groups might be represented, to consider our national problem on an all-inclusive basis. The sponsors of these conventions are hoping to invite various groups to send delegates to such meetings. I wonder whether the time has not come for the African National Congress to consider the question of convening a National Convention, a Congress of the People, representing all the people of this country, irrespective of race or colour, to draw up a Freedom Charter for a democratic South Africa of the future. Once the principle of the establishment of such a congress of people is accepted, the details of its implementation could be worked out better by the National Executive, or by an ad hoc committee entrusted with that special duty."

The following resolution was adopted by this Conference:

"That this Conference notes with interest the remarks of the President, and the need for the establishment at the instance of the African National Congress and under its leadership, of a Congress of People in South Africa, to draw up, inter alia, a Freedom Charter, or constitution, embodying a vis-

"ion of the future South Africa, as we in Congress see it. The Conference instructs the incoming Executive to make specific recommendations in this regard to the African National Congress headquarters. Such a Congress of the People would serve to unite all the democratic forces in South Africa among all races (inaudible) against the dangers of Fascism and would enable the African National Congress to demonstrate in a practical manner its policy for the solution of the problems of this country."

On the 5th December, 1953, the National Action Committee, in its report to the Secretary-General of the African National Congress, complains about the lull in Congress activities, and recommends:-

- "1. To end the lull by leading the people into concrete mass activity against the Government offensive, giving them new confidence and hope and a central objective to work for.
2. Unite the leadership by bringing about maximum agreement, understanding and unity of purpose on a common programme."

This report continues:

"The National Assembly for a Freedom Charter.

This question is sharply raised by Prof. Z. K. Matthews in his presidential address to the annual conference of the African National Congress, Cape, held recently. He says that the African National Congress is of the opinion that this proposal holds out great and powerful potentialities in mobilising the people against the ever-mounting offensive of

'the Congress to a higher level. Such an Assembly can bring together the elected representatives of the people in the cities, towns and villages and from all walks of life to raise their united demands. From such an Assembly the delegates would go back to the masses carrying with them the Freedom Charter and telling the people how to work for its implementation. The National Action Committee, therefore, strongly recommends the acceptance of Prof. Matthews' proposal in principle as a prelude to the actual launching of the campaign. It is recommended that the African National Congress at its forthcoming conference elect a National Assembly Convening Committee, with instructions to add onto the Committee representatives of the South African Indian Congress, the Coloured Peoples' Organisation, the South African Congress of Democrats, and other progressive organisations representative of all the racial groups, in order to prepare a comprehensive plan for the convening of such National Assembly, on the following lines:-

(a) The Assembly to be representative of all peoples of South Africa, irrespective of race, colour or sex; all persons of eighteen years and over to be entitled to vote for and stand as delegates to the Assembly. Proper procedure of election ensuring a direct vote and full representation to all classes and groups.

Time and Venue: A campaign to popularise the objective of the Assembly, as well as to explain to the people how they can participate in the

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campaign.

The National Executive of the African National Congress, in its report to Conference on the 18th and 20th December, 1953, tabled the above report.

On the 20th December, 1953, the African National Conference, held at Uitenhage, adopted the following resolution:-

"Conference instructs the National Executive Committee to make immediate preparations for the organisation of the Congress of the People of South Africa, whose task shall be to work out a Freedom Charter for all peoples and groups in the country. To this end, Conference urges the National Executive Committee to call a meeting of the National Executives of the South African Indian Congress, the Coloured Peoples' Organisation and the South African Congress of Democrats, or any other democratic organisation or organisations for the purpose of placing before them the plan of Congress and obtaining their co-operation in creating a truly representative convention of the peoples of South Africa.

"Conference confirms its solidarity with other Colonial peoples in their struggles against imperialism for self-determination and independence."

On the 9th February, 1954, A. J. Luthuli requested Prof. Matthews for an outline of the plan for the Congress of the People, setting out, inter alia, the objectives of the planned organisation, ^{at} national

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and local levels, and any other relevant considerations. In response to this request, a memorandum on the Congress of the People was drawn up by Prof. Matthews, and incorporated in the annual report of the Annual Executive Committee to the 42nd Annual Conference of the African National Congress, held at the Bantu Social Centre, Durban, on the 16th to the 19th December, 1954. This contains political advantages of organising the Congress of the People in this manner:

According to a document found in the possession of Prof. Matthews:-

"The mirror of future society creates a mass popular front that can swing into mass action against Fascism at any time. It provides an unique method of creating a wide popular front, consisting of democrats of all races for the forthcoming battle against Fascism. It creates a duality of authority in the country and thereby reduces the prestige of White Parliament, of White South Africa."

"The Draft Plans of the Organisation of the Congress of the People:

"The African National Congress will issue an order that all persons over eighteen will have to vote. The National Executive Committee will appoint a Delimitation Committee to delimitate South Africa in four hundred constituencies. The President of the African National Congress shall fix the date of the general election. After the general election, the African National Congress shall call the newly-elected Congress

"of the People to meet. There will be the election of President and Speaker, to approve of the cabinet nominated by the President, drawing up of constitution, pass acts, amending, repealing reactionary legislation of the White Parliament, to emphasise the duality of authority that exists in South Africa, the one based on sheer force, the other on mass support and democratic principles."

On the 1st March, 1954, W.M. Sisulu, at that time Secretary-General of the African National Congress, wrote to the Secretary of the South African Indian Congress inviting his organisation to a joint meeting with the African National Congress, the South African Congress of Democrats and the South African Coloured Peoples' Organisation to be held on the 20th and 21st March, 1954, in terms of a resolution passed by the African National Conference of December, 1953. See for this Part 3, The Secretarial Report, and Annexure "B.1", South African Indian Congress, 21st Conference held on the 19th March, 1954. The Joint Secretaries for the South African Indian Congress accepted this invitation and that is included in the Secretarial Report.

