

June, was called by the Congress party and the Communist Party. Do you know whether the Congress - I mean the Communist Party had a hand in it? --- When was that?

June 26th, 1950? --- The A.N.C. and S.A.I.C. were a party, as far as I remember. 5

You don't know that it also had the support of the Communist Party?

BY MR. JUSTICE BEKKER :

Did it have the support or does the article suggest that the Communist Party led it? 10

BY MR. TRENGOVL :

Well, My Lord, the national strike of June 26th, called by the Congresses and the Communist Party.? --- Was it not banned then?

It was just about to be banned? --- I don't remember that. 15

You don't know if the Communist Party participated according to that in the stoppage of work? --- I don't remember the 26th of June, but I think on the 1st of May they also participated. 20

The 1st of May? The Communist Party? --- I think so, yes.

And now this document says that also on the 26th of June...? --- I don't remember that.

It may be? --- I don't know. 25

It is very likely? --- I don't know.

Then there is just one other thing that I want to put to you. They give a picture here of Kathrada, Accused No. 3, at the World Festival of Youth in Berlin in 1951, and then it talks about - at page 13, 30 about Kathrada who was sent from South Africa to work in Budapest for one year at the headquarters of the World

Federation of Democratic Youth, and it says that Kathrada was elected as one of the forty-five executive members of the World Federation of Democratic Youth? --- We didn't send him, the Transvaal Indian Congress, we don't know.

5

I didn't say that you did, Mr. Cachalia. I want to ask you one or two questions about it. Do you know the World Federation of Democratic Youth? --- I heard about it, I know practically nothing about it, I don't read any literature as far as that is concerned.

10

You don't know why it exists? --- I don't know, I don't know their aims or anything. I am not interested in that.

You are interested in the World Peace Council, aren't you? --- Yes, because it has something to do with peace you see, avoiding of war. I am interested in that, yes.

15

But you know, Mr. Cachalia, that the World Peace Council and the World Federation of Democratic Youth work hand in hand? -- I don't know that.

20

Kathrada was away for a year in Bucharest in connection with the World Federation of Democratic Youth? --- That I don't know, but he was away, that I know, I remember.

You are a very good friend of Kathrada? --- Quite, yes.

25

He is one of your executive members on the Transvaal Indian Congress? --- Yes.

He is also on the South African Indian Congress? --- I don't know.

30

He was away for a year. Did you ask him what he was going to do there? --- He said he is going to

a Youth Conference, I don't know, I never enquired too.

You didn't ask him, why spend a year overseas? --- When he went, he didn't say that he was going for a year, he was going, I know, and he said he was going overseas to the Youth Congress or the Youth Festival or something, I don't know, but that is what he told me, yes. 5

And he stayed away for a year, and when he came back, you said this was a long Conference, Kathrada, what have you been doing for a year? Did you ask him about it? --- Occasionally yes. I was not particularly interested in that. Casually I talked with him and he said he was working in Budapest and so on. 10

Bucharest? --- Bucharest or Budapest, I don't know, somewhere. 15

You didn't ask him what kind of work he was doing? --- No, I didn't.

Of course you know that Bucharest is in the People's Democracy of Rumania? --- That is right.

BY ACCUSED KATHRADA : 20

My Lords, I think it is Budapest.

BY MR. TRENGOVL :

I am sorry, in Budapest, Hungary. Can I have it from you then that in spite- I have been trying to refresh your memory, now apart from knowing of the existence of the Transvaal Indian Youth Congress, you know nothing about their activities, and nothing about their publications? --- No. No, I don't read their publications. 25

I don't want to know whether you read it. 30 You know nothing about them at all? --- I don't take any interest in them, in their affairs.

You know nothing about them, is that correct, apart that they exist? --- I don't know, there may be some things brought before me, if I may know I don't know, but generally as a whole you see I am not interested, I don't know much about it. 5

You said yesterday, just before the cross-examination started, that you had been preparing your evidence, to give evidence in this case in order to refresh your memory. Now what did you use in preparing yourself for this case? How did you refresh your memory? 10 Did you talk to people or did you read documents or bulletins? How did you do that? --- I talked and I referred to some documents.

Talked with whom? --- One of the lawyers who was here. 15

But he doesn't know anything about Congress itself? --- No, but I know whatever I knew, and my brother was with me.

Is that Yusuf Cachalia? --- Yes, he was with me. 20

And you referred to certain documents to refresh your memory? --- That is right.

Which were those? --- Some of the Congress reports, and I think I had a memo on the historical background. 25

Who drew up that? --- I think it was drawn up by the High Commissioner's Office when it was here and when they left that with some of us.

You see, I find it very difficult to understand to accept your explanation that as a member of 30 the South African Indian Congress, an executive member of that body, and being interested in Indian affairs

generally, that you know nothing about the Youth Congress?
 --- I don't take an interest. I know that the Youth
 Congress exists, we know them when they work in our
 Congress, and apart from that I take no part or no
 activities in them, and I don't go out of my way to know 5
 what is going on.

Do you know if the Congress Movement ever
 encouraged its members to ever arrange political classes,
 study classes for its member? --- The Transvaal Indian
 Congress? Yes, I think we had at one stage, but it didn't 10
 go on, but I think we tried to teach the history - the
 activities of our movement and so on.

Only the activities of your movement? ---
 Yes.

Now take for instance the articles that 15
 Moses Kotane published in Advance, and take for instance
 his booklet, South Africa's Way Forward. Do you know
 those? --- I read that in New Age, I think, or Advance.

Congress recommended that article for
 study and the basis of lectures, do you know that? --- 20
 Perhaps it may have, I don't know, but it may have.

That would be in conformity with
 Congress policy? Do you know Speakers' Notes that were
 prepared on the Western Areas? --- Then you see, during
 the activities of Western Areas, I think just before I 25
 was banned, I think the activities started and then I
 was banned and I took no part in that. Then I don't
 know what happened.

No, Mr. Cachalia. I am asking you ques-
 tions before you were banned. Before you were banned, 30
 there were Speakers' Notes on the Western Areas which
 had been prepared? --- Prepared by the Transvaal Indian

Congress? --- Prepared?

