

"Although the report of the British Colonial Office on Kenya for 1954 is quick to mention financial recovery from the setback of the emergency, it is only much later in the report that details are given of the civil war." That is taken from "New Age" of the 22nd September, 1955, record 3978.

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"The war in Kenya entered its fourth year last week, and thousands of members of the African resistance movement are still active in the forests and reserves." That is taken from "New Age", 3rd November, 1955, record page 4035.

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"The Nationalists cannot point to a single example of a slave empire which survived the revolt of the slaves." That is from "New Age" of the 14th April, 1955, record page 3937, it's an editorial article.

My lords, this paragraph contains propositions that have often been seen elsewhere and matter which has been considered by some of the Defence witnesses; the suggestion that the suppression of the Mau Mau campaign in Kenya was a device, an excuse that the oppressors were creating a false scare, and the suggestion which occurs elsewhere that despite protestation by Britain to the contrary, that what had happened in Kenya and Malaya is a state of open warfare and revolution. My lords, in this connection one may just refer briefly to a statement of similar ideas which is to be found in an exhibit which was referred to last week, that is Exhibit T.T.28. These are resolutions adopted at the 5th Annual Conference of the African National Congress Youth League held on the 4th and 5th April, 1953, and I refer only to the 9th resolution which says - my lords, this was read into

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into the record at page 4260; the 9th resolution reads: 1
"That this Conference registers its horror at the anti-
African war being waged by the British Imperialists in
Kenya. Conference realises that the Mau Mau is an in-
vention of the British imperialists who are using this
trick as an excuse to crush the Kenya African Union 5
and its leadership."

And then the resolution goes on to express
full solidarity with the people of Kenya led by the Kenya
Africa Union under its leader Kenyatta.

I read proposition 12, my lords: "That Palme 10
Dutt in his book "India, Today and Tomorrow", lays bare
the hollow British bluff that Attlee gave India her in-
dependence voluntarily. England held on until she knew
that she could not hold on a moment longer without being
driven out ignominiously - her weakened army powerless 15
against the great might of the Indian people. Like Free
China, a free India will one day emerge in the world as
a member of the Socialist and people's democratic family.
That day will end the Imperialist reactionary era in the
history of mankind." 20

That is taken from "New Age", of the 17th May,
1956, record page 4078/9; author "Spectator". My lords,
this excerpt, this proposition, is of some importance
because of the examples often quoted by the Defence wit-
nesses in this case; the argument advanced by them, hold- 25
ing up India as an example of the achievement of libera-
tion by peaceful means; the tenor of this article is
that although England left before there was trouble in
the sense of physical violence, that the moment was well
chosen; if she had remained there a moment longer she would 30

have been driven out. My lords, something similar one finds in an exhibit which was also referred to last week, that is the exhibit B.259. My lords, this is the Report of the 44th Annual Conference of the African National Congress, Transvaal, held at Pretoria in November, 1956, and your lordships will recollect that at page 17142 to 43 the witness Resha identified this exhibit and he said that the document which forms part of B.259 entitled "New World Unfolds", was also distributed to the Conference as part of this Report.

My lords, portion of this article "New World Unfolds" has been read into the record, I refer to a portion which was read in at page 1337 to 1338. One finds a paragraph headed 'Liberation comes not as a gift' and it says "Where people have achieved their independence, however, it has been a hard worn battle; independence, liberation, are not a gift from the formerly ruling power. The Indian people were not given the right of self government by a benevolent Britain, their struggle was long and bitter lasting through several decades and achieved only through great sacrifice. And so it is that wherever the people demand freedom they are called terrorists, they are accused of being agents for foreign powers, subversive ideas. Warfare is waged against them as in Malaya, Algeria."

13, my lords: "That it is madness for millions of ordinary people to let a handful of criminals sit at the top of this Capitalist system and guide us to hell. Working people should own the factories they work, and the things they produce should go on making our lives easier and fuller. Instead we allow this small

group to line its pockets, and send us to war. If we
allow them to go on much longer we must be crazy". My
lords, that is taken from "Advance" of the 18th February,
1954, record page 3612.

"The very survival of the human race is at stake
in this crucial struggle between the overwhelming majority
of the people of the world and a handful of money mad
warmongers." That is taken from "Advance", April/May,
1954, record page 3631, author is Kotane, My lords,
that must be an excerpt from the book 'South Africa's
Way Forward' - your lordships will recollect this was
published in 3 issues of "Advance" in the months of April
and May, 1954, record 3631.

"In terms of the decision of the South
African Peace Council South Africans are to be called on
in their tens of thousands to demand the artlawry of the
'H' Bomb, the 'A' Bomb and all weapons of mass destruc-
tion." That is New Age of the 17th Marchm 1955, record
3931, author is "Spectator".