The African National Congress submitted a memorandum on the Congress of the People to the conference of sponsoring organisations held on the 21st March, 1954. It states, inter alia:-

"The main task of Congress will be to draw up a Freedom Charter. Such a Charter, properly conceived as a mirror of the future South African society, can galvanise the people of South Africa into action and make them go over to the offensive against the reactionary forces at work in this

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"country, instead of being perpetually on the defensive fighting rearguard actions all the time."

This document, I may mention, does not include the reference to a Johannesburg authority that was mentioned earlier.

The Congress of the People Preparatory Committee held its meeting on the 21st March, 1954 and resolved:-

"That a Joint Planning Committee be established consisting of not more than five members of each of the sponsoring organisations appointed by each of the organisations here represented: That the African National Congress act as conveners of the Planning Committee: That the headquarters of the Planning Committee be in Johannesburg: That the Planning Committee draw up (a) a draft plan of campaign based on the points raised in the discussion at the meeting, and (b) an outline of the Freedom Charter."

"Both these documents to be submitted to the sponsoring bodies within four weeks from today and to be ratified at a further Joint Executive of the sponsoring bodies."

"That the Planning Committee consider what other organisations might be invited to participate in the campaign, and the basis on which they should participate; the fixing of the date and venue for the National Congress, not later than June, 1955: the establishment of similar Joint Committees on a provincial and local level to conduct the campaign: That this meeting adopt the name, "Congress of the People".

This document is referred to in the South African Indian Congress 21st Conference, held at Durban in July, 1954.

The Planning Council drew up a plan for convoking a convention, namely, convening the Congress of the People, and presented it to another Joint Conference of the four organisations, which was held on the 9th May, 1954. The Conference adopted the plan submitted to it by the sub-committee, and this plan consists of: Firstly, a memorandum on the C.O.P. with the following heads:-
"What is the C.O.P.?" "How will it be organised?"
"Can we succeed on such a scale?" "How to set about it." "How to mobilise the Congress of the People."
"Who will vote?" "How will people vote?" "How will they get here?" "Who will pay the bill?", and secondly, ^{the} "Call to Freedom." That is a document which will be referred to, Your Worship.

These matters were dealt with, eventually, by the South African Indian Congress, Durban, on the 9th and 10th July, 1954.

A resumé of the happenings follow:-

"A.J. Luthuli: We should never slacken or fail to carry out among our people a well-planned programme of political education by means of the spoken and written word, and by action technique. We should give constant attention to the building of a strong, democratic front, consisting of all true democrats in our land. I must here commend to you, and invite your active interest in the Congress of the People project. It should be most inval-

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"uable in reinforcing and consolidating our democratic front in the Union.

"A World Democratic Front: Our efforts to build a democratic front in our country should lead us to support the fight for freedom by oppressed people everywhere. The plea for universal acceptance of a democratic way of life must be heard in all parts of the world."

The Secretarial Report by the Joint Secretaries, states, inter alia:-

"(A) The leaders, during the dark period, turned to action and co-operation with progressive forces. They represented the masses of Africans and Coloured people and the democratic section among the Europeans. We thank him, Dr. Dadoo, for this section among the Europeans. We thank him for the ceaseless work he has done in uniting all the exploited sections, including the democratically-minded Europeans to oppose Fascist tyranny. It is due to this that we find ourselves striking at the root of exploitation in a common goal for peace and democracy."

"When the self-styled defenders of democracy among them were crumbling before the Fascist onslaught of the Nationalists; the African National Congress, the South African Indian Congress and the Congress of Democrats and the South African Coloured Peoples' Organisation can defeat Fascism and make progress in the direction of establishing a truly demo-

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"cratic South Africa. The Western areas in Johannesburg has been turned into a battleground between the forces of progress and the forces of reaction."

"Imperialist powers are referred to as the United States of America, the United Kingdom, France, Belgium, Holland and South Africa."

"Imperialist manoeuvres are directly responsible for frustrating the efforts of United Nations Organisations to halt the curse of race discrimination, because they fear the force of democracy and peace which are taking gigantic strides for creating a better world."

"The tottering palaces of Imperialism are being removed one by one."

"The people of Africa are making determined efforts to overthrow the shackles of bondage. China is with us. India espouses our cause. People and organisations all over the world are with us.

(Inaudible) of the democratic forces of the world, we march forward to our goal for peace and democracy. We must mobilise our people to support the great international movement of peace. The aspirations of the people will be in conflict over the existing state of affairs in our country. We must establish a central propaganda machinery for the information and guidance of our active workers. Regular bulletins and directives must be issued to our organs and a check must be maintained on the activities on all fronts. We must support the newspapers 'Advance' and 'Fighting Talk.'"

On the 1st July, 1954, W.M. Sisulu, acting

on instructions of the National Action Committee, wrote to all National Organisations sending copies of the detailed explanations of the Congress of the People and also the call to Congress.

In a circular letter dated the 11th August, 1954, issued by Sisulu for the Secretariat of the National Action Council of the Congress of the People, all Provincial Committees of the Congress of the People are advised that T.E. Tshunungwa has been appointed National Organiser and that "Speaking Together" is the bulletin of the Congress of the People. This was found in possession of Tshunungwa.

Other documents found in his possession will be referred to - the circular explaining the Congress of the People, the Draft Plan of Campaign for the Congress of the People, certain addresses and letters appointing Tshunungwa as National Organiser by the South African Indian Congress, the National Action Council of the Congress of the People, the South African Congress of Democrats and the African National Congress.

