

Now among the documents which are marked in the same way as the documents about which you have given evidence, there are documents marked B.91 and B.94. Would you just look at them? Those are texts of the communique issued by the Bandung Conference? --- Yes, My Lord. 5

On one of them there is a mark, "six copies"? --- Yes, My Lord.

Who put that on? --- I know the handwriting, My Lord. That is Detective Head Constable Viviers.

Was he with you on the search? --- No, My Lord. 10

How did he come to put it on? --- He assisted me.

In your office? --- Yes, My Lord.

At any rate, does that mean that there were six copies of that communique found? --- Yes, My Lord. 15

My Lord, I put in those Exhibits. Another exhibit which you put in, B. 101, apparently a letter from the Federation of South African Women, talking about a Provincial Conference, and it says : 20

"Father Martin Jarrett Kerr, C.R will open the Conference."

Did you go to that Conference by any chance? A Conference on the 2nd December, 1956? A Conference of the Federation of South African Women? --- I don't think so, My Lord. 25

Do you know who Father Martin Jarrett Kerr is? --- Yes, My Lord.

Who is he? --- He is a minister of the Roman Catholic Church in Johannesburg. 30

And also a noted literary critic? --- That is possible, I don't know, My Lord.

Is he not actually a minister of the Church of the Province of South Africa? A Member of the Community of the Resurrection? --- Yes, that is it.

At any rate, he is a wellknown clergyman in Johannesburg? --- That is right. 5

Another of the documents you gave evidence about, B. 119 is a series of Resolutions. On page 2 there was a Resolution on police intimidation, which says :

"This 22nd Conference of the South African Indian Congress views with concern the undemocratic and police state methods used by the Special Branch to intimidate supporters of the National Liberation and Trade Union Movements. 10

Actions such as the threats used against the owners of halls, refusal of passports to persons even remotely connected with the peoples movements, refusal of permits to South Africans of Indian origin who wish to travel from one province to another all point to the contention that South Africa is fast moving towards the establishment of a police state..." 15 20

I am not asking you about the facts underlying this at the moment. Did you find that the people in the Indian Congress and the other Congresses believed that they were intimidated by the police? Did you hear this view expressed? --- Not in my presence, My Lord. 25

So apart from this contained here you know nothing about the fear of police intimidation? --- No, My Lord.

There is a long resolution here on page 3 on the Group Areas Act. Now apart from that, you recall, I suggested to you on Friday and you agreed with 30

me that the Indian Congress during this period seemed to be principally concerned with the Group Areas Act, but I just want to put to you a number of other documents which bear a marking similar to those to which you have testified, Exhibits B. 87, 88, 89 and 90, 93 and 95. I don't want to 5
put those in, but if you would care to glance at them, or if my learned friend would care to glance at them, I would suggest that these are all exhibits which are concerned - and concerned in great detail - with the Group Areas Act. Could you just have a glance at them? ---- 10

Yes, My Lord.

Very well. I don't put those in. Sergeant Strachan, another document which is numbered here - which you put in as B. 79, is a letter apparently from the South African Coloured Peoples' Organisation, concerned 15
with race classification tests. Now do you know anything about race classification tests? --- I have heard about it, My Lord.

Were you as a policeman concerned with the classification of the races of various people? --- No, My 20
Lord.

But you say you have heard about the classification tests. What I want to know is whether you heard any disquiet about them expressed by the Coloured people? --- No, My Lord. 25

7 You simply heard that there were tests?
--- What I have seen in the newspapers, that is all.

What newspapers? The general daily press do you mean? --- Yes, My Lord.

Does that suggest to you that there was 30
general criticism of those tests? --- Yes, it appeared to be so, My Lord.

I just want to go back to Fareed Adams for a moment. You put in Exhibit B.212 and B.215, the first a letter from F. Adams to the Joint Secretaries of the Transvaal Indian Youth Congress, and the other one apparently a copy of a letter to Fareed Adams from the Transvaal Indian Youth Congress. In putting in B.215, the contents I think were not read. I just want to read the first paragraph of this letter, B.215, dated 14th October, 1955 from the Transvaal Indian Youth Congress addressed to Mr. Fareed Adams, 30b 18th Street, Vrededorp, Johannesburg :

"Dear Friend. We have been instructed by the Executive Committee of the Transvaal Indian Youth Congress to inform you of your suspension from the Executive Committee as well as all other committees on which you represent the Youth Congress."

Do you recall the letter? --- Yes, I do, My Lord.

You recall, Sergeant, that you handed in a number of press releases, which on the face of them appeared to be issued by the South African Indian Congress. In the one which is marked B.234, in the fifth paragraph one finds this :

"Dr. Naicker in his - Dr. Naicker said that : 'On the international front, the Bandung Conference has given a new hope, particularly to the peoples of Africa and Asia who are today united as never before in their common resolve to end imperialism and eliminate racial discrimination. We note with pride the positive role played by Pandit Jawaharlal Nehru in international affairs and in particular in the cause of world peace.'"

That appears on page 2 of B.234? --- Yes, My Lord.

There is also a press statement, No. B. 241 of which part was read, but the second paragraph reads as follows :

"The eyes of freedom-loving people the world over have been focussed on Egypt for the past months. When President Nasser rightly announced the nationalisation of the Suez Canal, oppressed South Africans acclaimed the news as a great step forward in their own struggle against white domination and enslavement."

Do you hear that, "A great step forward in their own struggle against white domination and enslavement"?

"The events in Egypt cannot but be of great inspiration to us".

You recall this document also? --- No, I don't.

Perhaps you will then just have a look at the second paragraph then? --- Yes, that appears on the document, My Lord.

I turn now to Exhibit B.244. That is a covering letter, covering two statements said to be issued by the Transvaal Indian Youth Congress, one on the closing of the Soviet Consulate and the other on the closing of the school of Christ the King in Sophiatown. Now my learned friend read out the first statement on the closing of the Soviet Consulate, but not the second one on the closing of the school of Christ the King in Sophiatown. Do you know that school, or did you know it? --- Yes, My Lord.

That was a Church school? --- Yes, My Lord.

You see, I want to suggest - perhaps I had better read the document, that the statement on the closing of the school, apparently also a statement which shows some indignation. I will just read the beginning

of it :

"The Transvaal Indian Youth Congress views with great indignation the arbitrary shutting down of the school as a frantic and terrified effort of the Nationalist Government to suppress any effort to give decent and civilized education instead of the notorious Bantu Education." 5

Did you read that yourself at any time? --- No, I did not read that.

"Indian Youth must make vigorous protest against this drastic action by contributing in every possible way to the campaign against Bantu Education..." etc. 10

And it then refers to the "horrible level of Bantu Education". Did you notice in the course of your investigations and duties something of a tendency in this Congress to use rather extravagant language, whatever the subject matter under discussion? --- No, My Lord. 15

Well, perhaps the document will speak for itself. We have another document here, which I would like you to look at again, and then I want to show it to the Court. It is B. 247, which is in the form of a manuscript message from the Transvaal Indian Youth Congress to the Federation of South African Women. Do you remember it? Do you see at the end of that page and at the beginning of the next page it says that there is an inspiring example of what a sixteen year old Indian girl did. Do you see that at the foot of page 1, and the top of page 2? --- Yes, My Lord. 25

As far as that is concerned, that is unsigned, isn't it? --- Yes, it is unsigned. 30

and undated? --- Yes, My Lord.

Just have a look at Exhibit B.194, also a

message. B.194 is also unsigned and undated? --- Yes, My Lord.