14) "That as we near the end of 1956, the
dreadful shadow of a world war threatens humanity - more
menacingly than at any time since Korea and General Mac
Arthur's threat to invade China. The life of the doomed
system of Colonialism cannot be prolonged. Vast areas of
Asia and Africa have already thrown off the chains of
alien rule, and nothing can stop their brothers in these
continents from followihg in their footsteps. The danger
is that the Imperialists, in a desperate gamble to turn
back the clock of history, will attempt to embroil man-
kind in all the horrors of nuclear war." That is taken
from "New Age" of the 29th November, 1956, record page

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4117, author Moses Kotane.

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"The greatest danger arising from the tragic events in Hungary is the new war hysteria. Events in Hungary are being used by the warmongers to create a wat atmosphere and to whip up the type of hatred and hysteria which has so often brought the world to the brink of war." That, my lords, is from "New Age" of the 6th December, 1956, record page 4119 to 20.

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My lords, there one bears in mind the reference to the African National Congress report that I made earlier this morning in connection with "Liberation" and the motivation of sympathy for Hungary.

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15) "That Stalin is dead, but his philosophy and work will live on forever. Stalin was the greatest exponent of peace. From "Advance" of the 18th March, 1954, record page 3620.

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"The Capitalist press, which is full of the news of war and the preparations for war in all parts of the world, remains silent about the Great Peace Movement which is mobilising the whole of peace-loving humanity in the struggle to prevent war, as is evidenced by the statements of the World Peace Bureau meeting. That is from "New Age" of the 3rd February, 1955, record page 3919/20. My lords, this issue of the newspaper then goes on to invite attention to certain statements which were made at the World Peace Bureau Meeting.

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16) "That Peace is indissolubly interwoven with the question of Freedom. For oppressed people it would be futile and unrealistic to speak of peace outside the context of the struggle for freedom." That is taken from "New Age" of the 1th November, 1956, record page

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4106, and I think that that purports to be a report of a speech by Luthuli. 1

"Thanks to enlightened leadership the non-European liberatory organisations - the African National Congress and the South African Indian Congress - are wedded to a policy of Peace. These organisations stand up for the oppressed and exploited people. These organisations condemn Imperialism and the inhumanity of man to man. Inspiring work is being done by Festival Committees in this connection. Festivals for Peace, Friendship and racial harmony are a great contribution to the cause of World Peace. Let us not spare our efforts for the creation of a Peace Movement so strong that the warmongers must tremble." That is taken from "Advance" of the 8th April, 1954, record pages 3625 to 3627, and it's a report of a speech by one A. Hutchinson to the South African Peace Council. 5 10 15

17) "That the strength and power of our organisation will depend on the importance we attach to the youth and women of our country. The role they are destined to play in the Liberatory Movement cannot be over-emphasised. The Youth, in particular, should come forward and save their country from being ruined by the ruling clique of the Nationalist Government." That comes from "Advance" of the 14th January, 1954, record page 3600 - it's an alleged report of an appeal made by Sisulu, and a similar statement is to be found in "Advance" of the 8th July, 1954, record page 3638, and again purported to be a report of a speech by Sisulu. 20 25

"The oppressed youth of South Africa have a staunch ally in the mighty World Federation of Democratic 30

Youth, which has a membership of millions in every part of the world." That is taken from the issue of "Advance" of the 24th December, 1953, record page 3594 to 5, and apparently it is a message to the newspaper "Advance" by a person called Ismail Bhoola.

"They all celebrate the anniversary of the foundation of the W.F.D.Y. on the 10th November, World Youth Day, when they renew their faith in the success of the struggle of youth for lasting peace, democracy and national independence. In South Africa both workers and students are represented in the W.F.D.Y. by their affiliated organisations, such as the African National Congress Youth League and the Indian Youth League."

My lords, that was taken from "Advance" of the 12th November, 1953, record page 3585 to 3586, and I should mention that as organisations affiliated to the W.F.D.Y. certain other organisations are also mentioned with which we have no concern at the moment.

"The visit of Sisulu to Europe was the result of an invitation from the W.F.D.Y. to be their guest at the World Youth Festival in Bucharest." That comes, my lords, from "Advance" of the 25th February, 1954, record page 3613, author is stated to be Sisulu.

"The struggle for National Liberation is related to the struggle for world peace." From "Advance" of the 17th December, 1953, record 3592.

"All who are in the struggle for liberation must be drawn into the struggle for peace". From "Advance" of the 18th March, 1954, record page 3621, it's an editorial article.