On the 15th August, 1954, a meeting of the National Action Council of the Congress of the People was held in Natal. At this meeting the following documents were found: Firstly, the Congress of the People Bulletin No. 1 dated August, 1954; The Call of the Congress of the People; the Draft Plan of Campaign and the Report of the National Volunteer Board. For a report of this meeting, we will refer to 'Speaking Together', the Congress of the People Bulletin No. 2 issued towards the end of August, 1954, at page 4. A resolution taken at that meeting is:-

"That the Police are carrying out a systematic campaign of intimidating the people. It is ridiculous to suggest that our peaceful meeting, whose purpose

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"was to advance the cause of democracy in South Africa, had any criminal motives."

At the end of the meeting Chief Luthuli issued the following statement:

"The National Action Council is most grateful at the progress made. I appeal to all who believe in democracy to join us in making the Congress of the People the mightiest assembly ever held in this country."

On the 5th September, 1954, the first Natal Conference of the Congress of the People was held at Durban. A Joint Executive Meeting of the Cape sponsoring organisations for the Congress of the People was held at George on the 16th to the 18th October, 1954. At this meeting it was decided to establish a Provincial Action Committee as recommended at an earlier meeting at Cradock and a Working Committee elected predominantly African National Congress.

At the African National Congress National Conference on the 16th December, 1954, Dr. G. M. Naicker's address was read as also the Presidential Address of A.J. Luthuli, in which the latter called for 50,000 freedom volunteers to spread the message of the Congress of the People. In the report to the 42nd Annual Conference of the A.N.C. there are the political review, "March to Fascism", (Inaudible) "Widen the Anti-Fascist Front," and "Congress and Rural Areas." It refers to the international situation, Africa and World Peace, and lastly it deals with the Congress of the People.

Here follows a resumé of the proceedings as taken from the Agenda:-

"Annual Report of the National Executive Committee to the African National Congress, 16th to 19th December, 1954: Dr. Naicker's Message:

"Today in every country in all the continents of the world the forces of peace and freedom are making great headway. Today Imperialism and Colonialism are coming to an end. We reject all forms of Imperialism and Colonialism. We reject exploitation of man by man. We make common cause with the world-wide movement of peace. We are opposed to the armament race. We stand for the abandoning of atom and hydrogen bombs. African Nationalism can, under wrong leadership, become an anti-democratic Africa and can become an anti-democratic force, giving rise to the emergence of black Fascism in South Africa. The convening of the Congress of the People is the most important task which faces all true democrats of all colours in the country. The Freedom Charter will be a document by which all South Africans will be judged, whether they stand for freedom and democracy, or for oppression and segregation."

Luthuli's message:

"Congress at both national and provincial levels should establish closer co-operation between itself and the trade union leaders and organisations. The African National Congress is committed to a policy of forming a multi-racial united, democratic front to challenge the forces of reaction in this country. We watch with interest the development towards full democracy in Western African territory under British rule. You must develop the spirit of resisting anything that curbs or limits the development of your talent to the fullest capacity."

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"Report - Political Review:

"After six years of Nationalist rule fascism has arrived in South Africa. The first five or six years were occupied with the building of a framework for a naked police state. The Nationalist Government, following the Hitler pattern, prepared the legal machinery for crushing the militant opponents of their rule, of the working class and National Liberatory Organisations. The groups represented by the United Party, in their short-sightedness acquiesced in the reactionary policies of the Nationalists. The policy of the official opposition has been one of surrender all along the line. The same may be said of the Liberal and Reformed Trade Unions. All fighters for freedom are warned against the danger of under-estimating and minimising the fascist beast. The Congress of the People will draw up a Charter for a new South Africa. The organised power and united actions of the people will defeat the fascist demons in South Africa. We must organise, politicise and activate the people and lead them against the forces of fascism and reaction. All concerned can successfully resist and defeat the oppressors. They must be fought outside Parliament, in the towns, on the farms, in the economic, political and industrial spheres; they must be fought everywhere. The African National Congress has a foreign policy opposed to that of the Government. The White rulers of South Africa support war aims, imperialism and White domination. The of Colonial liberation/and semi-Colonial peoples will bring an end to the huge profits imperialist countries are

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"making through the cruel exploitation of subject peoples."

Imperialist powers, as I have mentioned before, are referred to as the United States of America, England, France; it refers to the imperialist wars in Indo-China, Malaya, Vietnam, Kenya, Algeria, Indonesia, Morocco and British Guina.

"We appeal to all democracies and peace-loving people to call for immediate peace in Kenya and other places. To save innocent and defenceless people from the horrors of war. To protect their markets and investments, to crush the National Liberation Movements and to forestall the rise of revolutionary democracy in Africa and to ensure the abundance of cheap labour, America and her satellites have established military bases all over the Continent. The struggle for National Liberation is inextricably linked with the fight for peace and against Imperialism. We welcome the participation of our leaders in the Peace Movement. We urge the widest sections of our people to take up the cause of peace and to hold it until the scourge of imperialism is vanquished from the face of the earth."

"Recommended for 1954: That anybody who deliberately distorts or undermines the policy and decisions of Congress should be dealt with immediately.

(Associate African National Congress with Liberatory Movement and progressive forces, and government with Fascism and Hitler).