Let us turn now to these F. documents. Those were taken from a different desk in this office, the documents handed in and marked F. Do you remember those marked F? --- If I may have a look at it, My Lord. (DOCUMENTS HANDED TO WITNESS). Yes, that was taken from a different desk. 5

Where? In the same room? --- In the large room, I think marked No. 2 on the plan. 10

That is taken from a desk in room No. 2, the desk that you marked SACPO? --- Yes, My Lord.

And those were marked F. Did you take them yourself? --- I took them myself.

And you marked them F? --- No, I did not. 15

Someone else did? You made a list? --- Yes, I made a list.

Now just on that document, would you go to paragraph 5, that is on document F.10. What is it? Do you see that that is the "Draft Programme and Constitution of the South African Coloured Peoples' Organisation"? --- That is so, My Lord. 20

Just read paragraph 5 on page 1 which was omitted by the Crown? ----

"Taxation without representation in the governing and administrative bodies of the country, systematic deprivation of the franchise and other rights previously held in the Cape, and denial of ordinary citizenship rights in other provinces, as well as an intolerable burden of oppression and exploitation which is daily being added to, is the lot of the Coloured people". 25 30

You notice it says "Taxation without representation in

the governing and administrative bodies of the country, systematic deprivation of the franchise...". Apart from those documents you have handed in, have you noticed complaints in documents taken from the Coloured Peoples' Organisation about Coloured people being deprived of the franchise? Of 5 the vote? --- I heard them talking about it, My Lord.

Good. Now another document which was apparently found in the same place, marked F.11, is the Constitution of the Federation of South African Women. Now the aims and objects are stated as follows : 10

"To bring the women of South Africa together, to secure full equality of opportunity for all women, regardless of race, colour or creed; to remove social and legal and economic disabilities; to work for the protection of the women and children 15 of our land.

(b) The Federation shall stand for :

The removal of legal disabilities and the changing of laws and customs that deny women equal rights as women and over their children; 20

Equal pay for equal work and equal opportunities for employment;

Better living conditions, including proper homes, compulsory, free and universal education, nursery schools, clinics, maternity services and hospitals, 25 confinement allowances for all working women;

Democratic rights for women, the right to vote and be elected in all council and government bodies.

Co-operation with other organisations with similar aims in South Africa and throughout the world."? --- 30

My Lords, yes, only by members of SACPO. They are the persons who really complained.

About what? --- About what appears here in this paragraph, and what Advocate Kentridge read out now.

You mean you didn't hear complaint from anyone who was not a member of SACPO on these? --- No, My Lord.

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But you heard those complaints at meetings or in private conversations? --- Yes, at meetings, and sometimes where they gather, My Lord.

Were those meetings the only meetings that you attended? I mean, I take it you didn't attend meetings of other bodies? --- I did not attend all the meetings, but I read reports.

But I mean the meetings you attended were meetings of SACPO and the Indian Congress and so on. I take it you didn't go to other political meetings like United Party meetings or Liberal Party meetings? --- No, My Lord, I don't go to these meetings.

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You only go in the line of duty? --- Only in the line of my work.

Well, I don't blame you there, Sergeant. Incidentally, about the place where you found these documents and this plan you have drawn on which there are certain doors, you were saying that on the day that you went there, on the 5th December, a number of these doors were unlocked? --- The doors were opened.

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Had you been there before? --- Yes, My Lord.

I understand that normally on other occasions they were kept locked? --- Well, I was there during the day when they were open.

You were there at about nine o'clock were you? --- Yes, between nine and half past. The outside door was locked leading to these places.

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I don't claim to know what the significance is of the evidence that those doors were found unlocked by you, but my instructions are that normally these doors used to be kept closed and locked, they were opened for cleaning purposes, and at times they could be unlocked and opened and were, but my instructions are that it was not normal for them to be open? --- They were open, My Lord. The main doors leading to the basement were locked. Nobody could get in.

BY MR. JUSTICE BEKKER : 10

Was anybody inside these rooms when you got there? --- Nobody, My Lord.

CROSS-EXAMINATION BY MR. KENTRIDGE CONTINUED :

But of course it is not disputed that these are the doors which are ordinary doors that can open, they were intercommunicating doors. I just want you to look at another Exhibit, F. 13. "Minutes of the Consultative Committee meeting held on the 26th November, 1956". There is paragraph 1, "Anti-Pass Campaign Meeting". It says :

"It was agreed that an Anti-Pass Committee would be set up, whose main task will be Anti-Pass propaganda amongst whites".

Do you see that? "Anti-Pass propaganda amongst whites"?

--- Yes, My Lord. 25

Have you come across such propaganda in the course of your duties? Anti-Pass propaganda amongst whites? --- Yes, My Lord. Only by members of the South African Congress of Democrats, the African National Congress, the T.I.C. and the T.I.Y.C. and these various organisations - members of these various organisations.

Have you ever come across any other

organisation or person who is against the pass laws in South Africa? --- No, My Lord.

In that case we will have to deal with that through another witness. Now Sergeant, there was a document put in through you, No. F.19. It is a copy of a letter on the heading "The Transvaal Consultative Committee" dated the 27th November, 1956, addressed to the Secretary, National Consultative Committee, Johannesburg. You might recall it, because my learned friend in dealing with it informed the Court that it dealt with the position of Mr. R. Resha and the part he read said :

"Dear Sir/Madam. We have been informed that Mr. Resha has been appointed as chief volunteer. Could you please inform us as to whether this is correct and also as to his exact position. Is he :

(a) Chief volunteer of all the volunteers of all the Congresses at a National level;

(b) of all the Congresses in the Transvaal only;

(c) Only of the A.N.C., National in the Transvaal."

Now that was as far as my learned friend read. But the letter continues :

"Could you please also inform us as to our relationship to him and by whom he was appointed.

We are aware that this may not be a new appointment, but just a continuation of his previous position from before the Congress of the People and the Western Areas Campaign. However, because of the changed political situation in South Africa, we feel that further clarification is necessary.

None of our constitution organisations have any information about this matter, and since it is a very important post we would like to know more details.

Hoping for a speedy reply,

Yours fraternally."

By the time that you conducted your search, eight days after the date of this letter, you found no reply to this?

--- No, My Lord.

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NO FURTHER QUESTIONS.

RE-EXAMINED BY MR. TRENGOVE :

As regards the F. exhibits that you took from the desk of SACPO, you didn't put your mark on each exhibit, but you made a list of the exhibits? --- I did, My Lord. 10

And that list you made available to the Defence, is that correct? --- I made it available - I brought it along to the Crown, My Lord. 15

And all the F. exhibits that you testified to in your evidence were set forth on that list? --- Yes, My Lord.

NO FURTHER QUESTIONS.

MR. TERBLANCH NOW TAKES OVER AS PROSECUTOR.

BY MR. TERBLANCHE:

This documents now, My Lord, are the C. Exhibits. They were taken from the South African Congress of Democrats, usually referred to as SACOD.

GERHARDUS PAULUS VAN PAPENDORP, duly sworn;

EXAMINED BY MR. TERBLANCHE :

My Lord, before leading evidence, I wish to explain to the Court that in this case the Crown does not intend to follow the procedure that has been followed up to now, which is that - or rather it was followed in

regard to the B. documents, that is that a witness hands in all the documents he seized and that the Crown then goes back and reads from those documents the portions on which the Crown intends to rely. Following on the suggestion of His Lordship Mr. Kennedy, the Crown prepared 5 certain lists and I think Your Lordship was informed of that this morning, but certain of those lists in regard to the documents were seized by this witness, and have been handed to the Defence. We hope that something may come of it, My Lord. Therefore we only hand in at this 10 moment the documents which in any case we have to read, because no list was prepared. We knew that we couldn't prepare that list in time for their decision this morning, so I am only handing in at the moment the documents falling between C.1 and C.90. 15

Mr. van Papendorp, you are a Detective Head Constable? --- Yes, My Lord.