Prepared by the Congress Movement, I don't know who the author was, but the Indian Congress in Natal for instance recommended those lectures as a basis for instruction. Do you know of such lectures? --- I don't 5 know. You see, in Transvaal, the Transvaal Indian Congress what I remember is that when this matter was brought up in the Transvaal Indian Congress, certain people were appointed, that includes Mr. Naidoo, Y. Cachalia and some of them, you see, to work and carry out the programme in 10 the Western Areas. And some meetings were held, I remember, where they went and we did not go, and thereafter I was banned, and I don't know what transpired afterwards.

You don't know of such lecture notes? ---

Yes.

15

Do you know, Mr. Cachalia, other lectures that were also recommended for study and instruction, Economics and Politics in South Africa? --- Possible.

You see, I am handing you a copy now which was found in the possession of Kathrada, A.M.K. 32? --- 20 I don't know, My Lords, who prepared these, I haven't seen them.

Do you know that such lectures were prepared and were being used for lecture and study purposes? --- Not by the Transvaal Indian Congress. 25

When you said just now that you thought...?

--- It may have been yes. Not by Transvaal Indian Congress. I don't know where this comes from.

You have never seen it before? --- No.

You see, because the Congress documents 30 in the Cape, the lecture entitled Economics and Politics, were being used for political instruction. You say you

know nothing about that? --- I don't

BY ACCUSED KATHRADA :

I don't remember any such evidence about this particular document, My Lord.

BY MR. JUSTICE RUMIFF :

5

Are there documents that say so?

BY MR. TRENGOVE :

Yes, My Lord, there are documents that say that lectures, Economics and Politics in South Africa...

BY MR. JUSTICE RUMIFF :

Indian Congress documents?

BY MR. TRENGOVE :

Yes, My Lord.

BY THE WITNESS CACHALIA :

No, this is not a Transvaal Indian Congress document.

BY MR. TRENGOVE :

I am saying, Mr. Cachalia, that there are Indian Congress documents which show that lectures entitled Economics and Politics in South Africa, had been prepared for study purposes.

BY MR. JUSTICE BEKKER :

Well, shouldn't you put the document to him?

BY MR. TRENGOVE :

You don't know about that? --- Let me see it.

But before I let you see it? --- I don't remember. I don't - I know some were issued by Transvaal Indian Congress, very few, on some historical background and so on and so forth, lectures, while I was still working in the Congress.

BY MR. JUSTICE BEKKER :

Can you recall the subject matter? ---
Historical background of the Indian people, sometimes on
the African question took the historical background, you
s.e. what laws are effecting them and so on and so forth. 5

BY MR. TRENGOVL :

You say this you don't know? --- I haven't
seen that. It is not a Congress document.

You don't know of any series of lectures
entitled Economics and Politics in South Africa? --- I 10
don't remember, but if I see, then I will be able to say so.

Do you know whether Congress recommended
its members to study lectures by Professor Simons? --- No,
not Congress, no. Not Congress, not at all.

You don't know that? - - When I was in 15
Congress I can positively say that nothing came through
Professor Simons which was distributed through the
Congress.

BY MR. JUSTICE BEKKER :

Can you recall the lectures which you did 20
distribute, can you recall where they came from? --- We...

The few ones..? --- We prepared that.

Did you personally prepare them? --- No,
my brother and I, yes, one lecture we prepared ourselves.
One was prepared by Dr. Dadoo I suppose, some was by 25
Mr. Thandray, he was another secretary of ours, we
prepared together, yes.

The lecture you and your brother pre-
pared, can you recall...? --- The background of Indian
history, yes. 30

Did it have a title? --- The History of
Indian People, yes, the Struggles of Indian People,

something like that.

The lecture prepared by Dr. Dadoo, do you recall the name of that? --- The one was the history, the other one was the Struggle of the Indian People and so on. One was by Dr. Dadoo, I think the Struggles in South Africa. 5

That as far as you can remember was prepared by Dr. Dadoo? --- Yes.

You and your brother prepared a lecture called The History of the Indian People? --- That is right. Then we also had Dr. Dadoo's Addresses, various Addresses 10 which I roneed and printed and we also circulated those, you see. Presidential Addresses and so on.

Can you remember any other lectures? --- No, we started during the - just before the struggle started - no, just a minute. In 1946 struggle therewere 15 quite a number of booklets, you see, which was prepared by Dr. Dadoo, three or four. Then by M. D. Naidoo, on the Round Table Conference I think. I am talking of 1946, 1947, 1948, you see. One, I don't remember the title, but one booklet was prepared by George Singh from 20 Durban, and so on.

BY MR. TRENGOVE :

I am referring Mr. Cachalia to a Natal Indian Congress Agenda Book, February, 1954. Did you attend that Conference of the Natal Indian Congress? --- 25 I don't remember, I don't think so. Natal Provincial Conference I very seldom - I just went once. I personally don't attend them.

Then you see at page 34, under the heading "Bulletins", they talk about Nic News, the 30 Secretarial Report, page 34, - this was February, 1954, before you were banned? --- Yes.

And then it says, "Apart from these bulletins a short series of cyclostyle lectures on subjects such as How South Africa is Governed, the Struggle of the Non-European People, Economics and Politics etc. were issued to those branches who had organised study classes in their areas. You don't know about that? --- They circulated in Natal, this other Transvaal material generally circulates in Transvaal. Sometimes they come from Natal too. 5

You exchange material? --- Well, a couple 10 of copies comes to the office, otherwise it is not generally distributed widely amongst our members.

Now, I want to put it to you that in the - in this political struggle, the liberatory struggle, the organisation of political classes to develop the political 15 awareness of the Indian people, that played a very important part in your liberatory struggle? --- Well, the - before we were banned, one of our members had delivered a few addresses on this and then we did not continue, that was before the Defiance Campaign, - the Transvaal 20 Indian Congress I am talking about.

BY MR. JUSTICE BEKKER :

Delivered a few lectures on what? --- On the coming struggle and so on.

But the question put to you was, was it 25 regarded as an important matter to make the people politically conscious? --- Yes, to explain the position and so on, yes.

BY MR. TRENGOVE :

And the documents before Court, a large 30 number of regular study classes were held at various places in Natal. Was that also the position in the

Transvaal? --- No.

Why not? --- Well, I don't know, but we never went out in Transvaal to start study classes as the Natal Indian Congress did, I suppose.