At this Conference, the following resolutions were adopted, inter alia:-

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"Unqualified support for the Congress of the People sponsored by the National Organisations to draw up a Freedom Charter and to pledge its support for Luthuli's call for 50,000 volunteers to gather demands: Pledge itself to adhere strictly to the forward-looking democratic and dynamic policy of freedom: transfer of power to a democratic government in which the mass of the people in Kenya have confidence: salutes the struggle of the World Peace Movement and asserts its faith in the peaceful co-existence of the people: condemns the plans of the ruling clique of America to precipitate a third World War through the creation of war pacts such as the North Atlantic Treaty Organisation and the South-East Asia Treaty Organisation, and the whole plan to rearm German Nazis. The Conference considers that the modern weapons praised by warmongers are inhuman, and maintains that the energy of atomic and hydrogen bombs should be diverted to the peaceful reconstruction of the world."

"Co-operation with Trade Union Movement:"

"Fighting the Bantu Education Act and extending the Resist-Apartheid Campaign to rural areas."

"An intensified campaign of resistance to be launched."

In a document titled "The Analysis", found in the possession of the National Organiser of the Congress of the People, we find the following:-

"It is significant of the philosophy of Africanism to build a revolutionary peasant leadership; to build a principal urban proletarian leadership; to create revolutionary urban bases as a testing ground for our programme and political theories. The United

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"Party liberals have failed to see the revolutionary implications of African Nationalism. In case of civil war, to create military committees, obtaining free political control by workers, peasants, intellectuals; liquidation of capitalism, equal distribution of wealth, common ownership of the means of production, land, mines and factories."

Various Provincial Action Committees of the Congress of the People were formed, inter alia, in the Transvaal, the Transvaal Action Committee - having issued a circular on the 18th April, 1954; in Natal Midlands one was formed and another one at the Cape.

The history of the origin of the Congress of the People was further given in speeches made at gatherings, viz. by Sonia Bunting at Retreat on the 3rd November, 1954; by George Mpinda at Worcester on the 7th February, 1955; John Mtini and M. Ordra at the Parade at Cape Town on the 13th March, 1955; Ben Turok at Simonstown on the 9th April, 1955; Charles Mkiliso and A. Mtinya at Kuruman on the 21st April, 1955; Laguma and Turok at Torch Valley Parade, Cape Town, on the 8th June, 1955; Walter Sisulu at Tweeplaas on the 28th March, 1954; J. Slovo in 'Liberation' No. 10 of 1954; P. Beyleveld at the 8th Annual Conference of the Congress of the People at Durban on the 28th March, 1955, and others. And the full history is also given in paras. 39-44 of the Agenda of the South African Indian Congress, 1954.

"The 41st Conference of the African National Congress held at Queenstown took the momentous decision of convening the Congress of the People of South Africa. Its resolutions elicited the co-

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"operation of the South African Indian Congress, the South African Coloured People's Organisation to jointly convene the great assembly of the people of South Africa to draw up a Freedom Charter in terms of the above decision. The South African Indian Congress was invited to participate in a Joint Conference of the Executive Committee of the abovementioned organisations. The letter of invitation which embodies the relevant resolution is annexed herewith (marked 'B.1') and our reply thereto." (Marked 'B.2' - portion of the Agenda of Conference).

"The Joint Conference met on the 21st April, 1954 and discussed the matter fully on the basis of a memorandum submitted to it by the African National Congress." This is attached to the Agenda. "Acceptance of the idea of convoking a convention of all the people of our country, White and non-White, by the leaders of the participating organisations marked a forward step in our struggle for democratic rights in South Africa."

"The resolution accepting the recommendations of the African National Congress and establishing a sub-committee to draw up a draft plan is attached herewith, marked Annexure 'B.4'."

The Planning Council drew up the plan for the convocation of the Congress of the People and presented it to another Joint Conference of the four organisations, which was held on the 9th May, 1954. The Conference adopted the plan submitted to it by the sub-committee with minor alterations. Extracts from this plan were attached to the Agenda. These last two documents were recommended for the serious study of the delegates.

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"The Joint Conference further attached the National Action Council of the Congress of the People to conduct the campaign. According to the plan, it is desired to obtain national support on a national basis and the preliminary work is being done with a view to obtaining the broadest possible recommendation on the directing body. Provincial and regional organisations have been set up and the constituent organisations of the South African Indian Congress are expected to carry out their tasks with enthusiasm. For the first time in the history of South Africa, millions of people from all walks of life will be able to participate in the framing of a Charter of their own rights. They will be able to write their demands in it through their elected delegates. As the Freedom Charter must reflect the wishes of the people of our country on a mass basis, its success will depend on effective organisation because then, and then only will it contain the true expression of all the people of South Africa. We must take the responsibility of expressing the voice of the Indian people of this country and see that their aims are faithfully expressed in the great Charter of Freedom.

"The incorporation of the people's demands in the Charter will create an historic document. We are certain that the people will proclaim their rights to equality in all spheres of life and will demand fundamental freedom, will reject conditions that affect them adversely. The aspirations of the people will be in conflict with the existing state of affairs in our country but these demands, which will come from the people themselves, will be of signal importance

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"to South Africa. They will guide us forward in our struggle to a better and a happier life."

Non-Churchmen
On the 15th June, 1953, the Springbok Legion in a circular to its members, described South Africa as "an unhappy country in which the process of Fascism has reached the stage where it is increasingly difficult for an organisation, of the limited character of the Legion, to make any effective impact on the situation."

"The efforts of the Legion that could be directed towards the struggle for democracy."

"The issue before the country is that of total democracy or of total fascism and to consider how to make the maximum contribution for a victory for total democracy. The strategic lead in the struggle against fascism is to mobilise the people in active opposition to the fascists and their programme, and to prepare the people for decisive action to defeat the fascists. As the non-Whites are being catered for in the African in National Congress and/the South African Indian Congress, there is need for a National Organisation among the Whites capable of mobilising all who are prepared to wage a militant, extra-parliamentary struggle for democracy in South Africa."