In the South African Police, stationed at Johannesburg? --- Yes, My Lord.

On the 27th September, 1955, did you conduct 20 a search? --- Yes, My Lord.

Where did you conduct this search? --- At the offices of the South African Congress of Democrats, Somerset House, 110 Fox Street, Johannesburg.

You conducted the search under the authority 25 of a search warrant? --- Yes, My Lord.

When you arrived at these premises, was there anybody present at the time? --- I found the door open. Mr. Jack Hodgson - I was met by the door by Mr. Hodgson. Mrs. Yetta Barenblatt arrived at about nine 30 o'clock that morning and the search was conducted in her presence.

Were there any other members of the Force with you at the time? --- Detective Head Constable Koeke-
moer, Detective Sergeant Thompson and Detective Sergeant
Booyesen.

Were there any other persons present, 5
excepting - you have told the Court that there was a
person Jack Hodgson. Did he remain there during the
search? --- No, My Lord, he went to another office in
the same suite. He was not in the office of the South
African Congress of Democrats. 10

Did you find anybody else in those offices?
--- Not in the morning. Only Mrs. Barenblatt was there.
COURT ADJOURNS.

COURT RESUMES.GERHARDUS PAULUS VAN PAPENDORP, under former oath;EXAMINATION BY MR. TERBLANCHE CONTINUED :

Will you just describe to the Court these premises? --- There is a passage from the door when you enter, My Lord, then there is a storeroom on the left hand side. Then there was another room occupied by Mr. Hodgson, and at the end you get into the big main office. 5
There were two desks in that office, and at the right hand side of the passage where you enter, there is another office occupied by a Native clerk, My Lord.

Do you remember the name of this Native clerk? ---Nathan Molapo, My Lord. 10

Was he there during your search? --- He arrived at about ten o'clock, and during the afternoon when that particular office was searched he was present.

Which of these offices did you search? --- I searched all the offices. The main office Detective 15
Head Constable Koekemoer assisted me in searching the main office, My Lord.

Did you seize certain documents there during your search? --- I did, My Lord.

And were these documents numbered? --- All 20
documents were numbered and marked, My Lord.

When? --- I took all the documents to the office, My Lord, and they were marked at the office. A list was drawn up at the time they were seized, My Lord.

And they were then marked? --- Yes, My Lord. 25

And were they marked later on with a "C" number? --- Yes, My Lord.

Will you look at these documents and say whether they are some of the documents seized by you?

And will you read out the numbers to the Court? --- Yes,
My Lord. The documents seized by me are : C.1; C.2;
C.3; C.7; C.8; C.12; C.15; C.16; C.18; C.19; C.22; C.27;
C.30; C.31; C.32; C.33; C.37; C.40; C.41; C.42; C.51;
C.52; C.53; C.54; C.56; C.60; C.61; C.63; C.66; C.67; 5
C.71; C.72; C.73; C.74; C. 75; C.76; C.78; C.82; C.84;
C.86; C.87; C.88; C.89 and C.90 My Lord.

You hand in those documents? --- Yes, My
Lord.

My Lords, I now lead document C.1. It is 10
"Resolution on the Political Line of the F.O.S.U." :

"In the world today we see side by side two irreconci-
lable systems. On the one hand decaying capitalist
economy involved in ever deepening crisis, accompanied
by decline of production and rapidly worsening con- 15
ditions of industrial workers and the agrarian
population; on the other hand the rising socialist
economy of the U.S.S.R. which in spite of imperialist
hostility, the intervention and the financial
blockade, goes from strength to strength. 20

Under the Five-Year-Plan of Socialist construc-
tion industry makes colossal progress 'catching up
and surpassing' the achievements of the most ad-
vanced capitalist countries. The economic, social
and cultural conditions of the workers improve 25
daily. The once backward peasantry now demonstrate
on their collective farms the superiority of
socialist co-operation in agriculture.

These two systems cannot exist side by side. The
growth of the one inevitably means the collapse of 30
the other. The constant improvement in the standard
of living of the workers and toiling masses in

the Soviet Union on one hand and on the other the unhard of suffering, starvation, unemployment and pauperisation of the industrial workers and toiling peasantry and poor farmers and the growing fascist terror in capitalist countries strikingly illustrate the difference between the systems of decaying capitalism and advancing socialism. The toiling masses in capitalist countries are realising rapidly the hopelessness of their own position. They see in the Soviet system the stirring example to be followed. Hence the increased radicalisation of the workers, peasantry, lower middle classes and intellectuals.

The bourgeoisie in its efforts to solve the crisis at the expense of the working class and toiling masses in the colonial countries is leading a general attack on the toilers. This offensive is inseparably connected with the preparation for war against the U.S.S.R.

The wave of slanderous campaigns, that of 'religious persecution', of 'dumping', of 'forced labour' conducted by the exploiters of wage labour and the further preparation for an economic and financial blockade, is part and parcel of the preparation for a direct attack and is a preliminary to armed intervention against the U.S.S.R.

The occupation of Manchuria by Japanese imperialism; the setting up of a military base on the one hand and the securing of spheres of influences and the suppression of the Chinese revolution on the other, are clear indications of the pending war against Soviet Russia.

The League of Nations and its staunch supporters, the Second International are actively participating under the cloak of pacifist phrases, in the war preparations against the U.S.S.R. The trials in the U.S.S.R. of the Industrial Party in 1930 and of the 5 Mensheviks in 1931 clearly show the interventionist role of these bodies. The rapid growth of armaments and the renewal and extension of military alliances give the lie to all pacifist talk of 'disarmament' 'peace pacts', 'Co-operation' etc. and on the contrary 10 clearly indicate the impending catastrophe of another imperialistic blood bath.

By these signs it is evident that the imperialist recognise that the challenge of the U.S.S.R. constitutes a menace of their own played-out system. Their 15 only hope lies in attack on the First Workers' Republic.

In South Africa the rapidly worsening conditions of the masses reflected in the rise of unemployment and the attacks on the standards of life of the workers 20 has resulted in a growing determination of the workers and peasants, both black and white, to fight back against increased yoke of exploitation and oppression. In what manner can we best utilise/^{the} capitalist world crisis for the accomplishment of our task of mobilising 25 the working masses of South Africa for the defence of the Soviet Union.

Tasks of F.O.S.U.

In its activities the F.O.S.U. must interest itself in the developing economic and political sit- 30 uation in South Africa, using wage movements, strikes, fights against national oppression (e.g. pass laws)

elections, etc., for the purpose of bringing out clearly to the workers the conditions against which they are struggling under capitalism as compared with those of the Soviet Union, where the workers are the ruling class.

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The intensified struggle of the workers against the ruling and exploiting class signifies at the same time the increased protection of the Soviet Union against imperialist attacks.

What does this mean in actual practice?

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Our organisation must become a medium for the reinforcement of the growing resistance of the working masses against the employers and against the ruling class. The F.O.S.U. must participate in all the local struggles of the workers and toiling masses against imperialistic exploitation and oppression, rallying ever broader masses in the offensive against imperialism which is the most effective means for the defence of the Soviet Union. The most effective manner of defending the U.S.S.R. is by weakening the imperialists at home.