My lords, one can refer briefly to documents 1
such as A.9 which is the document on the significance
of World Youth Day which expresses sentiments in similar
vein; it says that World Youth Day is a day of celebra-
tion. This is at page 154 of the record, my lords - -
it is a day for celebrating the victories won by the 5
oppressed exploited people in their struggle for independ-
ence and peace, and it refers to the fact that only five
years ago the great Chinese people threw off the shackles
of feudalistic and imperialistic bondage and have esta-
blished the highest form of democracy ever evolved by 10
mankind; that is to say, a Peoples Democracy, and it
says the youth of Africa and the world cannot but salute
the great victories of the peoples in Indo-China who, like
the people of Korea, have routed the imperialist bandits,
and it also says the world views youth day with sorrow 15
and their thoughts should go to their young brothers
who are daily murdered by the Imperialists in Kenya
ans Malaya, and Quatamala, and that this flow of blood
should seal the solidarity of fighting youth throughout
all colonial countries. 20

18) "That the need of the hour in our world,
and in our century, is for a common front of all ele-
ments striving for Liberation, and for the political
supremacy of the working masses, and their allies, and
therewith the abolition of every form of exploitation 25
and the constitutional use of tyranny." That comes
from "A dvance" of the 10th September, 1953, record page
Ø577 to 3578, author Sam Kahn.

"The workers cannot avoid their responsibility
for preserving peace by expecting the Socialist countries 30

to keep the oppressive powers at bay. It is the duty of the workers in all countries to play their part in the peace movement. The working class should not take part in Imperialist wars. The whole idea of an international working class movement rests on the principle that the workers of all countries have a unity of interests greater than anything which binds the workers of one country to its ruling class." That comes from "Advance" of the 14th January, 1954, record 3601, the author is stated to be Ray Alexander; also an "Advance" of the 1st April, 1954, record page 3623, again author Ray Alexander.

19) "That the World Federation of Trade Unions is a genuine workers' organisation. It does not preach or practice collaboration with the Capitalists. It gives wholehearted support to the workers in socialist countries, as well as those struggling against Imperialism. It stands four-square in defence of working class rights, trade union democracy, international solidarity, and peace." That, my lords, comes from "Advance" of the 31st December, 1956, record page 3596, and the author is said to be Ray Alexander.

"We must strengthen our ties with the workers of foreign countries through the W.F.T.U. which unites over 88 million organised workers throughout the world. We must build great and powerful trade unions which can strike a great blow for freedom. Forward to Trade Unionism. We have nothing to lose but our chains." That is taken from "Advance" of the 1st April, 1954, record page 3623 to 3624.

And then "Long live the unity and solidarity

of the workers of the whole world.", from "Advance" 1
of the 8th July, 1954, record 3638, author said to be
Ray Alexander.

20) "That a new page was opened in South
African working class history when the South African
Congress of Trade Unions was formed. This organisa- 5
tion stresses that trade unions must be as active in
the political field as in the economic sphere." "New
Age" of the 10th March, 1955, record 3929/30, and my
lords, it wasn't read in at that page but reference
is made there to exhibit B.20 which was read in at page 10
2310.

"The South African Congress of Trade Unions
understands the need for international solidarity and
it is a young but prominent member of the World Fede-
ration of Trade Unions". That is taken from "New Age" 15
of the 13th October, 1955, record 4028, author said
to be E. Braverman.

"The workers as a class have the greatest
interest in the development of full democracy in South
Africa. Militant trade unions will play the most im- 20
portant role in the liberation of the oppressed masses."
That is taken from "New Age" of the 9th June, 1955,
record 3956.

"We must strive for a united trade union
movement based on the trade union principle of interna- 25
tionalism, rooted in an alert and educated rank and
file, free from legalistic illusions, and capable of
surviving and defeating the disruptive intentions of
the Nationalists." That is from "Advance" of April/
May, 1954, record 3931, author M. Kotane, and my lords, 30

this is again incorporated in Exhibit B.79.

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21) "That May Day has been written into the history of both the national and working class Liberatory Movement. It was on May the 1st, 1951, that African, Indian and Coloured workers observed their freedom day and brought the factories to a standstill, especially in the Witwatersrand. It was here that the police ran amok, stabbing with fixed bayonets in Benoni, Alexandra and Sophiatown." My lords, that is taken from "New Age" of the 26th April, 1955, record 4069, author said to be E. Braverman.

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"On the 1st May we greet the international working class and oppressed peoples throughout the world. United the workers and oppressed people of our country will achieve the defeat of the Fascists Nationalist Government and contribute to the struggle for peace against the Imperialist warmongers." That is taken from 'New Age' of the 3rd May, 1956, record 4074; and it is stated to be a message from D. Tloome, J.B. Marks, W.M. Sisulu and certain other persons.

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22) "That in the countries of Capitalism the working people are no longer prepared to wait in poverty, insecurity, oppression and dread of war. In every country of the Capitalist and Colonial world, there is an overwhelming rising tide of action for the demands of the workers. In the Colonial and dependent countries the National Liberation Movement is growing. In the Capitalist countries whose governments have embarked on the armaments race, unemployment is growing and living standards are declining, while the profits of the Capitalists are reaching enormous figures."