On the 16th June, 1953, a circular was issued with the names of Fischer, Chairman, C.O.D; and Williams, Chairman, Springbok Legion; stating inter alia that a solution must be sought outside the present parliamentary parties, namely the United Party and the Liberals. It describes the Congress, meaning the African National Congress and the South African Indian Congress, as the present democratic congresses and suggests "that an organisation be created to cater principally, if not exclusively, for Euro-

"peans who believe uncompromisingly in democracy. The forthcoming Conference will be held in September or October, 1953."

In notes of speakers issued in August, 1953, by the then existing Congress of Democrats, the position of the various Parliamentary parties was discussed, weighed and found wanting.

On the 21st September, 1953, Jack Hodgson, signing on behalf of the conveners, the Democratic League, the Springbok Legion and the Congress of Democrats, issued a circular stating, inter alia, that the three-mentioned organisations will meet in Conference at Johannesburg on the 10th and 11th November, 1953. The Conference was held on those dates by members of the three-mentioned organisations, together with five delegates each from the African National Congress, the South African Indian Congress and the South African Coloured People's Organisation.

"The Agenda and Proposed Arrangements for Conference."

"The main objective of the Congress of Democrats shall be to win support for our policy amongst those sections of the population not catered for by Congress movements."

At this Conference two papers were read - "The Road to Liberty", by L. Bernstein, and the draft of the immediate programme of action by Hodgson. After discussion, these papers were returned to the branches for further discussion. "The Road to Liberty" contains, inter alia,

"It is a lecture given at the lawful(?) Conference of the Congress of Democrats, refers(?) to the decisive (?) clash in which are arranged, on the one

"side all the forces of South African reaction, and on the other side all the forces of democracy and progress, establishing a living and all-embracing democracy; and the Nationalist Party, the spearhead of South African Fascist reaction. The democratic camp consists of the South African National Congress and the South African Indian Congress, which speak for, and in the name of the democratic masses, or the majority. This clash coming between the progressive forces and the forces of reaction, I propose the formation of an organisation which would welcome within its ranks all South African persons whose understanding of democracy is the same as ours. How such an organisation will fit into the democratic camp depends. This Conference consists of three bodies - the Springbok Legion, the Congress of Democrats and the Democratic League." It advocated the acceptance of the following resolution which, in effect, means that the Springbok Legion is dissolved, and members are urged to join the African National Congress, the South African Indian Congress and the South African Congress of Democrats. "We are forming an organisation which will work for a change where the power of government will be entrusted to all the people of South Africa - a truly democratic South African government."

The Executive Report to the Joint Congress and Legal Committee dated the 30th September, 1953, contains, inter alia, as I have mentioned, the draft of the immediate programme of action by Hodgson.

"The movement as a whole is the people's answer to Fascism and the drive to war", and it then refers to the militant democrats.

"The will of the people for democracy, basic democratic principles, attacks on Fascism and asserting actively and militantly the legality of democratic concepts and aspirations, mobilising the people and preparing them for some decisive action which will assert the will of the people for democracy." It refers to Fascism only being defeated by defeating the Nationalists, and that the Nationalists can only be defeated by extra-parliamentary action involving the masses of the people. Alternative government can no longer be a government of White Parliamentary parties, but a Democratic People's Government. "The struggle is between White and non-White democrats and White and non-White reactionaries. People are as yet ill-equipped, ideologically and organisationally, to meet the onslaught of Fascism. Organisation is a part of the national liberatory movement of resistance to Fascism and war ... leading militant democrats mobilising and preparing people for decisive action which will assist the will of the people for democracy. Defeat the Government and replace it by a people's democratic government. React to every single issue that arises in South Africa. React to budgets and economic decisions in building the organisation, contacting and deputing all militant White democrats; joint activities and campaigns to be undertaken, reciprocal assistance, mutual participation of membership, in joint political, social and sporting levels, resistance to Fascism." The draft Constitution was accepted by the members, and various resolutions passed. The report of this Conference contains the names of the Executive.

"It was resolved that the organisation," - that is the South African Congress of Democrats - "shall

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"try to establish close fraternal relationship with the Congress Movement at all levels of branch, regional and national organisations and shall work towards close unity and alliance with the Congress Movement in all its political activities, and that the South African Congress of Democrats propaganda be disseminated among the working class and Trade Union Movement."

The Springbok Legion in its National Congress, 1953, resolved, inter alia:-

"It advocates co-operation with the African National Congress, South African Indian Congress and South African Congress of Democrats, and urges its members to join these Congresses, and that the National Executive Committee be requested to enter into discussions with the South African Congress of Democrats with a view to the more effective exploitation of 'Fighting Talk'" - that is a periodical - "as the voice of the Democratic Movement."

On the 22nd October, 1953, a press release was issued on the formation of the new organisation, the South African Congress of Democrats, in which it is stated that the Congress condemns, inter alia, British action in British Guiana.

In 'Counter Attack No. 1,' November, 1953, of the South African Congress of Democrats, we find a report of this Conference:-

"The South African Congress of Democrats is the guardian of the people's rights to forge a militant unity of all South Africans, for democratic rights for all."

The National Council of the South African

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Congress of Democrats held a meeting on the 13th February, 1954. At that meeting the National Executive Council endorsed the decision of the African National Congress to convene a National Convention and encouraged its members to assist the Peace Movement by joining local Peace Committees and to organise the democratically-minded youth and recognise the important role 'Fighting Talk' and 'Advance' - 'Advance' is a newspaper - had played and will play in the democratic movement, and called upon regions and branches to obtain subscriptions and to assist in distribution; to initiate discussion with a view to improvement of contact and 'Counter Attack' should be published regularly; to stimulate members; to contribute articles and to commend to the National Executive Committee, inter alia, that 'Counter Attack' should be published regularly, and to frame a resolution of policy.