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We must ensure that no wage struggle, no lockout, no conflicts with reference to demand for lower rents or prices, no struggle against higher prices, no fight for National Liberation, no fight against pass laws and all other forms of race oppression takes place without action on the part of the organisation. F.O.S.U. must render full support to such organisations as South African Labour Defence, the League against imperialism, the revolutionary trade unions, etc. The principal lines of the work of F.O.S.U. are the popularisation of the Five-Year-Plan and the progress of

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Socialist Soviet Union; the exposure through the workers and sympathetic press, leaflets and pamphlets, meetings, lectures, etc., of all the anti-Soviet capitalist slander campaigns; and the organisation of workers' delegations elected by workers in the factories etc., to visit the Soviet Union from time to time. 5

F.O.S.U. must be built on the widest possible united front basis from below and should seek to draw into its ranks all workers and oppressed people, both black and white, who sympathise with the Soviet Union and are prepared to assist in its defence against imperialist attack, irrespective of the political party or industrial organisation to which the individual worker may belong. At the same time its ranks are open to sympathetic radical intellectuals, writers, artists, technicians, etc., who are prepared to work wholeheartedly in the carrying out of its tasks. The F.O.S.U. must strive to base its units on the factories and workshops, by the formation of groups in these places and persistent propaganda amongst the workers employed in them. 10 15 20

Present Shortcomings of FOSU.

In the course of the struggle for the line of F.O.S.U. passive tendencies are being revealed in various phases of work. In underestimation of the growing discontent of the masses and of the willingness of the workers to fight back against the attacks made on their standards of living; in hesitancy and vacillation by the organisation in mobilising black and white workers into common struggle for the defence of the U.S.S.R.; while using abstract 25 30

arguments of race prejudice without relation to the
 developing class struggle which increasingly draws
 black and white workers into common action; in the
 increasing bureaucratic methods of work; failing to
 educate the members and non-members in broader under- 5
 standing of the revolutionary tasks of the working
 mass working - of the working class movement in South
 Africa; in the failure to build F.O.S.U. on a broad
 mass working class basis predominantly native in
 character; in the failure to conduct mass work 10
 instead, confining the activities to matters of
 academic interest. All of these are manifestations of
 the existence of strong tendencies calculated to lead
 the organisation away from the path of revolutionary
 struggle into channels of legalism, reformism, 15
 gradualism, etc.

Against these deviations, as also against all
 attempts by individuals or groups to make use of
 F.O.S.U. for fractional purposes, F.O.S.U. must
 wage consistent struggle within its own ranks in order 20
 to transform the organisation into a real mass
 fighting force, consolidating the sectional struggle
 of the workers into a united front action of the
 whole working-class in the defence of the U.S.S.R."

The next document, My Lord, is C.2..... 25

BY MR. KENTRIDGE :

my Lord, before my learned friend goes on,
 may I make a formal objection to the admission of that
 document in that on the face of it it comes from an
 organisation, F.O.S.U. which is not one of the organisa- 30
 tions mentioned in any of the pleadings. My Lord, I
 realise that this objection is fully covered by Your

Lordship's Judgment, but I should formally to place on record the objection to this document.

BY MR. TERBLANCHE :

My Lord, on that objection....

BY MR. JUSTICE RUMPF :

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That has been disposed of. The document that you were reading from, C.1, what sort of a document is it?

BY MR. TERBLANCHE :

It is a typewritten document, and the heading is "Resolution on the Political Line of F.O.S.U.", that is the Friends of the Soviet Union. It is unsigned and undated, My Lord.

BY MR. FISCHER :

My Lord, I would just like to add this.

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If this is a document - if F.O.S.U. as my learned friend says stands for Friends of the Soviet Union, that is an organisation which I am instructed has been out of existence for something like fifteen or seventeen years.

BY MR. TERBLANCHE :

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My Lord, I feel that in view of that statement I should also say something more about this document.

BY MR. JUSTICE RUMPF :

Well, that is just a remark. It hasn't

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been mentioned in the particulars, this organisation, and if you want to lead evidence about that organisation you can do so at a later stage. I don't think you need worry about it at this moment.

EXAMINATION BY MR. TERBLANCHE CONTINUED :

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My Lord, the next document, C.2, appears on page 89 item 23 of the Policy Schedule. It is there

bracketed with document G.1066(h), which will be handed in later, My Lord. C.2 is the Constitution of SACOD, and G.1066(h) is certain amendments to that constitution. My Lord, from C.2 I first read the preamble. This document says :

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"Constitution.

1. Preamble. We South African citizens, united by a common belief in the right of all people to freedom and equality, proclaim our support for the "Universal Declaration of Human Rights" adopted by the General Assembly of the United Nations Organisation. 10

We are against all forms of inequality and discrimination and we repudiate as false the doctrines of racial inequality, of White Supremacy, "Apartheid", trusteeship and segregation. 15

We proclaim our conviction that racial conflict and national oppression are linked with international conflict and war which threatens the advancing standards of life and liberty of all mankind.

We therefore found this association to advocate the principles of equality and the brotherhood of men, to strive for the maintenance of world peace and the ending of national discrimination and oppression, and to win South Africans to support a programme of extending rights and liberties for all our people." 20 25

Then I read paragraph 2, My Lord.

"2. Aims and Objects.

(a) The Association shall work to secure for all South Africans, regardless of race, creed or colour, the rights laid down in the "Universal Declaration of Human Rights", with particular reference to :

(i) Equal civil liberties:

the freedom of thought, speech and press;
the freedom of movement and assembly;
the freedom of organisation and religion.

(ii) Equal political rights:

The right to vote in and to stand for elec- 5
tions to state and local law-making bodies
on the basis of universal and equal adult
suffrage;

(iii) Equal economic opportunities without dis-

crimination based on race or colour: 10
to equalify for and engage in all trades,
crafts, occupations and professions;
to acquire and own land and property, and
to freely form, join and administer trade
unions. 15

(iv) Equality of social status:

In every field of state and administration,
public activity, education, culture and
recreation, and the preservation of family
life with no interference which would lead 20
to its disintegration.

(b) The Association shall work to secure friendly
international relations based on the equality and
independence of all nations, and negotiation to
settle international disputes, in order to secure²⁵
a prolonged era of world peace.

(c) The Association is empowered to give active
support to and co-operate with any individual, group,
party or movement working for or having the same
or similar aims and objects, and shall take such 30
other action as it deems fit to further its aims
and objects.

3. Name.

The name of the Association shall be The South African Congress of Democrats."

Then I read paragraph 4(c) :

"The Regional Committee or any other body authorised 5
by the National Council may lapse a member or suspend
or expel him for any breach of the conditions of mem-
bership, or for conduct detrimental to the interest
of the association; provided that a person so dealt
with shall be informed of the fact and shall have 10
the right to be heard on appeal by the National Con-
ference of the Association whose decision shall be
final and binding."

Then paragraph 9(c)(ii), under National Council :

"To appoint and discharge employees and to fix the 15
terms and conditions of their appointment;
to take action against branches or regions by way
of expulsion, suspension or dissolution to enforce
the policy, constitution and rules of the associa-
tion; 20
To co-opt members whenever a vacancy occurs amongst
the members elected by the National Conference and in
addition to co-opt members from any region or area
not represented on the National Council.

And then the last paragraph of 9(c)(ii) : 25

"And generally to do all such things as it deems fit
and necessary to further the aims and objects of
the association."

My Lord, the next document appearing in the policy
schedule is C.16. My Lord, C.16 appeared on page 97, 30
item 1 of the Policy Schedule. It is "Minutes, N.E.C.
4.4.1955", that is the National Executive Council.