It was not in conflict with Congress policy though that this political education had to be given to the people? --- No. 5

Now, Mr. Cachalia, I want to ask you one or two questions about the Defiance Campaign. You said yesterday that about eight thousand defiers took part? --- Yes. 10

Were they all people specially selected for the task? --- Quite.

In the Eastern Cape, six thousand were selected? --- I don't know, but they had a very large number of volunteers, I think. They had a large number of volunteers there. 15

Very few Indian people in the Eastern Cape? --- Very few.

Very few people who understand the teachings of Mahatma Gandhi and Satyagraha in the Eastern Cape? --- Yes. They understand the teachings, quite a number, yes. 20

In the Eastern Cape? --- Yes.

Why is it that when you have got to select people with special qualifications, particular political background and outlook and whatnot, that you choose five thousand people in the Eastern Cape, and you choose about two hundred and fifty in Natal? --- These are volunteers, and in this movement people come voluntarily. We make a call, and people come voluntarily. Now in the Eastern Cape more people came, that they like 25 30

to defy and they wanted to become volunteers, and that is how they were accepted. It is not that we choose more at one place and less at one place. That was not the case.

You see, I am referring to this report of yours, A. 83. Here you say the Eastern Cape, 5,719; Natal, 246; Transvaal, 1,900. Weren't the Indians in Natal, weren't they really enthusiastic about this Defiance Campaign? --- Yes. 5

How many Indians are there in Natal? --- Nearly four hundred thousand. 10

And two hundred and forty three are approved? --- Not approved. These are the people who came voluntarily. It is not that anybody was rejected. There may have been some rejections, but that is not the point. It is not a question of approval. It is a voluntary struggle and people come voluntarily, there is no force on anyone, and that amount of people reported, you see. 15

Two hundred and forty three offered themselves as volunteers? --- Yes. 20

And two hundred and forty-three were accepted? --- Yes. Maybe less, I don't know if somebody was rejected. I don't remember.

Out of the four hundred thousand? --- Yes. 25

Can you explain why you can only muster two hundred and forty-three volunteers out of four hundred thousand in Natal? --- Well, less people reported. One of the causes maybe that they first wanted to know whether this is a joint struggle going on with Africans, experience in the history, whether it will work well or not, you see. It is persons mind, you see, we don't know. 30

Five thousand nine hundred and something in the Eastern Cape? --- Yes.

How many offered themselves there, do you know? --- Practically that much, it may have been some more. The Volunteer-in-Chief, I don't know how much he 5 accepted or rejected any, but say that may be the figure, round about that figure, a little more or so.

This pious statement that you made yesterday that volunteers had to be a special type of man, specially selected with a back ground and religious 10 belief and understanding, that is nonsense. You accepted everybody that came along? --- No.

And in the Eastern Cape....? --- I don't know how many they have rejected, I really don't know.

How many did you reject in the Transvaal? 15 --- I rejected very few.

One thousand nine hundred offered themselves in the Transvaal? --- Yes, very few.

You weren't really testing the people...? --- No, we were, going into their backgrounds. I have 20 accepted one who had a criminal record of about two years, and we accepted him and we wanted to put him in and see what reaction would be on him after he had served his imprisonment. Then he came back, and I asked him this question, I said now, what do you think of this? And 25 he told me this, that it is far better to go to gaol for an honour than to do criminal things and go to gaol, and I was very satisfied about that.

Mr. Cachalia, you realise that it was a dangerous thing to mobilise a mass of people to defy laws 30 unless they really understood satyagraha as you explained it yesterday? --- We explained to them, we explained what

is their duty, when they accept the position, we take them. If we feel that - the officer in charge of accepting, if he interviews and he feels that in spite of explanation we must reject him, then he would reject him.

Who was this officer in the Eastern Cape? --- I think it is Mr. Matjie or something like that, I don't remember. 5

R. Matjie? --- I think so.

And was he screening the people there?

--- Yes. 10

You know that the Defiance Campaign in the Eastern Cape, where five thousand people were defying laws, created a state, an explosive state and a state of unrest. You know that? --- Yes, but you see, it so happened, you see for instance, I'll give you some examples now here. When this sort of struggle went on in India, in North West Frontier they are a very militant people for instance, and then Abdul Gafaan Kahn, the leader of that part, who believed in satyagraha as a creed, now when he made the call, he gets the most volunteers than any other part of India. They are all Muslims there, and it happened so, and there you see, trouble took the last struggle which took place in 1931, there was a lot of shooting and a lot of things went on, but the point is that it was a non-violent struggle from the volunteers' side. 15 20 25

Are you comparing the militant nature of the people on the North West Frontier in India with the militant nature of the people in the Eastern Cape? --- No, I said those were the people like for instance Abdul Gafaan Kahn who believed in non-violence as a creed, and his followers who join in the struggle, they 30

all join on a non-violent basis.

You haven't yet answered my question. I say you realised that in the Eastern Cape where five thousand nine hundred people were mobilised to resist and defy laws, that that created a state of unrest and an explosive situation in the Eastern Cape? --- Not necessarily because of the struggle, no, not at all. The volunteers will never do that, that is what I am saying. 5

Because of what then...? --- We don't know, you see it is the motive, for instance I want to give an example of how the motives of people work, I want to give an example. Now when Mahatma Gandhi was here and in 1906 when he agreed with General Smuts that he will give his fingerprints in the settlement, and the following day when he was going to the Immigration Office to give his fingerprints, Mahatma Gandhi he was assaulted and his head was broken. Now here you see, why this man did that, the particular man or somebody opposed that, now there was a motive you see. Perhaps the man who assaulted thought that he is selling us out, that is a different story. There were other people who thought that while the struggle is going on, it is all the better that the struggle should go on and no settlement should come about, so that they could get their relatives or someone illegally into the Transvaal, they wanted to take a sort of advantage, that is another motive, and that sort of reason - those sort of conditions in which we live, there may be many motives which create trouble, but the question is whether 5,9000 volunteers goes into the struggle or few goes into the struggle, if there is a bad motive on somebody's part, then the trouble will start, you see. It is always outside where the trouble comes from, it doesn't come from the 10 15 20 25 30

inside, inside the movement, then we must stop the movement and close it immediately. But that we don't approve, you see.