In discussing the Western Areas Removal Scheme, the joining of the African National Congress, the South African Indian Congress and the Congress of Democrats is advocated, as well as to get others to become active members.

Circulars of discussion notes on National Liberatory struggles in Asia are set out; mentions the exploitation of the Coloured population, and then deals with the position of China and India, and the Peace Movements.

A circular of the history of the non-European franchise segregation in South Africa, etc., dealing with this matter, and then finally ends with the section, "In South Africa we have a Fascist State."

Then various notes will be referred to and various Minutes, principally those of the 2nd May, 1955,

of the South African Congress of Democrats and the 20th May, 1955 and the 30th May, 1955, where reference is made to the Congress of the People, and at the last-mentioned Committee it was resolved to ask Luthuli for a written opening address to Conference to be read by an African National Congress nominee, and it refers to the Congress of the People. A circular of the Congress of the People must be organised for mass action.

The Chairman's report, "The People's Movement for Freedom"

"In the last twenty months S.A.C.O.D. has taken its place as an equal partner with the African National Congress, the South African Indian Congress, the South African Coloured People's Organisation in the people's struggle for freedom. We have joined at all levels in the campaign to mobilise the people of South Africa in the struggle for a democratic South Africa. Assisted in the Resist-Apartheid Campaign, the Congress of the People, sponsoring the Congress of the People, the progressive movement in South Africa has for a long time needed a manifesto in which its aims and objects are clearly and unequivocally stated. The Freedom Charter will give us such a document."

"The Propaganda Committee is to be congratulated with the following speakers' notes: The Congress of Democrats, the Indians of South Africa, Race Intelligence, National Liberation Struggles in Asia, History of non-European Franchise, Segregation in South Africa, Attack on Civil Liberties and other circulars which were issued by the Congress of Democrats."

"The working class is the vanguard of the people's struggle."

"Assist the Trade Unions:

Assist the South African Congress of Trade Unions to organise and educate the masses. The Congress of Democrats is to assist the South African Peace Council."

In a document titled the "South African Congress of Democrats, Notes on/Political Situation by the National Executive Committee for Discussion at Conference" - a document was prepared. The National Executive Committee submitted resolutions to the National Conference, inter alia, condemning Fascist action ^{against} / the colleges, (for instance Fort Hare,) in closing the college, and advising members to assist the South African Congress of Trade Unions and comments on peace and international situations.

The resolutions adopted were, inter alia:-

"Pledges wholehearted support to 'New Age' - that is a newspaper. "Financial Assistance to be Given to 'New Age'. 'Branches undertake to sell 'New Age', and to regard it as a regular feature of its activities." Copies of Minutes of the Conference show election of office bearers, adoption of organisational report and adoption of Chairman's report.

Minutes of Secretariat, 24th March, 1955:

"Political statements and National Conference:

"Decided to amend and send these with covering letters to the branches. Copies of National Executive and Secretariat Minutes relating to the Congress of the People." "Counter Attack' appeared regularly. Some were dated, some were undated. Then there are a

couple about mid-March, 1954, which advocated the Congress of the People and the Freedom Charter; and the 18th April, 1955 on "The Non-European and Congress of the People"; on the 14th August, 1955, on the "Regional Congress of the People", and the function to be held for 'Fighting Talk' - that is a periodical; on 28th August, 1955, "End Fascist Regime", "Bad Parliamentary Opposition", and "Extra-Parliamentary Struggle", and it refers to the campaign for the Freedom Charter.

We have some more; there were some undated which related to the Western Areas Removal Campaign, 'Counter Attack' and 'Fighting Talk,' and the people were urged to read, 'The New Life in China' by Ruth First. It spoke about the Peace campaign, Bantu Education and Colonial Youth Day, which are all matters which will be fully referred to in the evidence.

The Congress of the People issued Bulletin No. 2 at the end of August, 1954 in the name of the National Action Council and then, on the 15th August, 1954, Chief Luthuli notes "Progress made in the campaign of The Congress of the People."

On the 31st May, the four sponsoring organisations and the Trade Union, Non-Europeans, issued a circular on a mass conference to be held on the 27th June, 1954. The Congress of the People issued a circular to all volunteers on the 21st January, 1955, and the National Action Council of the People issued a circular with the heading, as the result of the historical call which will be referred to in evidence.

The Transvaal Committee of the Congress of the People issued "Mobilise and Organise" (?), a set of lectures on 'The World We Live In' are available and should be studied.

TEA ADJOURNMENT: ON RESUMPTION:

There are a number of lectures, "The World We Live In", "The Country We Live In", and "A Change is Needed", which were found on the premises of the South African Congress of Democrats. A periodical by the name of "Liberation" Nos. 4, 5, 6, 7, 8 and 11 were also found, as well as "The Truth about Life" in the journal, "Democratic Republic", 1955.

The South African Congress of Democrats National Executive Committee's statement on political education of the Hillbrow bi-election mentioned "extra-parliamentary struggle, militant anti-Nat Europeans for extra-parliamentary struggle and the aims of the Freedom Charter. The Congress of Democrats must be more progressive." "The solution on the political line of the Friends of the Soviet Union" was also found in the possession of the South African Congress of Democrats offices in Johannesburg.