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That, my lords, comes from "Advance" of the 5th November, 1953, record 3583/4. 1

"In all the Capitalist world the most reactionary and discredited cliques in each country have come to see their only salvation in the role of agents for United States Imperialism. The South African ruling clique is no exception to this." That comes from "New Age" of the 28th April, 1955, record page 3943. 5

And, my lords, this paragraph embodies ideas which are stated and developed fully in the three lectures A.84 to A.86. 10

23: "That the Liberatory Movement in the Union must be regarded as part of the Liberatory Movement in the whole of Africa." That is from "Advance" of the 31st December, 1953, apparently a report of speech by Luthuli 15

"Further, when the people of China win a victory, it is our victory as well. When the people of Korea drive out the American aggressors, it is also our victory, and when the people in these countries see that the people in South Africa are on the march, they feel happy too." That is from "Advance" of the 10th December, 1953, record page 3590. 20

"The liberation of 500 million Chinese people is a turning point in the history of mankind. It is an inspiration to a leader of the oppressed people in South Africa, and gives confidence that victory will be achieved here as well." From "Advance" of the 5th November, 1953, record 3582, author said to be Sisulu. 25

My lords, here I refer briefly to a document headed "African National Congress Transvaal", it's exhibit B.115, and it's a typewritten document signed by 30

P. Mathole, Provincial Secretary Transvaal. Your lordships will recollect that Mathole's signature was identified by the accused Dr. Conco at page 11100 of the record, and the next page this witness stated that he agreed with the sentiments contained in the document to which I shall now refer, and he also conceded that in China freedom was achieved by violent revolution. That is taken further on page 11102, my lords, and further, as regards this document, your lordships will recollect that it was put to the witness Luthuli who was loath to accept it as a statement contained in the document which was indicative of Congress' view towards China - that is at page 13688 of the record - - and thereafter certain other exhibits were put to him, my lords.

Now this document, my lord, says that "On the occasion of the celebration of the 7th Anniversary of the Peoples Republic in China", the African National Congress salutes the people of China and congratulates them in their fight for freedom, and their brilliant efforts which have led them to take their liberation from the clutches of Imperialism. The African people are not unmindful of the fact that not very long ago the masses of the Chinese people were downtrodden and exploited in the same way as the African people are in this country, but because of their faith in their struggle and unfailing support to their organisation they are to-day standing side by side as free people. We recognise the fact that the people of China have routed the Imperialists and established a social order in which human dignity has been restored, and the exploita-

tion of man by man has become a practice of the past,
an order which allows all individuals, irrespective of
their status and social origin, to attain the highest
that they are capable of in all spheres of life. The
African National Congress extends its hand of friendship
to the Chinese people and places on record its appre-
ciation of the role played by the Peoples Republic in
China in the struggle for peace and friendship." "The
struggle for human rights continues despite the machina-
tions of the warmongers who are daily finding new excuses
for disturbing world peace in order to perpetuate their
lust for domination."

And it concludes: "The common people are, how-
ever, confident that their day is not far distant when
humanity will rid itself of all the evils of oppressive
conditions that are responsible for human misery."

24) "That the backward and reactionary ideo-
logy of the Nationalist leaders is rooted in the basic
structure of South Africa. It originated long before
the 1948 elections. This structure is characterised by
the predominance of financial and gold-mining groups,
in alliance with the big farming interests, and closely
linked with British and American Imperialism, together
with the exploitation of the non-white masses who are
regarded purely as sources of cheap labour." That comes
from the "Advance" of April/May, 1954, record page 3931,
author is said to be M. Kotane - the publication of
"South Africa's Way Forward in Advance".

"There is a fundamental contradiction in South
African society which neither the Oppenheimers nor the
Verwoerds can solve. The contradiction exists between

the interests of the handful of exploiters when they represent, and the needs of the working people of all races. The Liberal Capitalists are just as much bound up with the system of white domination as the Nationalists. The Oppenheimers demand the unlimited right to exploit African workers." My lords, that comes from an "Advance" of the 1st July, 1954, record page 3636/7, author said to be Ray Alexander.

"In the Capitalist system under which we live, the workers want a wage on which they can maintain a civilised life; the employers, who own the factories, machinery, raw materials, and everything else save the workers' labour, are interested only in making the maximum amount of profit." My lords, that comes from an "Advance" of the 5th November, 1953, record page number 3584. Author is said to be Ray Alexander.

And, my lords, insofar as this paragraph is concerned it is representative of the Congress ideas, points of view; there can be no doubt at all that to that extent it clearly describes Capitalism as the root evil of our system in this country, and the submission is that in spite of occasional denials which have been made by witnesses for the Defence, the African National Congress had no pre-occupation at all, it never considered at all the place and role of Capitalism.