Now apply your example to the Eastern Cape? --- No, I don't know what the motives were, who 5 created, but as far as the volunteers were concerned, they were alright, you see, that is what we are satisfied about.

Mr. Cachalia, did I understand you to say that although you knew that there was an explosive situation in the Eastern Cape at the time of the Defiance 10 Campaign, and that that part of the country was in a state of unrest, that you don't know what the cause of that situation was? --- The question is not clear. You ask me that although I knew - where did I say that I knew?

Let me then finish. You see, I assume 15 that you know...

BY MR. JUSTICE BEKKER :

Did you accept that there was a situation in the Cape of unrest in the Eastern Cape? --- No, My Lord, not at all. 20

BY MR. TRENGOVE :

And you don't accept that there was an explosive situation in the Cape? --- No, when the Defiance started, no, not at all.

When did the Defiance Campaign start? 25
--- On the 26th of June, 1952.

Between that period and the end of the year, you say you didn't accept that there was an explosive situation there? --- No, not at all.

A state of unrest? --- No. I didn't 30 know about it.

What was the view of your Congress?

--- It happened so, you see, we don't know where this sort of trouble starts. From our point of view it is our duty to see that this sort of violence does not occur, any violence where there is violence. Any violence should not occur, and if it does for some reason or another which are alien to us, which are outside our activities, then our duty is to see that we keep away from that. 5

BY MR. JUSTICE BEKKER :

I am not quite sure whether you are at cross purposes or not at cross purposes with Counsel. After the Defiance Campaign started in the Cape, were things normal or were they not normal? --- I think it was going on quite well, and we were happy that Eastern Cape people are carrying on the movement far advanced than all the other people are. 10 15

There were no incidents or disturbances?
--- No, My Lord, we never came across it. The only thing that we were considering at the moment, was why the Eastern Cape has given us best support than any other part of the country, and I think if I remember correctly, we came to this conclusion, there were two factors you see, like Dr. Njongwe was there, he was very popular, who was leading the movement there, and the other thing was that for instance you take any other centres, there is the Xosa people, most of them are centered in Fort Elizabeth, and therefore you see, when certain important people of that group of people appeals, and that appeal goes very well, then quite a number of people join, and because of that, you see, these more people in numbers joined the struggle. That is what we thought at the time. 20 25 30

15140.

I was investigating the question whether you believe or accepted or knew or did not know whether things were normal or not? --- We thought that it was normal and quite normal.

BY MR. TRANGOVE :

5

Mr. Cachalia, how many Indians are there in Durban? --- Quite a number of them.

In 1952, how many of them? --- Nearly three hundred thousand people.

How many Xosas are there in Fort Elizabeth?10
--- I don't know the figure, but quite a number.

Not three hundred thousand? --- Less, yes.

Dr. Njongwe, is his appeal to the Xosas greater than Dr. Naidoo's appeal to the Indians? --- But there is a difference you see. We take for instance the 15
passive resistance movement in Durban, where the bulk of the resisters came from Durban. But since then there was riots in Durban, and as a result of that people wanted to see how things goes on perhaps, you see, therefore there was not that response. There may be other causes. 20

Even the African people did not turn out, - again here in Durban you see, the bulk of the population is Zulu population, and if one follows, a lot of people would follow with him, you see, but there again if Chief Luthuli would have been there at the time and things advanced 25
as it is now, and Chief calls, half of Durban would come, we all wanted to go and defy. These are the circumstances, it goes according to circumstances.

Mr. Cachalia, the reason why you enlisted five thousand nine hundred people in Fort Elizabeth in 30
such masses, the reason for that is because when those people are called upon to take action, they are reminded

of Chaka and Moshesh and Dingaan, and not of Gandhi.

That is why you people did it? --- No, I disagree with that altogether, My Lord, and people may even have spoken these words in their speeches, that doesn't mean anything. There was this struggle for defiance, and it so happens 5 you see, there is no question of Chaka and someone else.

I just want to put a straight forward question to you. During this period of June 1952 to the end of 1952, did the Indian Congress hold the view that the situation in the Eastern Cape was an explosive situation 10 and that the Eastern Cape was in a state of unrest? --- No.

You didn't hold that view? --- No, not at all.

Are you quite sure? --- Certainly, yes.

Whatever the cause of the state of un- 15 rest...? --- My Lord, I am certain that there was no question of unrest there.

I am referring to this A. 83, Annexure A. 6, the Secretarial Report, a letter written by W.M. Sisulu and your brother Y.A. Cachalia, Joint Secre- 20 taries of the Action Committee, a statement issued by them. The first paragraph of this statement reads : "The true causes of the recent disturbances at Fort Elizabeth are to be found in the explosive atmosphere in which South Africa had been placed by the ruthless 25 tyranny of its present rulers and its disregard for human feelings which has characterised their action and public declarations". And then it refers to the decision of the Fort Elizabeth Council to introduce a curfew and to impose a ban on public meetings in Fort Elizabeth. 30 And then it refers to the fact that the government are resorting to undemocratic and barbaric practices, and that

the irresponsible actions of the government and their utterances have created chaos? --- When was that letter?

In 1952, a public statement in 1952.

And then in your Secretarial Report itself, paragraph 37, it refers to the - it says, paragraph 3, the reactions 5 of the government to the Defiance Campaign, "riots were provoked at New Brighton through police shooting, and subsequently a shooting order was issued to the police by the Minister, and it resulted in loss of innocent lives at Denver, Kimberley and East London". Didn't 10 you know this, Mr. Cachalia? --- Not while the Defiance was going on.

While the Defiance was going on. Between the period 26th of June to the end of that year? --- Yes, and can I see this report? 15

The riots in Port Elizabeth were in October, 1952. The curfew and the bans which were imposed on public meetings as a result of the situation there was during that period, and this letter itself talks of the explosive situation which existed? --- Yes, but the 20 reason is not the Defiance, that is what I say.

Mr. Cachalia, I put the question to you very clearly and unequivocally. I was not considering - I was not asking you about the reasons. I was asking you whether the Congress held the view that during that 25 period there was a state of unrest in the Eastern Cape? --- Not at the time when the Defiance was on.