BY MR. JUSTICE KENNEDY :

Is it purely Minutes?

BY MR. TERBLANCHE :

Purely Minutes, My Lord.

BY MR. JUSTICE KENNEDY :

5

Well then can't it go in under Section 263
(Bis)(i)(c) of the amendment?

BY MR. TERBLANCHE :

It can, My Lord.

BY MR. JUSTICE KENNEDY :

10

Well, then, aren't you wasting time by
reading it? If it is purely Minutes, then it goes in
under that section.

BY MR. TERBLANCHE :

As Your Lordship pleases. My Lord, there
is one portion which I would read, and that is a portion
out of - that is specified in the policy schedule. It
is 2(c)(a) :

15

"That whatever action the A.N.C. decided on in
connection with the boycott of Bantu Education
should receive the full support of the C.O.D."

20

C.18, My Lord, which appears on page 97, item 2 of the
Policy Schedule, is a document headed "Minutes N.E.C.
dated 18.4.55". I read the first portion of (b)

under Bantu Education :

25

"The C.O.D. delegate to the Easter Conference on
Bantu Education gave a report.

She gave a summary of the organisations represented
and their view points, and told the meeting that
C.O.D.'S decision to stand by the A.N.C. in what-
ever action was planned to defeat Bantu Education
was greeted with acclamation."

30

The next one in the Policy Schedule, My Lord, is C.27. It appears on page 98, item 3. Only pages 2 and 3 are mentioned there, My Lord. The document is "S.A. Congress of Democrats - National Conference 1955. Organisational Report". I first read a portion from page 1 :

5

"The majority of members who joined in the face of ever increasing fascist legislation directed towards more and more apartheid, remained solidly with us and our stand for equal rights."

Then I read on page 2 and 3, My Lord, under Bantu Education :

10

"The Propaganda Committee attached to the N.E.C. must be congratulated on their timely publication of 'Educating for Ignorance'. Over 15,000 of these pamphlets have been sold. The pamphlet has been warmly received by non-Europeans in the remotest part of this country as well as by Europeans as far distant as London.

15

C.O.D. sent two delegates to the A.N.C. Conference which met in Port Elizabeth over Easter to discuss Bantu Education. As a consequence there has been much co-operation between this organisation and the committees established to fight Bantu Education and to provide cultural activities for children not attending schools."

25

Then I read on page 4, My Lord :

"C.O.D. membership are active in other organisations such as the Peace Movement, Federation of South African Women, Youth Festival and other organisations pledged to work for progress and against discrimination."

30

Then on page 5 :

"The most encouraging factor about our membership is its sincerity, spirit and devotion to the fight for liberation. People who stand in our ranks today are men and women who have refused to compromise and appease the fascists because they believe in the future - a future that belongs to us. Let us plan and work wisely to achieve it." 5

The next, My Lord, is C.32, appearing on page 87, item 2. This is a roneod document, My Lord entitled "Chairman's Report to the First Annual Conference of the S.A. CONgress of Democrats to be held at Johannesburg on the 24th June, 1955." This document is in the violent schedule. I read the whole document, My Lord : 10

["The S.A. Congress of Democrats came into being in September, 1953, to fulfil certain basic political needs; political needs which arose out of the fact that the non-European peoples of South Africa had, through the Defiance Campaign, unequivocally staked their claim for equal and full democratic rights, thereby creating a situation which made it imperative for democratically-minded Europeans to mobilise themselves in support of a people's movement for freedom and equality. 15

It is the view of your National Execution Committee that the S.A. Congress of Democrats has largely fulfilled this requirement. 25

Co-operation with the Liberatory Movement.

To this end close liaison has been established with the liberatory movement. It can safely be said that in the minds of the people the South African Congress of Democrats is today completely identified with the Congress or Liberatory Movement. 30

Σ Over the last twenty months the S.A.C.O.D. has taken its place as an equal partner with the A.N.C., S.A.I.C, and SACFO in the people's struggle for freedom. We have joined on all levels with these Organisations in campaigns to mobilise the people of South Africa against the tyrannical and oppressive measures of the present Government, and in their struggle for a democratic South Africa. 5

Personnel :

During our short existence we have suffered more from banning notices in terms of the Suppression of Communism Act, in relation to our numbers than any other organisation. We have in this way lost the invaluable services of people like Jack and Rica Hodgson, Rusty Bernstein, Ruth and Joe Slovo, Louis Baker, Molly Fischer, Athol Thorne, Mary Butcher, Len Lee-Warden, and many others. All these people were banned because they were in the forefront of the right for freedom. The best way in which we can show our appreciation for the work done by them is to carry on with that work, and so prove to the Government that you cannot destroy a people's movement for freedom by discriminatory action against its leaders. The fight for freedom depends on the desire and will of the people to be free and not on individuals. 10 15 20 25

The Resist Apartheid Campaign.

In June 1954, a Resist Apartheid Committee was set up to campaign against apartheid legislation on which the SACOD had equal representation with the A.N.C., S.A.I.C. and S.A.C.P.O. This Committee's activities were mainly directed against the Western Areas Removal Scheme." 30

It was mainly as the result of the work of the C.O.D. that the Western Areas Protest Committees were formed which brought a large number of the European population of Johannesburg into the fight against this scheme. It was also as a result of the work done by the C.O.D. that Europeans throughout South Africa were aroused in protest against the scheme. 5

Campaign for the C.O.P.

The C.O.D. joined with the other Congresses on an equal basis in the sponsoring of the Congress of the People. C.O.D. personnel in all the main centres of S.A. have performed a gigantic task in relation to our numbers in the preparation for this conference. The Progressive Movement in S.A. 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. It will rest with the Congress Movement to mobilise the people of South Africa in their demands for the realisation of its aims and objectives. 10 15 20

Propaganda.

Realising the importance of political propaganda and the important role that the C.O.D. can play under the circumstances in this field, the N.E.C. has endeavoured to print as many pamphlets as possible during the last twenty months. The following pamphlets were published during this period : "The Threatened People", "Where the Devil Drives", "Educating for Ignorance", (2 editions.) 25 30

The Propaganda Committee are to be congratulated on the comprehensive Speaker Notes which were

were prepared for discussion by regions and branches on the following issues : Congress of Democrats; National Liberation Struggles in Asia; Western Areas Scheme; Suppression of Communism Act.

Counter Attack, the organising bulletin, due to various difficulties, has not appeared regularly. It is however hoped to overcome this difficulty in future. Regions and branches should be urged to supply the editors regularly with branch news so that it can be a truly organising bulletin." 5

On page 4, My Lord, I read from "The Task Ahead" : 10

"Refusal by the masses of non-European people and the small minority of progressive Europeans to acquiesce has so far been the only stumbling block which prevented the Government from turning S.A. into a Fascist Police State in the full sense of the word. The C.O.D. has played an important part in this struggle. We will have to continue doing so without fear and with increased determination and vigour in the knowledge that we have the people on our side." 15 20

The future of South Africa must inevitably be decided in a struggle between the Nationalist Party with its policy of Baasskap on the one hand, and the liberatory movement with its policy of full and equal democratic rights on the other hand. The middle of the road groups are fast disintegrating, and this disintegration - this integrating process will gain momentum as the conflict sharpens. The oppressive apartheid measures of the Government can have only one result, and that is to increase the desire of the people to rid themselves of the yoke, and will lead to an intensification of the Struggle 25 30

on their part. This in turn must lead to increased police state measures. In such a situation the middle of the road groups will be forced to take sides. The proportion of this group which comes over to the side of progress will to a large extent depend on the work done by ourselves. It is to meet such a situation that we must gear our forces and organisation."