On the 13th January, 1954, a copy of a letter from the South African Congress of Democrats, Johannesburg, to the Secretary of the Durban branch advocated 'Counter-Attack' as the national newspaper of the Congress of Democrats, and on the 26th June, 1954, Dr. Naicker's speech in the circular issued by the Natal Indian Congress, Durban, refers to South Africa as a 'colonial' or 'semi-colonial' country; it refers to 'warmongers' and 'atomic weapons' - then Congress of the People. And on the 3rd February, 1955, the National Action Council of the Congress of the People writes to the Secretary of the Congress of Democrats as one of the sponsoring organisations for the Congress of the People.

'Counter Attack' on Bantu Education states:

"The fight against Bantu Education is the sharpest

--- "point ---

"point of conflict between the forces of freedom and democracy and the force of Fascism."

The Western Areas Removal Scheme: This is a protest against the removal.

"Counter Attack".Western Areas Campaign: Obviously the campaign was to prevent it. Advises leaders to sell and read 'Fighting Talk.'

On Western Areas Removal it states:-

"To resist it, join Congress, and stop this Nazi scheme. The Congress of the People work in close association with the South African Peace Council which co-operates with the World Council of Peace.

A letter dated the 10th March, 1954, to Rica Hodgson from the General Secretary of the World Council of Peace, shows that they were in contact with the World Council of Peace.

On the 17th June, 1955, Ben Turok (?) writes to the Secretary of the Congress of the People, Johannesburg, on behalf of the South African Congress of Democrats, Cape Town. Now, in the National Conference of the South African Congress of Democrats held in Johannesburg on the 24th June, 1955, we find the following:

"The Organisational Report: The Congress of the People:

"Much work has been done by the Congress of Democrats' members in connection with the Congress of the People. Congress of Democrats members are active in other organisations, the South African Peace Movement, the Federation of South African Women, and the Youth Festival."

According to a copy of the Minutes of the National Executive Committee of the Congress of Democrats, held on

the 22nd August, 1955, the 5th September, 1955 and the 19th September, 1955, a draft plan to popularise the Charter was discussed and adopted. ^{Referring to} /the Congress of the People, in the National Executive Committee Minutes of the 25th July, 1955, you find the following:

"The Congress of People has been achieved, but it is desirable for the four Congresses to continue working together; to this end a Working Committee should be established between the four Congresses."

The National Executive Committee Minutes of the 8th August, 1955:

"The Joint Meeting decided to establish a consultative Committee consisting of two National representatives from each of the four organisations."

See also the letter from the African National Congress to the Congress of Democrats dated the 8th July, 1955:

"The Joint Executive Meeting endorsed the Freedom Charter. The National Executive Committee ratified the actions of the Executive Committee members who were present at the Joint Meeting and endorsed the Freedom Charter on behalf of the South African Congress of Democrats. It was agreed that the branches should be urged to make full use of five lectures, 'The World We Live In', and to support 'New Age.'

At the Regional Committee of the 7th July, 1955, members were asked to attend the next meeting of the Transvaal Peace Council on the 13th July in the same year, and the National Executive Committee on the 15th August, 1955 - there is a letter on the same matter from the South African Coloured People's Organisation to the Congress of Democrats.

Notes on the political situation for discussion at Conference which was referred to above will be fully referred

to in expert evidence. The following extracts of the letter requesting greetings from the various organisations.

The following is an extract of a letter requesting greetings from various organisations:-

"We have pleasure in inviting your organisation to send a fraternal delegate to our Conference. In these times when the fight against Fascism and for peace is more urgent than ever, your expression of solidarity in the form of greetings will be valued by us."

The organisations referred to are the Peace Council, Johannesburg; the South African Labour Party; the South African Indian Congress; the African National Congress; the South African Liberal Party and the South African Congress of Trade Unions.

On the 24th June, 1955, the following resolutions were taken at the National Conference of the South African Congress of Democrats:

"This Conference is opposed to all these laws and pledges itself to work unceasingly for the defeat of such Fascist laws and ideologies and those ... causes responsible for their perpetration. We appreciate that the working class has the greatest interest in the development of true democracy in our country and that a well-organised militant trade union may play the most important role in the liberation of all oppressed people."

"'New Age' is the only truly democratic newspaper in our country."

Recommends to the branches the undertaking to sell 'New Age' and to regard this as a regular feature of

--- their ---

their activities.

The policy on the office insurance of Springbok Legion was transferred to the South African Congress of Democrats.

At a meeting of the Joint Executive Committee of the Sponsoring Organisations held at Stanger on the 31st July, 1955, the Freedom Charter was endorsed. The Freedom Charter will be referred to in evidence.

A Bulletin of the Congress of the People, Transvaal Committee, will be 'Workers Unite! Workers Arise!'

Resolutions of the Twelfth Annual Conference of the African National Congress Youth League, 29th May, 1955, are against the South East Asia Treaty Organisation and atomic weapons.

The South African Congress of Trade Unions was formed on the 5th and 6th March, 1955. At the inaugural Conference, the Chairman, P. Beyleveld, said:-

"The worker of today is at the mercy of organised capital, companies with large capital and powerful financial backing. The shareholders demand a maximum profit on the capital they invest. These profits are derived from the labour power of the workers. The individual workman is in a very weak position in this argument with organised capital. We have often heard that the African people are not ripe for trade unions. They are, however, ripe enough to be used as labour power and to be exploited. The Government passed the Public Safety Act in 1953 enabling the Minister of Justice to declare a state of emergency to suspend all Acts of Parliament - in fact to establish a dictatorship when the Government so desires. All

--- workers ---

"workers have the right to share in the wealth of the country. The struggle is not an easy one. The enemies of the workers and the enemies of progress are strong. They are riding on the crest of the wave today but they have also reached their peak. They have exhausted their potential whilst we, the forces of progress, have the future in front of us. Our potential is the masses of the people - people chafing against the yoke of oppression; people waiting for a lead."