I said during the period 26th June 1952 to the end of the year? --- Before the riots took place we were not of that opinion at all, that is what I wanted 30 to say. I don't know the exact date of the riots, you see. When riots broke out, then it was said, this is what was

investigated and then it was said.

Mr. Cachalia, I asked you whether the Indian Congress held the view that an explosive situation existed during that period? --- Yes, but after the riots took place, I think if I remember correctly, Mr. Sisulu 5 and somebody went and investigated, and then after that this report was made. But at the time when the Defiance was going on, we never thought that the position - we thought that the position was quite normal.

The 5,900 people that defied in Port 10 Elizabeth, during what period did they defy? --- Throughout the period you said.

Throughout what period? --- From June 26th till when the Defiance was finally suspended.

When was that? --- Just before these two 15 Bills were passed in the Houses of Parliament, the Criminal Law Amendment Bill and so on.

In 1953? The beginning of 1953? --- Yes. When these Bills were about to be passed.

While the Defiance was going on, and at 20 the very middle of that period, June 1952 to January 1953, the riots broke out, in the middle of the Defiance Campaign, and a state of unrest existed, so that meetings had to be banned? --- Yes.

Now why did you say just now that you 25 didn't know of any unrest and disturbance during that period? --- That I know, there and in East London, these riots broke out, that I know. Everybody knows that, it is very common. But the point is whether there was unrest while the struggle was going on and so on, at the 30 major points, our view was that things are definitely normal.

Normal, because a state of unrest and an explosive situation is the normal situation that you want in this country? --- After it came about, and this naturally comes about when this sort of struggle goes on.

What naturally comes about? --- This sort 5 of trouble, I have seen them in India, all over, when Gandhi started the struggle, there was shooting, there was trouble, everytime when the struggle took place, it was so. But the point is, whether we are part of it, that is the point. We must see the non-violent people who conduct the 10 struggle, to keep away from that.

Riots, unrest, explosive atmosphere are the natural results of these passive resistance campaigns? --- We have avoided, but it does happen, yes. It happened in India right through. 15

And you know that? --- Yes.

And you embark on it because you want that position to exist in the country? --- No, I don't agree with that at all. We don't believe in violence, we don't want to create violence. But it comes about, it comes about 20 of so many motives, and therefore we are helpless, but we have got to carry out our struggle on the basis of non-violence. It comes from somewhere, somehow, how we don't know how it comes about. There are a lot of views held by people, a lot of provocation comes from somewhere, 25 but Mr. Trengove, we are very satisfied about this, that we are not part of it, in our non-violent struggle.

Mr. Cachalia, your actions cause the violence, don't you see that? --- No, it is the provocation which comes. We don't want to see violence, My Lord, Not 30 in any form. The only thing that we wanted to see is that

we break laws, but not the law and order, and we go on the suffering, suffering to any extent, we are prepared to go into that, you see, that we get our sympathies from the right quarters. That is the essence of our struggle.

Do I understand you to say that in this situation in the Eastern Cape, during the period June to February, 1953, that you didn't really know how violence broke out and how these disturbances came about? --- No, we never know that You see, for instance there was rioting in Durban between Indians and Africans...

Let us forget that riot? --- I just wanted to say that that violence, we don't approve that, we were not in the struggle at the time, but it came about somehow, we don't know, we still don't know. It comes about. I have seen riots going on in the Western Areas in Johannesburg, breaking the trams and all sorts of things, it was going on and on, in Newclare in lots of places, it goes on, we don't know, we are not responsible for that. And if we can help it, we will stop all the violence.

Mr. Cachalia, you must please answer the question. Don't go off at a tangent about other examples. I am asking you now about the Eastern Cape and the riots and the disturbances in the Eastern Cape. Did you know how they came about or what caused them? --- I don't know.

Did your organisation know? --- No, the only organisation which they have reported here, when Mr. Sisulu went, as far as I remember, and after investigation this statement was made.

What view did Congress hold? How were those disturbances called? --- There was some provocation

from somewhere.

From where? --- Provocation, we don't know from where it comes from, anywhere, but it is not from - one thing we are certain is that it is not from the volunteers or from the Congresses, and if that comes about 5 as I pointed out, My Lord, we stop the struggle, that is the end of it, we can't carry on with it.

I don't know whether you are ignorant or whether you are untruthful. Congress held the view that the riots at New Brighton were provoked through police 10 shooting? --- That is what it says.

So they didn't say the riots came from somewhere, they said the police provoked the riots? --- That is what I am referring to Mr. Trengove, that it doesn't come from us, it comes from somewhere. 15

And the somewhere is always the state and the police? --- It may be, it may be something else, there may be some other causes by the police action.

In this case, Congress view was that police shooting provoked the riots? --- Yes, according to 20 the investigation is may be so, and it happened.

And the riots at Denver, Kimberley and East London, where - how did they arise? --- They all started by shooting you, see, and they blamed the police for that. 25

Who would blame the police? --- The people.

Who are the people? --- The people as such.

The Indian Congress? --- Yes.

Do you know why the police shoot in these 30 cases? Do you know why the police had to shoot at New Brighton? Do you know anything about the facts of the

situation in New Brighton? --- The police shot, according to the report.

Do you know why? --- I don't know.

Why does Congress blame the police then?

--- The report which is made there, that was according to the investigations, and therefore they must put the blame on them. 5

Did you satisfy yourself that that was the position? --- That was the general view, yes. I personally did not investigate. 10

The general view propagated by Congress?

--- Yes, after the investigation. But I did not investigate that position there.

Mr. Cachalia, people that lose their lives in these riots, why does the Congress movement regard them as heroes in the struggle for liberation? --- You see, when the struggle goes on, and when the people are killed, I'll give you again another example here, one of the Indian National Congress leaders in India, a very prominent leader, his name was Sabhaschandra Bosh (?), now he was the President of the Congress as well, and when he was elected President of the Indian National Congress, he had a view, and his view was to bring some sort of chaos with a mass struggle in India, and that the Indian Congress never liked, so eventually they forced him to resign. He resigned. And after his resignation something happened and he was confined to gaol. While he was in gaol - I am talking now about during the Second World War - he escaped from the gaol and he went over to Germany. He had some discussion with Hitler and so on, and eventually he was taken to Japan, and from Japan he came to Singapore, and in Singapore he started an army to 15 20 25 30

invade India. While he was going back to Japan, somehow he was killed. Now, when he was killed and he was thinking in terms of violence, a violent struggle and all sortsof things, and yet when it was known that he was killed, Mahatma Gandhi paid a glowing tribute to this hero of 5 India, Now it was completely against the policy of Gandhi himself, that is he believes in non-violence, and yet it was completely and totally against the policy, as he was acting against the policy of the Indian National Congress. So when these people are killed in such things, you see, 10 you have got to - they have got their families, they have conscience, to see how they feel about it, when they are killed by police somewhere, then naturally you give them that sympathy, they deserve it.