And then on page 5, My Lord, "Political Education" :

"There are large numbers of Europeans throughout South Africa who, although not ready for active membership of the C.O.D. are nevertheless prepared to support our organisation on specific political issues, while others are sufficiently politically conscious to listen to and debate our point of view. C.O.D. branches and members must establish and maintain constant contact with such people. This can be done through discussion groups and by drawing such people into political campaigns on specific issues. The large number of Europeans in Johannesburg who were mobilised in protest against the Western Areas Removal Scheme is a good example of what can be achieved in this way.

Liaison with other Organisations :

We must continue to join with the other Congresses and S.A.C.P.O. in all struggles affecting the masses of the people. The people can only be mobilised for freedom and democracy through struggle, and no issue must be regarded as too small or insignificant for our organisation to give and maintain a clear and unequivocal lead.

The Working class must of necessity be in the

vanguard of the people's struggle. Our organisation has in the past paid too little attention to this aspect. All our branches should detail personnel whose task it should be to assist the trade unions and especially the African Trade Unions in their work. We should also offer and give assistance to the South African Congress of Trade Unions to organise and educate the masses of unorganised workers. 5

Peace :

The progress of the world depends on whether the people can enforce their will for peace. C.O.D. must play its part in assisting the South African Peace Council in its work to mobilise the people of South Africa as an effective force against war." 10

"The fight for freedom and democracy in South Africa demands fearless and determined struggle in which there is no room for despondency and despair. Neither is there any real reason for despair. It is true that the Government is riding on the crest of the wave, but let us remember that their utmost potential comprises less than one-fifth of the people of South Africa. It is also true that inherently there is no difference between the fascism of Strijdom and that of Hitler or Mussolini. They, however, had the support and acquiescence of the people of their country, something which Strijdom will never get from the masses of the people in South Africa. World opinion and political development all over the world is against them and is on our side. The days of Colonialism and its accompanying oppression of peoples are waning fast; a development which cannot leave South Africa unaffected. Theirs is a creed of oppression and wrong. 15 20 25 30

Ours is one of freedom and right. Who can doubt
which will be victorious?"

BY MR. JUSTICE RUMPF :

Apart from the documents that we have been
dealing with, and the problem of what can be done between 5
the Crown and the Defence, now that you are reading from
so-called violent documents, there is another matter which
on the same old basis which seems to demand attention. I
am referring now to page 85 of your Summary. You have
referred to this document under page 87, C.32. Now if 10
you look at page 85 you will see an issue set out between
the Crown and the Defence in regard to the Congress of
Democrats. You will see the submission that the Crown
makes, that is Part C, paragraph 1. And I'll deal with
that in a moment. Then you say at page 86, "the facts 15
set forth in sub-paragraph 1(a) are inferred from the
following speeches and documents". Then there follows
a list of speeches. Over to page 87, and there follows a
long list of documents, page 87, page 88 and page 89,
all in support of the allegation made by the Crown on page 20
85. Now, if one looks at that submission, it reads :
"The S.A.C.O.D. denounced the present form of state,
termed it inter alia capitalist, or a fascist state,
or a police state, or an imperialist state, demanded
its destruction and propagated as an immediate object, 25
the substitution therefor of a form of state differing
radically and fundamentally from the present state. The
form of state propagated by the S.A.C.O.D. was commonly
referred to as "a people's democracy", "a people's democratic
government" or "a democratic people's government", or "a 30
people's democratic state", "a full democracy." And was
either a Communist state or a state having the attributes

envisaged by the Freedom Charter or a state based on the demands of the Freedom Charter", and in support of this allegation there then follows a list of speeches. Now if you look at this clause, then it would seem that there are a few issues arising on this, as far as the documents and speeches are concerned. In the fourth line there is the allegation that the S.A.C.O.D. not only denounced the present form of state, but demanded its destruction. That may be a question of accident, it may be a change, what is really meant by the prosecution here, so that there may or may not be any difficulty about that word. "And propagated as an immediate object", now that may be in issue. The allegation of "an immediate object". Then lower down there is the other allegation, "The state was either a communist state or a state having the attributes envisaged by the Freedom Charter". Now if one looks at this, having regard to the admissions made, and perhaps to what could be still admitted, the use of the words "and the type of state envisaged, - that under this section the issue between the Crown and the Congress of Democrats would seem to be not this whole paragraph, but was it "an immediate object", the substitution of the new state, was it "a communist state". So that we will have to listen then - I am assuming for argument's sake at this stage, that those are the only issues. The Defence may say there are more, it may be a question of shading a particular word, I don't know. But on these two particular two, "the immediate object" and the "communist state", we must listen then to all these speeches and those documents, under this heading. Now, couldn't those two issues be extracted and a few documents and speeches be referred to - in future, I am not

talking now, but in future, dealing with those two submissions, if the other submissions are admitted,...

BY MR. TERBLANCHE :

My Lord, I'll certainly bear it in mind.

BY MR. JUSTICE RUMPF :

5

I am putting it, as one with due respect, sees it, in view of the admissions made so far. They don't cover of course all these submissions by the Crown.

BY MR. TERBLANCHE :

My Lord, if I may just point out one thing, 10
and that is there is an admission by the Defence that these organisations...

BY MR. JUSTICE RUMPF :

Yes, I know, these admissions do not cover this, but having been referred to now and looking at the 15
submission by the prosecution in this case that there were terms used, "capitalist state", "fascist state", that it was the object to change the state, to have a new state, to destroy the present state - I am using that word on purpose, to destroy the present setup to get a 20
new state, and a state having the attributes envisaged by the Freedom Charter - if it is put that way, I doubt very greatly if the Defence is going to deny that. I think they will probably admit that, under this heading. But they may of course dispute the "immediate object" 25
and the "communist state".

BY MR. TERBLANCHE :

My Lord, with respect, it can be put to the Defence again, but I doubt My Lord whether we will get very far. If I may just draw Your Lordship's attention 30
to one of these admissions, the admission that they, the Accused and organisations, wanted a different form

of government, that is their admission. Well, My Lord, a different form of government, in our submission is something quite different from a different state.

BY MR. JUSTICE RUMPF :

I don't think one need worry about the precise shading, the precise terminology, but it would seem to me that if this paragraph is put to the Defence and they are asked what do you object to really, or what do you think is really in issue, seeing that in those documents those phrases are used, the expressions are used, they may say that we agree with this, but in addition we agree with this, except the immediate, the communist state, in addition to the documents to which you refer and the speeches, we want to add a few, and on the question of issue, of course, - on the question of the two points mentioned we join issue with the Crown, the Crown must lead those documents and point them out to us.

BY MR. TERBLANCHE :

My Lord, I'll certainly refer this to my learned leader for his consideration.

BY MR. JUSTICE RUMPF :

We will continue on a moment as we have been doing, but I wonder, as an experiment, apart from the other system that is now being tried out, as an experiment and on this particular paragraph only, just as an experiment, whether you shouldn't put that to the Defence and see what may be the result of it.

BY MR. TERBLANCHE :

My Lord, there are certain difficulties. Your Lordship has mentioned the special shading there may be. Now My Lord, I may say that the way in which

these documents are drawn up, will be one of facts, facts that the Crown will use, and therefore to a certain extent the Crown needs these documents.

BY MR. JUSTICE RUMPF :

Yes, I can understand the dispute about the word "destruction" perhaps. There may be words used to indicate that the state must be destroyed, the evil system which we have got, the class struggle demands that and so on. It may be. It may or may not be. But in any event, as an experiment, I am suggesting that you try and put this paragraph to the Defence, and see what they are prepared to admit on this, just as an experiment.