At this Conference, the Constitution and preamble were adopted. The preamble stated, inter alia:-

"The future of the people of South Africa is in the hands of the working class. Only the working class, in alliance with other progressive sections of the community, can build a happy life for all South Africans. We firmly declare that the interests of all workers are alike. We resolve that this body shall determine to seek to further and protect the interests of all workers and that its guiding motto shall be the universal slogan of working class solidarity, that is, an injury to one is an injury to all."

An Executive Committee was elected and condemned the Western Areas Removal Scheme.

At a meeting of the Management Committee of the South African Congress of Trade Unions held on the 13th April, 1955, it was resolved:-

"That a leaflet on May Day be prepared; that the South African Congress of Trade Unions affiliate to the World Federation of Trade Unions."

On the 25th May, 1955, the Management Committee re-

--- solved ---

solved to send a fraternal delegate to the African National Congress of Trade Unions be represented at the Conference of the Federation of South African Women; that J. Nkadimeng be appointed organiser of the South African Congress of Trade Unions and General Secretary to report to the National Executive to be held on the 27th June, 1955; disclosed that the May Day 1955 celebrations were planned by the Management Committee. And the South African Congress of Trade Unions was represented at the annual conference of the Natal Indian Congress. At a Conference held in Port Elizabeth convened by the Liberatory Movement, representatives of the South African Congress of Trade Unions participated. At the Conference of the African National Congress Youth League fraternal greetings were delivered by the South African Congress of Trade Union delegate.

The Workers' Education: A typewritten address found in the South African Congress of Trade Union offices disclosed - (on the N.U.S.A.S. Conference it states, talking about the Freedom Charter):-

"These were the words in which the workers and all democratic classes in South Africa expressed their demands, pledging from this day on to win the changes which are set out in the Freedom Charter."

In the bulletin of the South African Congress of Trade Unions, Workers' Unity No. 1, Volume 1, of April, 1955, there appears a report of the Conference of the 5th and 6th March, 1956, and also an article that Congress is preparing for May Day.

In 'Workers Unity', that is the official organ of the South African Congress of Trade Unions, of June, 1955,

we find:-

"The first step in that task has already been taken. It is the calling of the Congress of the People to frame a Charter to Freedom for all who work and live in this country. We of the Trade Union Movement have a most important part to play in the framing and building of the Freedom Charter, and a still more important one in winning it. We must see that the working people are well represented at the Congress of the People. We must make our Unions big and strong so that they can win better conditions for us, so that they can play a working part in the struggle for freedom. Trade Unions must not stand aloof from the Congress of the People."

In Volume 1, No. 7, it states: "Fascist Nationalist oppression is becoming ever harsher. Acquaint the people with the great Freedom Charter and support the Freedom Charter; struggle against the Government and the ruling class. Victory can only be won by Imperialism uprooted," and it quotes extracts from the Freedom Charter.

A set of lectures was found in the offices of the organisations. In the lectures, "What are Trade Unions?" the following appears:-

"The majority of militant trade unions were opposed to the war in its imperialist stage (1st September, 1939 to 22nd June, 1941). The character of the war was changed when the Nazi's invaded the Soviet Union. The South African Congress of Trade Unions continues the live traditions of the trade unions who have always held up the (?) banner of working class unity and international solidarity."

Lecture 5 deals with trade unions ^{and} the struggle for liberation in South Africa and refers to 'New Age' articles. It advocates the establishment of a People's Democracy, replacement of the present cheap labour colonial structure with a Democratic People's Structure as envisaged by the Freedom Charter. The South African Congress of Trade Unions should take a leading part to popularise and implement the Charter. People are asked to read 'South Africa's Way Forward', written by Moses Kotane.

In an editorial the wax sheet was found of a publication, the 'S.A.C.T.U. Campaign for Freedom Charter.' This Organisation later joined as one / ^{of the} sponsoring organisations of the C.O.P.

The next organisation with which I want to deal, is the South African Peace Council. The Peace Movement started in South Africa by the formation of separate branches at Cape Town, Durban and Johannesburg. In August of 1953 the South African Peace Council came into existence in Johannesburg. The Constitution, inter alia, provides for co-operation with other bodies and for (inaudible) of activities for peace by all means. Resolutions passed at this Congress indicate that the Movement is anti-Imperialist and anti-Colonial; that it condemns the policy of the South African Government, both internally and externally, especially siding with the attackers of South Africa at UNO. Another resolution was that there should be participation with the World Peace Council, which it will be alleged is communistically orientated and has its headquarters in Communist countries.

According to documents relating to the 1952

World Peace Council Conference which were found in the possession of the South African Peace Council, the viewpoint of the World Peace Council is that the North Atlantic Treaty Organisation is a threat to the peace and security of Europe, is opposed to the rearmament of Germany. It condemns the manufacture of Nuclear weapons. It demands equality for the races and the abolition of Colonialism in South Africa, Kenya, Malaya and Vitnam, and it attacks capitalist exploitation of colonies by Western Powers. It is stated that national independence is concerned particularly with colonial people and that Africa is arising. Delegates of the Peace Movement in South Africa attended the World Peace Conference from time to time.

From another document found in the possession of the Secretary of the South African Peace Council, the following appears:

"Peace can only be won by active and constructive organisation. The awakening among peoples of various countries is indicative of the new realisation that major decisions on war and peace can no longer be left to the ruling circles. Partisans of peace call on their Governments to end hostilities in Korea. Further, that the Colonial people offer opposition to oppression and racial discrimination. They do so because they are imbued with the conviction that peace and freedom are indivisible. Their struggle is a struggle for peaceful relations and free self-determination."

A few extracts from speeches made at the South African Peace Council meetings will reveal the

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