Just on this point, rioting, people 15 commit murders in a certain area, as a protest against legislation. They kill people. Murder, riots and arson, and they kill people and they are found guilty, and they are sentenced to death. Now would you regard people who give their lives under those circumstances, committing 20 murder and being sentenced to death, would you regard them as heroes in the struggle of liberation? --- People commit murder, or somebody is murdered or people break into somebody's shop or something, and he is killed, he is not a hero. You can't call him a hero, He is a criminal 25 in that respect. His motive is to loot or to disrupt things.

Now you know, Chief Luthuli, your ally in this struggle, he regard people who commit murder and are sentenced to death for that, he regards them 30 as heroes in the struggle for liberation? --- For instance, I wanted to give an example which has got nothing to do

with this...

BY MR. JUSTICE RUMIFF :

I am afraid that there are so many issues in this case already, that if we go by way of illustration to other countries and other examples - let us just get 5 this clear. Counsel didn't put to you any murderer. Counsel put to you a man who in his campaign against certain statutes, certain laws against which he is, during that campaign he commits a murder, - he is not concerned with the murderer who robs a store - if that man commits 10 a murder, is he regarded by your organisation as a hero? --- It depends, My Lord, if - we will only regard those people as heroes who will be shot in our non-violent struggle. If he wants to achieve anything - if somebody wants to achieve - if some organisation wants to achieve 15 certain things violently, and he goes destroying things, we won't call him a hero.

BY MR. TRENGOVLE :

That would be inconsistent with your policy of non-violence, that attitude? --- Of course. 20

Now, the Defiance Campaign was not called off when this serious situation developed in Fort Elizabeth. You decided to go on with the Defiance Campaign in spite of that serious situation, is that correct? --- Yes. 25

And you also decided during that period to organise a strike in the Eastern Cape? --- Yes.

What was the object of that strike at that time? --- Protest.

To protest? And who was going to strike? 30 --- The people.

Which people? --- The people in Fort

Elizabeth.

All the people? --- Yes, all those who would support.

Did you think that would ease the tension or did you think that would increase the tension? --- Not 5 necessarily that it would increase the tension.

You didn't think so? --- No. It happens, always it happens.

What happens? --- It happens that even there may be violence sometimes, and we wouldn't call off 10 the struggle, and they would ask for a strike, a protest and so on, for prayer, mourning, this sort of thing, these days are called you see. It doesn't increase the tension.

You don't think strikes increase the - the tension? --- No, not necessarily. 15

Now the Defiance Campaign, one of the results was that it developed the political consciousness of the masses in this liberatory struggle? --- Yes.

The Defiance Campaign was part of the liberatory struggle, was it not? --- Yes. 20

And the Defiance Campaign also prepared the people for future struggles that were still to come? --- Yes.

And it was also - it tested the people to see what mass action can do? --- Yes. 25

And it had to prepare the people not only for future struggles, but also for other forms of struggle? --- Yes.

What other forms of struggle for instance? --- In passive resistance there are boycotts for instance, 30 there is non-collaboration, non-cooperation, this sort of defiance, strikes - these are the forms you see, which are

included in the non-violent struggle.

The documents indicate that the Congress movement held the view that passive resistance by itself was never sufficient by itself to achieve the end. It was really a means of preparing the people for other 5 struggles which will bring the end? --- No, no. I think there is some misunderstanding there. Passive resistance and this non-violent struggle, these forms and these methods are included, and My Lord, again you see when I give Gandhi's example, because you see that is the basis 10 which we have accepted. Now in a boycott, Gandhi started foreign ports (?) boycott for instance, or strikes or non-co-operation, non-collaboration. Non-co-operation in so many fields, you see, so these are the struggles which include those, these are the forms you see, but this all 15 is part of the non-violent struggle.

Strikes too? --- Yes, strikes.

And the sacrifices the people were called upon to make during the Defiance Campaign, they would at at later stage be called upon, after that, to make even 20 greater sacrifices, than the sacrifices they had to make in the Defiance Campaign? --- Yes.

What sacrifices did they have to make in the Defiance Campaign? --- Well, they go to gaol, they lose their jobs, people are suffering, I mean to go and sit in gaol, it is a great sacrifice by itself. 25

And what greater sacrifices had they to expect in future? --- Well, say for instance, they lose their jobs for some reason or other, they have to come and work in the movement, say for instance a person is 30 earning £20 wages, and if he comes and works in the movement, well he will only get £5. It is a very great

sacrifice on his part, you see.

Wasn't that expected of the people during the Defiance Campaign? --- Well, in the Defiance Campaign you see, it is for a month or two, a month or a couple of months you see, but as the struggle goes on, it increases 5 you see, the sentence may be five years, ten years eventually, and they must be prepared for all that. Their children may be isolated you see, they may suffer probably. If a certain person is sentenced for ten years or something, now he must be prepared, he mustn't grumble 10 that I am going in for ten years. Now he must go and forget all about his children, whatever attachment they may have for those children. So you see, he must sacrifice all that. Those sort of sacrifices are meant. A person may go to a strike for instance, and he loses his job, and he 15 may never get a job, for six months, that is another sacrifice. You see, sacrifice, they must prepare you see, for greater and greater sacrifices each time.

And they had to be prepared even to face death? --- Of course, naturally. Say for instance we are 20 in gaol, I may get pneumonia tomorrow and die there. Well, I must be prepared for it, my death, of course I must be prepared for my death.