BY MR. TERBLANCHE :

As Your Lordship pleases. In the meantime I'll inform my learned leader.

EXAMINATION BY MR. TERBLANCHE CONTINUED :

"y Lord, the next document is C. 33. It appeared - My Lord, if I may just go back to the previous document, it is also referred to on page 91, item 3, of the Policy Schedule. Now document C. 33 is referred to on page 91, item 2, and page 98, item 4. The document is a roneod document, "Resolutions Adopted at National Conference of the South African Congress of Democrats, held 24th June, 1955". Mr. van Papendorp, will you please tell the Court how many copies you found? --- Six copies, My Lord.

My Lord, from this document I read paragraph 1 first : "Political Restrictions on Civil Liberties":

"Conference is opposed to all forms of inequality and racial discrimination, all laws and practices which are undemocratic and discriminate against the majority of the people in South Africa. Laws

which debar people because of their colour from participating on an equal basis in the life of our country. 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 5 quarters responsible for their perpetration. We draw particular attention to the laws enacted in the Parliament."

Then I read 5, My Lord :

"Native Resettlement Act. 10

Conference condemns the Native Resettlement Act and takes strong exception to the Government's action in forcibly removing thousands of people from their homes in the Western Areas of Johannesburg and the wholesale removal of African women in the Western 15 Cape, We support the people in their opposition to the implementation of this Act. Together with the Group Areas Amendment Act, Conference sees in the actions of the Government an attempt to drive the people into ghettos and so lay the basis for a 20 racially divided police state."

Then I read from page 2, My Lord.

"Education. Bantu Education.

Conference condemns the forcing upon the African children of the vicious poison of Bantu Education 25 which is designed for the purpose of indoctrinating African children to accept a position of permanent inferiority and supports the active opposition of the African parents in the withdrawal of their children from schools. Conference resolves to give 30 the fullest active support to whatever measures are taken by the African National Congress to provide

alternative education for African children."

Then I read from page 3, My Lord, paragraph 3, "The Trade Unions" :

"Appreciating that the working class have the greatest interest in the development of full democracy in our country and that well organised and militant trade unions will play the most important role in the liberation of all oppressed peoples, the withholding of labour being the greatest weapon the move has, Conference welcomes the establishment of the truly democratic multi-racial Trade Union body, and expresses the hope that the South African Congress of Trade Unions will prove an effective means of uniting all sections of the working class into one powerful trade union organisation, capable of defending the rights and improving the living conditions of all the working people of South Africa."

Then on the same page : "It is resolved that :

"(d) as an organisation we shall co-operate fully with the South African Congress of Trade Unions".

Page 4, My Lord, I read the paragraph "Peace and the International Situation" :

"Barely ten years have elapsed since the end of the most devastating war the world has ever known. Mankind has only just recovered from the last holocaust and already military groupings are being set up in Europe. The arms drive and the establishment of bases on foreign territories closely linked with the policy of colonialism is increasing international tension. The dangerous revival of German militarism has now become a reality. Today the threat of atomic warfare is a shadow that darkens the lives

of men and women throughout the world. An example of this is the decision of the Nato Ministers to organise an atomic war. We, in South Africa, are not remote from the danger of war." My Lord, it reads "from the war of danger", but I take it it is the "danger of War". "We are in fact potentially close to the threatened world war since our production of uranium for atomic bombs turns our towns into targets. The Government of South Africa is today part of the war camp, and the system of military alliances. It is an ally of those wishing to crush liberation and independence in all countries and prepare for war. The struggle for peace in South Africa is closely bound up with the struggle for democracy, racial co-operation and human rights. The overwhelming majority of the people of the world over want to live in peace and friendship. We as democrats, as believers in peace and progress, as people who have a firm faith in the future of mankind, therefore resolve :

(i) To support to the utmost of our ability and in all practical ways the campaign of the Peace Council for the immediate outlawing of all weapons of mass destruction, for the reduction of all armed forces and for the prohibition of war propaganda. To support a policy of peace and co-existence, security and independence of all states, the replacement of military alliances by peace pacts and the settlement of international disputes by negotiation. To condemn the re-arming of Western Germany as a serious threat to world peace. To work for the inclusion of the Peoples' Republic of China in UNO

and for its recognition as a major world power.
 To work for the ending of the wars in Kenya and
 Malaya. To support the peoples of Africa and Asia
 and the liberatory struggle by demanding a round
 table conference with leaders of the resistance move- 5
 ment and the withdrawal of foreign troops. To
 oppose the use of South Africa's natural resources
 for war preparations and to insist that uranium
 be used for peaceful purposes only. Conference
 extends fullest support to the World Peace Council 10
 and hails the Helsinki Conference and the World
 Conference of Mothers as a great step forward
 towards world peace. Conference urges all members
 of the Congress of Democrats to support the campaign
 for signatures to the petition against the prepara- 15
 tion for atomic war by distributing the petition as
 widely as possible. To keep before us in all our
 work and general propaganda the urgent and present
 questions of peace, so that work for peace becomes
 part of all our struggles in South Africa for 20
 democracy and equal rights for all, for racial
 harmony and for human happiness."

Paragraph 5 on the same page :

"Education and Propaganda.

(i) Conference attaches the utmost importance to 25
 the dissemination of political propaganda and
 emphasises the important role which can and must
 be played by our organisation in this field.
 Conference therefore resolves that the Propaganda
 Committee be instructed to intensify its efforts 30
 in this field and to endeavour to produce pamphlets
 and leaflets on all issues of primary importance

with the least possible delay. Conference appeals to all members of the South African Congress of Democrats to participate actively in the wide dissemination of our propaganda, believing that this is one of the most effective means to - of influencing 5 the European community, a large section of which is becoming more and more dissatisfied with the unsatisfactory stand taken by the parliamentary opposition parties. Conference urges all leaders and branches to make full use of the lecture notes already prepared by the N.E.C. To prepare and organise discussions on other topics, political education, and to organise study groups and study material on general policy to raise the political understanding of its members. 15

New Age. Conference recognises the vital role played by New Age as the only truly democratic newspaper in our country. Its contribution to the liberatory movement has proved to be invaluable. Conference therefore pledges its wholehearted support to New Age and recommends that financial assistance be given to New Age from the regular personal contributions by members. That from time to time specific functions be organised and that branches undertake to sell New Age and to regard this as a regular feature 25 of their activities.

Youth work.

Conference attaches the utmost importance to the establishment of a strong, progressive youth movement which will develop political consciousness 30 among youth. Conference calls upon all the regions to organise youth groups....".

The next document, My Lord, is C.41. It appears on page 87, item 3 and page 94, item 2. It is a typed document undated, "South African Congress of Democrats. Notes on the Political Situation by the National Execution Committee for discussion at Conference." My Lord, I read from page 1, the whole of page 1 :

"1. There have been radical changes since last Conference. These changes mark the maturity of a state of fascism at home; the government has passed from words to deeds - systematically uprooting the non-European people, where they have become settled, urban dwellers - systematically forcing them back from any slight foothold they have gained in civilised life of a modern industrial country - turning them systematically into the rootless, oppressed and driven serfs common to all the classic colonies of imperialism.

2. The destruction of civil rights of the non-European people has gone hand in hand with the attempt to turn back the clock in the social and economic fields. But fascism has a logic of its own, which cannot be kept in a carefully... - there is a word left out - "... and 'non-European' camp. The destruction of the liberties of the non-European is a forerunner of the destruction of liberty for the European. Already the process has gone so far, that the rights of the European community are vanishing rapidly. The process of their extinction gathers pace from year to year. We approach the completion of a fascist state in South Africa.