It is submitted on behalf of the Crown, my lords, that they in fact did make such - did analyse the position in that light and the fundamental contradictions to which the Congress Movement points - -

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the Congress Movement as a whole - - is the fundamental
contradiction which is here tersely stated in the ex-
cerpts collected in this passage, the contradiction
between the handful of exploiters and the mass of
the exploited.

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My lords, a few references will suffice.

First of all I refer to an "Isizwe" of January, 1956.

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It was referred to as NR.M. 30 and T.T.15, my lords.

Your lordships will remember that this exhibit was put

to Mr. Mandela in cross examination at page 15997; it's

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an article which deals with the Freedom Charter and

the 1949 Programme of Action, and it explores the res-

pects in which the Programme of Action was not clear

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and required clarification, and the fourth proposition

which is enunciated under that heading in this article

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is that genuine equality will be impossible until the present economic system based as it is on exploitation of the many by a few is completely smashed and a new one put in its place in which exploitation of man by man will be entirely eliminated.

My lords, without referring specifically to the passages your lordships will recollect certain paragraphs in the lectures A.84 to A.86. . . I think more particularly in the last lecture "Change is Needed", which says: - "The sweeping radical programme for which we must fight and which is outlined in that lecture can only be achieved if the control and power of State is taken out of the hands of the old ruling class of exploiters and held firmly by the workers and peasants".

Then, my lords, a few other brief references in this connection. I refer to a "Lodestar" of November, 1953, Exhibit A,203; this was read in, I think, at page 846 of the record. There is an article there on the Trade Unions unique position, and having considered their position the author says the existence of a working class organisation does not imply the end of working class trade Unionism, but it is in effect the beginning of a class struggle on a higher level which is intended to culminate in the elimination of class contradictions.

Then, my lords, if I may refer to "Afrika" the Youth League bulletin, B.18, to which reference was also made last week - a reference which was read in at page 1148 of the record, the effect of which again is to launch an attack on Capitalism and to foreshadow a mighty leap to a higher and new stage, and perhaps of more importance in the same issue, my lords, is an

article to which reference is often made - it was often 1
made in the cross examination of Defence witnesses - -
and that is an article on the role of the Congress of
Democrats, and it states the following proposition.,
that while the expression - - my lords, this was read
in at page 1150 of the record - - it states the proposi- 5
tion that while the word 'Liberation' from the point of
view of a democratic European would mean freedom from
class oppression, rather than the idea of political
emancipation which it would immediately connote to a
member of the African National Congress. 10

Then lastly, my lords, in this connection I
refer to the exhibit N.R.M. 16 which contains an article
"Nationalism in South Africa" by L. Forman, which was
read in at page 1154, and I shall point out at once to
your lordships that all the Defence witnesses to whom this 15
was put said that it was not necessarily a document ex-
pressing Congress policy, but I quote it because it is
in harmony with the other documents to which I have now
made reference, my lords, and in this article by Forman
one of the paragraphs - a summary of the position is as 20
follows: He says: "We all agree that basic to every-
thing in South Africa is the Capitalist system. The
primary laws of the country are designed to assist the
Capitalist class in exploiting the workers." 7) "The
Capitalist exploitation is basic and it is important 25
that we always remember that. It is sometimes said
that it is the racialist policies of the Government which
are basic; that is incorrect; for proper understanding
it is necessary to go behind the racialist policies to
the economic system underlying them." 30

I read on, my lords: "Proposition 25: "That
Capitalist Society is a cunning affair, and the two-
party system is one of the most ingenious inventions
of Capitalist society. Both parties represent exactly
the same people, the money interests; but if you call
one party A, and the other B, and set them at each other's
throats, you can bamboozle a large section of the public
for a long time. And the real rulers stay in the back-
ground all the time."

My lords, firstly I refer there to an
article in "New Age" of the 10th February, 1955, record
page 3922, and then in the same connection "New Age" of
the 26th May, 1955, record page 3952, author Peter Mayer.

I'm indebted to my learned friend; the
first article, my lords, the author there is also stated
to be Peter Mayer.

Here, my lords, is an expression of the same
idea, the idea one had in "Liberation" as well - the fact
that both major political parties represent the same
segment of the population, the money interests.

My lords, as far as the previous proposition
is concerned, 24, I wish to refer your lordships also
- I just wish to give the reference - - to the comment
of Mr. Mandela on South Africa's Way Forward; this is
to be found in Vol. 76 at page, 16090 of the record.
It was put to him whether he approved of its contents
and he said 'Yes, I approve of its contents'. He was
then asked whether this booklet expressed the views of
the African National Congress and he thought it went
beyond Congress policy in its analysis of capitalism

and Imperialism. But then later on, at page 16091 he
agreed that at any rate the views expressed by Kotane
were not inconsistent with the policy of the African
National Congress.