So when the Indian Congress and the other Congress movement said that in this great struggle 25 people must be prepared to make the supreme sacrifice, and even face death, what Congress had in mind was that they might die of pneumonia in gaol? --- More than that. For instance, this crowd of people who are here, I don't know, but I just want to give again an example, they 30 might be hanged, sentenced for hanging tomorrow if they are found guilty. Now here is the death, you see, for

thirty of them. So many things come in. If you die, you must be prepared. In sacrifices you must eventually be prepared - the last sacrifice, they can't do more than that, you see. The people must be prepared for all that.

And Congress held the view that as in 5
other countries this freedom struggle, if you look at the American Civil War and you look at the French Revolution and you look at the Russian Revolution of 1917, as in other countries, people must understand that freedom doesn't come unless people are prepared to shed their blood?--- 10
Yes, you see, but there is this difference. Even if you can give examples, it doesn't mean - the point is that our struggle is non-violent when you compare that, but there you see the spirit of sacrifice, the death of the people or the sacrifice in the revolutions which the 15
people have made you see, that could be cited, but as far as our struggle is concerned, we are not taking that form. But the principle of sacrifice will be there, you say. Take Indian, for example, people die in their hundreds, died in their thousands. In one meeting alone people were 20
shot, a meeting was held to protest, the law was passed that people will be detained, for any length of time without any cause whatsoever, and as a result of that a meeting was held in protest My Lord, and there was shooting by the police and they got killed. Three 25
hundred and fifty people died there and then on the spot. Now here is the death again. But you see, these people - I mean this is non-violent now, it is a non-violent struggle, so it happens.

So that even at this time when you were 30
busy with this Defiance Campaign, your Congress accepted the position that ultimately in this struggle, as it

developed, large numbers of people might have to shed their blood for the cause? --- I don't know how many, you see, we wanted to see the very minimum dead. We wanted to see the very minimum suffering, and the minimum must bear the suffering, so that they might be able to 5 convince the authorities, the White electorate to see our point of view. If that happens, so much good. But if it comes to greater suffering, we must be prepared for that.

Do I understand you correctly, that this 10 Defiance Campaign was going to be the prelude of a struggle on a much wider basis between the various organisations? It was going to be the first step of a much wider struggle? --- It may mean, say we had eight thousand people going to gaol, if we had ten million non-European people going 15 to gaol tomorrow, then I will be satisfied that the problem will be resolved immediately. But we won't be able to get all that support, it never happened in India. That is what Gandhi always thought, that immediately if all the people accept the position and are prepared for 20 that great sacrifice, then the problem will become very easy. But it takes time, it never immediately happens, you see.

So you really envisage that the number of people who would be joining this movement and who 25 would be preparing to make this sacrifice, the number would grow and grow and grow, and you might have thousands of people throughout the country eventually in this liberatory struggle? --- Yes, in that non-violent liberatory struggle, yes. 30

And the large number of masses of people would then have to carry out the instructions of the

organisation in regard to these campaigns? --- Yes.

You would have a mass strike for instance?

--- Yes.

In which large masses of people throughout the country and paralyse industry? --- No, no, we don't - I want to make this again clear. We break a law, My Lord, but we don't want to come into conflict with law and order. We call a strike, a strike for a day, a strike for two days. But we don't want to bring a situation when the country is totally ruined, no, no. That we don't want to do, no.

Where do you say that you don't want to create that situation? --- Why do we want to say that, I don't understand that. Why we wanted to say that, that was the question, why must we say that. We all know that, everybody knows, everybody who are sufficiently intelligent, he would know. Why must they say that. It is a non-violent struggle, it is very clear.

Why can't a non-violent mass of people, why can't they strike and bring industry and the mines of the country to a standstill. They are non-violent, why can't they do that? --- You see, we don't want to come in conflict with the law and order, no, no, that we don't want to do. You see, we say that we will enter into a location and break a law, that was decided. Alright, we break the law. But we don't want to - then we say the alternative, the penalty attached to that, now we accept that position.

✓ BY MR. JUSTICE RUMIFF :

You say there is no penalty attached to a one day strike? Let us put it the other way. You say if you called a strike or caused a strike to occur for a

a long time, that may bring the country to ruin? --- We don't visualise that at all, My Lord.

I know, but you say that is a possibility? If there is a long strike...? --- A one day strike, this country won't become ruined. 5

No. So do you draw a difference? --- You see, the way the question is coming, one stage, two stages, we are preparing the community in such a way that the whole machinery of the country will close down and it won't function at all, and a time of destruction 10 will be brought. That is not the aim of us, and it can't go that far.

Why not? --- My Lord, you see, you take a military action for instance...

No, no, don't worry about military action. 15 I just want an answer here and now if you can give it. Why don't you want a strike for eight days that paralyses the country? --- People can't sustain that, you see, and we don't want to bring so much suffering on the people either. You see that struggle of non-violence is not 20 like a military struggle, that for instance you start from Berlin, the next day it goes to Holland, it comes to England, it goes to Russia and it goes on and on, and then it comes to us. This must go on a straight line, it can't go up, we can't sustain that, and carry on the 25 struggle for a very long time. A particular action cannot go on for a very long time.

Why not? --- It is not possible. People - we can't bring - even in India, it never happened. It went on for a couple of years, you have got to stop it. 30 Then you start with something else.

You say that your organisation is

prepared to organise a Union wide strike, a stay at home?

--- Yes.

Of all people, if possible? --- Yes.

Of all those who work? --- Yes.

and the organisation is prepared to 5
cause this strike to last for a day? --- Yes.

Now, as a result of that, certain losses
are incurred? --- Quite.

part from the inconvenience? --- Yes.

But you say that your organisation is not 10
prepared to organise a strike to last - I am putting it
a bit high - for a month, if that strike may paralyse the
country? --- My Lord, for a month say it may not paralyse
the country. But...

Well, make it three months, just for 15
argument's sake. You don't want to paralyse the country?
--- It can't come about, and we don't want to do that.

Now you are putting two things. You say
it can't come about, and we don't want to do it? --- It
can't come about in this respect, that it is not that the 20
call may not be a success, we don't know. But...

I am talking to you now purely on the
theory. Assume that it is possible in theory to have
a national stay at home by 90% of the workers...? ---
and perhaps some other things you see, which is included 25
in the struggle, which would bring about the country to
a stop, and all the - it won't function after that. No,
that will never do.