COURT ADJOURNS.

THE COURT RESUMES.

GERHARDUS VAN PAPENDORP, under former oath;

BY THE PROSECUTOR (MR. TERBLANCHE)

My Lords, before the adjournment, Your Lordship, the ^rresiding Judge, made certain commends in regard to the possibility of further admissions. I undertook to discuss that with my learned leader. I did so, and he authorised me to make the following statement, that, as Your Lordships are aware, certain admissions have been made, the Crown, on those admissions served a document on the Defence, setting out the respect in which they fell short, and one of those were that a New State was to be based on the Freedom Charter, as suggested by Your Lordship, and that in later admissions by the Defence, was not admitted. The Crown, however, is willing to draw up, in the light of Your Lordship's suggestion, further admissions which we shall ask the Defence to make, and that will be done in the course of a day or two.

BY MR. JUSTICE RUMPF :

Mr. Terblanche, as I said, apart from the negotiations in regard to the admissions - apart from that, we feel that as an experiment one of these pages to which I have referred, should be dealt with between the parties.

BY THE PROSECUTOR :

That is the way in which it is suggested that we will deal, My Lord.

EXAMINATION BY THE PROSECUTOR CONTINUED :

My Lord, before the adjournment, I was dealing with exhibit C.41. I read paragraph 1, and I now go over to the reading of paragraph 2 :

"2. The destruction of civil rights of the Non-European people has gone hand in hand with the

attempt to turn back the clock in the social and economic fields. But fascism....."

My Lords, I read paragraph 2. Paragraph 3 :-

"3. During the past few years of the fascist advance, events have brilliantly confirmed the necessity for such a body as the Congress of Democrats, and the correctness of the decision to found it and the principles on which it is based. While C.O.D. has grown in influence, and emerged as a serious, uncompromising herald of a future South Africa, the self styled 'opposition' - the parliamentary opposition has withered away. The United Party, the most lukewarm of the anti-fascist bodies, with its hands largely tied by its acceptance of basic doctrines of South African fascism - baaskap, a Non-European subjection regardless of the cost - is without policy or prospects for the future. Together with those sections of the Press which follows its lead, it has largely surrendered to the Government, except for occasional face-saving bleats of protest about 'methods' rather than policies. There exists, at this moment, little prospect of any change in the situation being brought about in or through Parliament.

4. The anti-fascist movement now has its heart outside of Parliament, in the mass movement of the peoples of all colours. It is the mass movement of the people, headed by the Congresses, which today determines the future of South Africa. But here, too, the encroachments of fascism have had their effect. Since the ending of the Defiance Campaign, the Congresses have declined slightly in

membership; many of their experienced personnel have been banned; the development of fascism has curtailed their legality and their opportunity for mass campaigning and organisation. Nevertheless they remain strong, with strong cores of able members capable of great achievement, and with wide mass support amongst the people. The Congress of Democrats, as part of the Congress alliance, is concerned with all the problems of the Congresses, and must seek to understand the lessons for our future work which have emerged from the experiences of recent years. 5 10

5. Recent events, especially the campaign against Bantu Education and the Western Areas Removal Scheme illustrate that, despite the difficulties and the intimidation which have been placed in our way, the Congresses are still able to command mass support and following for active political struggles. The campaign against the Western Areas Removal, which reached a high level amongst the European population due largely to the work and initiative of the Congress of Democrats, also raised tremendous support amongst the Non-European people. But in the final stages - at the time of the actual removal - the Congress message did not prove effective enough to draw into militant action, those who were to be moved. The campaign against Bantu Education, on the other hand, roused such feelings amongst the African parents, that their reactions in boycotting many schools on the Reef ran ahead of the Congress movement, and proved that the Congress plans were not correctly conceived and executed." 15 20 25 30

1548. (G. VAN PAPENDORP)
(C.41)

My Lords, then on page 3, I read paragraph 9:

"9. At this stage, it is not possible to say precisely now completely the Congress of the People will succeed, or what changes it will lead to in South Africa. It is clear that the Congress of the People will not be on the tremendous scale first envisaged. But it appears that, even now, it will on such a scale as to open the way for a new surge forward of the democratic movement. All other national bodies, who claim to hold the key to the future of South Africa, have abandoned the field to the Congress alliance, and it is now clear that the Congress of the People will, for all time, be coupled in people's mind with the Congresses. We need to take advantage of that situation, to establish beyond challenge the fact that we speak for the overwhelming majority of South Africans of all races, and to prepare for a bold challenge to the whole conception of white supremacy, by stating our ideas clearly, by making our ideas the ideas of the people through the Freedom Charter, and by consolidating and extending the organisational links between us and the people which have been initiated by the Congress of the People."

My Lord, I read the document from paragraph 10 - all the paragraphs, up till paragraph 13.

"10. While our own conference will have to pay great attention to the question of what policies and programme for the future are to be advocated at the Congress of the People, it is clear that the Congress of the People, is not an end, but a beginning. After Congress of the People, there

will be the tremendous task of popularising the Freedom Charter, and making it the credo of all South Africans who value freedom, and their guide to action. This will need tremendous work of propaganda and explanation. There will be the need to carry 5 on the door to door work, the canvassing, the setting up of committees which has clearly started. There will be the task of carrying to the people everywhere the understanding that the Congress movement leads the campaign for the Freedom Charter. 10 For all this, a great effort by all the Congresses is needed. Especially is this so for our Congress of Democrats. It is true that the Congress of Democrats has been a tower of strength in the whole preparatory work for Congress of the People. But that 15 need not blind us to the fact that insufficient work has been done by us in the field which is our particular responsibility - amongst the European population. That is a task which must be made good after June 26th, by a planned active campaign of canvas- 20 sing the European population in all areas where we have branches. The Congress of the People will not, of itself, bring about radical change in South Africa. It is a stepping stone to the changes that our programme calls for. The time and the speed of the 25 actual changes will be determined by the extent of organisation of people, of people's committees, of volunteer groups which we ourselves bring into being.

11. There are some who question whether there is 30 any section of the European population who can be won to support the Freedom Charter. It is fundamental

to our beliefs - fundamental, in fact, to the need
for Congress of Democrats and our decision to esta-
blish it, - that there are many such people. It
will not be easy to win them. To do that will re-
quire tremendous, ceaseless effort, breaking through 5
the hard, age-old crust of their prejudices. But we
believe it is possible and can be done, if we set
our minds to it. There has never been a time when
the European population have had so clearly before
them the stark fact that we alone offer them an al- 10
ternative to the dark future of fascism which all
political parties in South Africa in one way or ano-
ther uphold. Nor has there ever before been a time
when the rights, privileges and future of white
South Africans have been so systematically attacked 15
and whittled away to preserve the social basis of
emerging fascism. All thinking Europeans are being
driven, slowly but certainly to see our programme as
the way out for themselves. We must help that pro-
cess along now while the opportunities still exist. 20
12. How then, apart from the topics dealt with in
connection with Congress of the People, can the Con-
gress of Democrats work more effectively to win
people over to our side? In the first place we need
to sharpen the keenness of our own members, by gi- 25
ving them a greater understanding of the truth of
our outlook. Political education must be made
into a permanent feature of our branch life, to
equip us all with the knowledge which will make us
really effective, unflagging workers. For this, 30
the lectures issued in connection with the Congress
of the People are " - there is a word left out.

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