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At that page, too, this witness dealt with
the article by Forman to which I have referred your lord-
ships.

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I read on, my lords. "That the United Party
is the party of South Africa's white Capitalists. It
is unable to turn to the masses of the people for strength
and inspiration in its fight against the Nationalists.
It is decomposing like a jelly-fish".

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Speaking from memory, my lords, I think it
should read 'dead jelly fish', but I make no point of
that.

RUMPF J: It would be dead before it decom-
posed....

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MR. HOEXTER: As your lordship pleases. My
lords, that reference is taken from "Advance" of the
25th February, 1954, record page 3615.

"As representative of finance capitalism,
big business and the mine owners, the United Party and
its Press fear democracy more than they fear an out-
right dictatorship." That is taken from "Advance" of
April/May, 1954, record pages 3931 - the publication of
"South Africa's Way Forward" by Kotane. It's B.79, my
lords.

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"The Liberal Party's main aim is to secure
promotion from the Native Representative Seats to white
constituencies. To manage this it will have to tone
down even the mildly progressive policy it embraces at

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present. It will try to step into the United Party's shoes now that this Party shows signs of decay and collapse." My lords, that is taken from "New Age" of the 27th January, 1955, record page 3918. 1

"The campaign for the Congress of the People shows vividly that the pathetic Liberal Party is unprepared to associate itself with the genuine demands of the people." That is from "New Age" of the 16th June, 1955, record page 3957, it's an editorial article. 5

27, my lords: "That although South Africa has never been a democracy, and acts of tyranny and oppression against the people have been perpetrated by all its governments, South Africa has never approximated so closely to a Police State as now." That, my lords, is from "Advance" of the 19th July, 1954, record page 3643, an editorial article. 10 15

"It is being converted virtually into a state of the Hitler Fascist type. Its labour laws are brutally and nakedly Fascist." That is taken from "Advance" of the 28th January, 1954, record page 3604. 20

"What goes on in Parliament is no longer very important. The Fascists don't need a Parliament. As long as they are in power Parliament will continue to fade away in importance. Already it is a yes-house for Fascism." That comes from "Advance" of the 18th February, 1954, record page 3611/2, an editorial article. 25

28, my lords: That the Parliamentary Opposition is not merely a useless ally of the democratic forces, but a positive enemy. It does not only let the democratic organisations down, it deliberately obstructs and undermines them." That is taken from 30

"New Age" of the 16th June, 1955, record page 3957,
author is described as Peter Meyer.

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"Parliament is fading into the background, and
the masses are coming into the front line". This is
from "New Age" of the 21st April, 1955, record page
3942, author Peter Meyer.

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"The salvation of the people is in their own
hands, and only in their own hands." That is from
"Advance" of the 22nd April, 1954, record page 3617.

"With the ignominious collapse of the Parlia-
mentary Opposition democratic minded South Africans are
realising that only the struggle of the South African
people outside Parliament can effectively halt Nationalist
aggression. That is taken from "Advance" of the 8th
October, 1953, record page 3580.

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29, my lords: "That the choice before South
Africa is not one between various methods of maintain-
white supremacy; the true choice lies between suffer-
ing an increasingly brutal Fascist dictatorship on the
one hand, and, on the other, emancipating the majority
of the people from oppression and serfdom in a multi-
racial democracy affording equal rights and opportunities
to all men and women. During the post-war years the
ruling class of South Africa has been faced with mount-
ing difficulties. These arise from the general inter-
national crisis of Capitalism in which this country is
involved, and also from the marked advance in leadership
and effectiveness of the non-European liberation move-
ments. In these circumstances the Capitalists turn
more and more to the use of terror and force in order
to maintain the colour-bar system."

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That is taken from "Advance" of April/May, 1954, record page 3931, author M. Kotane - the publication of "South Africa's Way Forward". And, my lords, that part of the paragraph so far read is again an expression of the same ideas that are developed in the three lectures giving Capitalism and its crisis a very definite role, and explaining in what circumstances greater resort is made to terrorist tactics, and the use of force to suppress the Liberatory Movement.

"The real truth about South Africa is that a ruthless clique of race-mad politicians have won power for themselves and are determined to hang on to it to the very end. They will defend it with bullets. They will defend it with lies about democracy and Western civilisation." That is taken from "New Age" of the 1st December, 1955, record page 4046, an editorial article.

30, my lords: "That the path of Liberation for the colonial people in the twentieth century lies in the building of powerful national movements which, united with the progressive forces in the metropolitan countries, will defeat the Imperialists. South Africa is both Colonial and Imperialist at the same time, the National Liberation Movement having to be built in close proximity with advanced elements in the oppressor group. The formation of the Congress of Democrats is an important step in resolving the internal contradiction within the democratic camp. The South African Congress of Democrats is an organisation of Europeans who believe in and are committed to struggle for the principles of the African National Congress." That is taken from "Advance of the 17th December, 1953, record page 3590/1.