Why not? --- For the simple reason, as I
pointed out, yesterday or the day before yesterday, that 30
this country is a country, its foundation is laid on the
democratic system. Now here is a democracy, and we are

fighting for democratic rights. We want democracy in its true form and true sense. And we can achieve that immediately here, given the franchise. So, if we do the other thing, then it may mean something else which we are not interested in. 5

What may it mean? --- We don't know what comes out of that, you see. It may be that there may become a hatred between the Europeans and the Non-Europeans,, which is not our policy, we can't do it. We don't want it. We all want to be here, you see that is our policy, 10 a policy of multi-racialism. That is very dangerous, that far we can never go. Our organisation cannot.

Is the position that you do not want to force the government on its knees? --- No, we want change of heart, we want to convince them that we are also 15
 X entitled to our rights, that is the point, My Lord.

BY MR. TRENGOVE :

Mr. Cachalia, a nationwide strike effecting the mines and industry, and commerce, paralysing the country. You say you don't want to do that, because 20 that won't change the heart of the people, that will harden their hearts, is that correct? --- I think I explained, you see, and I don't....

BY MR. JUSTICE RUMFEE :

Well, he says something may happen, they 25 don't know what, and it may also cause a hatred.

BY MR. TRENGOVE :

You know the history of strikes in this country and in other parts of the world, don't you? --- Yes. 30

The result is a clash between the strikers and the state? --- Yes.

Even in a democracy? --- Yes.

You say that South Africa you accept as a democratic state? --- Fundamentally, yes.

It is also a capitalist state? --- Yes.

Would you call it an imperialist state or 5
a colonial state or semi-colonial? --- Well, I don't know.
You see, when one talks about colonies, then a country
rules their colony from certain ?. Imperialists
if they are called, it is the imperial government, like
we had in Turkey and those places, you see. Now in South 10
Africa, the composition again is so different. For
instance we take this country here. Here the ruling class
is the Whites, so I will confine it to that, the ruling
class is confined to the White section only. Now we
take since lately, in all the urban areas there are 15
non-Europeans, and the non-Europeans - all the land rights,
for instance, whatever they had, are being taken away
from them. Now they are becoming landless. Now in
principle, if one could go and see, it looks something
like colonialism. 20

Like a semi-colonial country? --- Yes.

Would you call South Africa a fascist
state? --- Because it is ruled by one section only.
You see, again fascist I don't know. Is it Mussolini's
fascism? If it is Mussolini's fascism, then it is 25
completely something different. But fascism now you see,
it is being used all over, wherever you see somebody is
ruling on the other section without any right or say,
he will be called fascist for instance. Even in general
talks too, if anybody wants to boss over someone, people 30
say you are fascist. You see, when that sort of word
is being used, I don't know what fascism means. I know in

Italy, Mussolini's was a fascist, he said he was fascist. Now it is being used, you see...

The Congress movement states, - your Congress too - that South Africa has become a fully fledged fascist state? --- Yes, they say now you have taken 5 all the rights, and somebody will use that term. It is Congress who will use that. It comes, if a Secretary writes a report, he will write that and other people won't think anything of that. It is not the fascist state in the sense that as Mussolini was carrying on. But these 10 words are being used now, in common, My Lord, it is common when some people are sitting together and they are talking about something and they say you are a fascist. That is how it is.

You know that the Congress movement, also 15 your Congress, told the masses - propagated the view that the masses should never expect a change of heart on the part of the oppressor, that that was the last thing that they must expect, a change of heart, because it wouldn't come about. Do you know that? --- No, that is 20 not Congress policy. Congress believes that - that is not the Congress policy. Somebody may have said that, or in writing a report they have said that, that is not the Congress policy, no, that there won't be a change of heart and they won't be convinced, no. 25

You seem to have got your Congress policy from a very special source? --- That is not Congress policy.

Where do you get this view that Congress expected a real change of heart on the part of the so-called oppressor? --- That is what we believe. 30

Where is that belief expressed? --- We believe, because we have accepted the non-violent struggle.

We believe that. We don't want to put that into resolutions, you don't put that into resolutions that they will never change a heart and so on. It doesn't come about.

Who believes that? --- All the people in the movement.

5

X BY MR. JUSTICE RUMFEE :

Did you just now say that all the Muslim people believe that? --- The change of heart? Yes, why not? You see, some people may not believe so. Some people, even amongst the Europeans, some people may be thinking that these Congress people are just breaking their heads, the best thing is to have a terroristic movement or a violent movement. People may be thinking like that. We are not interested in that. It happened in a lot of countries, but we are not interested in that.

10

15

X BY MR. TRENGOVE :

Is the position this, as I understand you, that a non-violent movement can only rely on a change of heart? --- Quite correct.

The basis of the non-violent movement, you say, is that you carry on your struggle because you expect a change of heart, that your suffering would effect the stony heart of the oppressor and he would then become more kindly to you and then you can negotiate and then you can get your rights remedied in that way? --- Yes, and I am more convinced now in this country than ever before, that is what I said yesterday, that here the Liberal Party has come near us, the South African Labour Party is also very near us. Very recently I saw that the Progressive Party have changed their ideas, and the kind of sort - they are changing now adays, and I am more convinced.

20

25

30

I am more concerned with Congress now?

--- Yes, this is Congress. I maintain that because of the Congress movement these changes are taking place.

I am dealing now with the period 1952 to 1954. If one doesn't accept that there can be a change of heart, how would one get relief for your rights? --- Who doesn't accept it?

Just assume for the sake of argument that if you don't believe that a change of heart would occur, how would you expect to get some relief? --- We only believe by convincing people of our rights. You see, that is what we believe. 10

X BY MR. JUSTICE RUMFF :

Yes, but you did say just now that there may be people who do not believe in a change of heart? -- Yes, outside Congress, My Lord, there may be people who do not believe in it. 15

Be they inside or outside, it doesn't matter. Assume there are people, assume that they are outside Congress, who believe that there will not be a change of heart, then the question of the Prosecutor is how could they approach their problem? --- They will have to organise themselves, they will have to work out a method for themselves. 20

X BY MR. JUSTICE BEKKER :

Any such person, is there room for him in a non-violent struggle? A person who for argument's sake, does not believe in a change of heart, is there any room for him in a non-violent...? --- If he doesn't believe in our movement on that basis, and he starts organising something else, we will expell him, we won't work with him. 30

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