31: "That the spirit of Defiance should be maintained and that the people should keep themselves in readiness for any call to service in the interests of the Liberatory Movement." That is taken from "Advance" of the 24th December, 1953, record page 3596, and it is stated to be a Report of Luthuli's Presidential Address. 1
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"On June the 26thm 1952, the Defiance Campaign Campaign was launched. The opening shots in the campaign were fired by peoples' leaders Dr. Y.M.A. Dadoo, Moses Kotane, Johnson Ngwevela, David Bopape, J.B. Marks, Sam Kahn, Michael Harmel and others." That is from "New Age" of the 30th June, 1955, record page 3961. 10

"The Defiance Campaign proved fruitful to the people of South Africa. It was like a spark of fire thrown in the midst of the people, and has been smouldering since the 26th June, 1952. Its flames were seen high on the 25th and 26th June, 1955, when the people came together to draw a Freedom Charter." That is taken from "New Age" of the 25th August, 1955, record page 3975, author is described as Lilian Ngoyi. 15

32. "That the Defiance Campaign lifted the freedom struggle of the oppressed people of South Africa higher than any previous struggle. The important thing in a struggle for liberation is to raise the level of political consciousness to the highest possible level through struggles, to mobilise and organise all potential forces, and to create a clear vision for the future, The central task today is to mobilise the broad masses of the people in unprecedented unity. Conditions are developing fast towards the point where the oppressed 20
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can no longer tolerate living in the old way, and the
oppressor can no longer go on ruling in the old way.
We must be ready at all times. We must pledge our-
selves to save the nation and liberate the people."
That, my lords, comes from "Advance" of April/May,
1954, record page 3931, author M. Kotane - "South
Africa's Way Forward".

33: "That hatred of oppression and love of
freedom are not enough, but must be combined with a
consciousness of how oppression can be overcome and what
freedom will mean." From "Advance" dated 21st January
1954, record page 3602/3, an editorial article.

"The Congress of the People would be the answer
of the people to the Government's drive towards Fascism"
That is from "Advance" of the 4th February, 1954, record
page 3606, report of speech by Sisulu.

"The Congress of the People should be a central
task to which every democrat should bend all his ener-
gies. It is designed to be a mass campaign around which
the people can be organised in active struggle. Final
defeat of white superiority can only be brought about
through the mobilisation of the people led by the four
Congresses, and supported by democrats of all races
and classes. That comes from "New Age" of the 30th
December, 1954, record page 3905/6 - editorial article.

34. "That the Freedom Charter does not propose
merely a reform of the present system, a patching-up of
its worst evils, an amelioration of some of its condi-
tions. This Charter proclaims that only a complete change
of state form can result in the people achieving their
aims. Some groups, like the Liberals, have the illusion

that real democracy can be achieved within the existing constitutional set-up. They believe that the repeal of certain laws on the statute book is sufficient. Such a purely reformist attitude is unrealistic and takes no note of history. Every state form has been moulded to serve a particular set-up, and through the centuries, as one order made way for another, the emergent ruling group had to erect quite new state forms to consolidate its power. It had to do more than that. It had to break the stranglehold which the old regime had on the economy of the country, and, through the economy, on the state apparatus. It would, for instance, have been impossible to do away with serfdom and feudal social relations without breaking the economy power of the land barons. If tomorrow every discriminatory law on the Statute book were repealed, but the mineral wealth, monopoly industry and financial empires were not transferred to the ownership of the people as a whole, the system of white supremacy would in its basic essentials be perpetuated for many generations." That is taken from "New Age" of the 17th November, 1955, my lords, record page 4039 to 4043, and the author is said to be "Inkukuleko".

Now, my lords, pausing here for a moment, your lordships will see a use of language similar to that employed in the "Liberation" article about which his lordship Mr. Justice Bekker asked me a question earlier this morning. Here this article says - it talks about the Liberal illusion that real democracy can be achieved within the existing constitutional set-up. Then it says they believe that the repeal of certain laws is

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sufficient. My lords, here the submission on behalf of the Crown is that this article is to be construed as a suggestion that the real democracy is to be achieved not through Parliament, but outside Parliament. 1

Then, my lords

RUMPF J: Surely this deals with the object? 5

MR. HOEXTER: Yes, my lord.

RUMPF J: Not the means.

MR. HOEXTER: My lords, no, the submission is that it deals with the means as well.

RUMPF J: Yes. 10

MR. HOEXTER: And, my lord, the inference is strong enough if one looks only at the sentence up to "the existing constitutional set-up", but if one looks further that inference is reinforced, because they say they believe that the repeal of certain laws on the Statute Book is sufficient. Such a purely reformist attitude is unrealistic and takes no note of history. Now, my lords, that paragraph is, if read as a whole -- our submission is that that is the only inference, my lord. 15

Then, my lords, the middle portion of this paragraph deals in a terse form with the evolution of 20

society as it is traced in the lecture A.84, "The World we live in", the succession of a one state form by another through the overthrow of the previously ruling class. Our submission, my lords, is that this article is a very good summary of that part of the lecture A.84. 25

BEKKER J: Does the issue of "Liberation" carry the actual date, or only the month?

MR. HOEXTER: Only the month, my lord. 30

35) "That the Congress of the People will only succeed if it is followed in the months and years to come by intensive political activity on the part of the people to put the Freedom Charter into effect. This is a big task requiring all the courage, determination and self-sacrifice of which the people are capable. We are asked to take destiny into our own hands and declare that we would rather fight on our feet than live on our knees in Strydom(s republic.)"

That comes from "New Age", my lords, dated 9th June, 1955, record page 3955, it's an editorial article, and statements to a similar effect are contained in "New Age" of the 7th July, 1955, record page 3962, in an editorial article, and also in "New Age" of the 4th August, 1955, record 3969.

"The duty rests on all in the Liberation Movement to devise ways and means of implementing the Freedom Charter forthwith. We must not become mesmerised with its honeyed words, but must seek daily, hourly, in all our work, to put the Charter into practical effect and build a mighty people's front which can sweep the Nationalist tyranny into oblivion."

That comes from "New Age" of the 23rd February, 1956, record page 4058, an editorial article.

36) "That in order to end oppression we need an organised force capable and ready at all times to frustrate the plans and intentions of the ruling class, and which constantly presses forward the demands of the people. It is therefore the duty of every worker, every democrat, and every true South African, to work actively for the building of a powerful progressive United Front

Movement, which will, in the spirit of the Freedom Charter, work and fight for the abolition of political oppression, economic exploitation and social discrimination and injustices in South Africa." 1

That is from "New Age" dated 26th April, 1956, record page 4068, author said to be M. Kotane, and similar views are expressed in "New Age" of the 21st June, 1956, record 4082/3, author again M. Kotane. 5

37). "That in the Port Elizabeth area recent bannings, the shooting of a volunteer - Nangoza Jobe - and the imprisonment of shot and wounded freedom lovers, have heightened the spirit of resistance, and raised the level of political consciousness, and hardened the determination of freedom fighters in this area. The Volunteer Corps shows responsibility, devotion, diligence, and responds to the instructions of the leaders. Personal convenience and interest are subordinated to the Movement." 10 15

That is taken from "New Age" of the 2nd May, 1956, record 4071/2, and the author is one J.J. Hadebe. There, again, my lords, this article stresses the necessity for obedience by volunteers to the instructions of their leaders. 20

38). " That the history of the liberation of people from man's inhumanity to man has always been through a terrific struggle involving much sacrifice on the part of the oppressed. The oppressed in South Africa can have no cause for believing that they can attain freedom otherwise. Thus did the United States of America come into being; and in Europe the struggle for liberty and equality was also won by sacrifice and 25 30

suffering." That is taken from "Advance", of the 18th July, 1954, record page 4224, said to be a report of a speech by Luthuli.

"Let the oppressors know that every drop of innocent blood of the suffering Africans goes far and deep in welding together the souls of the oppressed masses. Our tears, and indeed the blood of our blameless fellow-men shed by the oppressors for the sake of upholding the bitterly hated white supremacy ideology in this country, will be taken into account on the day of reckoning which is fast drawing nigh."

That is taken from "New Age" of the 3rd May, 1956, record 4071/2, authoris said to be one J.J. Hadebe. Your lordships here will recognise the argument last week when references were made to similar suggestions of reprisals on the day of reckoning, which occurred for example in a document such as "The African Lodestar" - your lordships were given those references - - I shall not repeat them. This particular one in "New Age" was put to the witness Resha in Vol.80 at page 16903, and this statement was read to him, and the question to him was: "Now a statement like that, would you agree with that", and the answer was "I don't know what it means but my interpretation would be that these acts of violence by the oppressor will be taken into account - could very well mean this: that when we do get freedom we shall see to it that such things do not recur."

Then the matter is pursued, my lords, without very much success. All I want to do at this stage is to make a similar submission to the one that was made by my

learned friend Mr. Trengove, and that is to say that as
in the case of the "Lodestar" here the passage can only
be interpreted reasonably as containing threats of repri-
sals when the tables are turned. It can be read in no
other way at all.

39). "That on June 26th, all fighters for free-
dom must resolve to fight and die together, and never turn
back until freedom is won. We must call to mind those men
and women who have laid down their lives and made other
sacrifices in the struggle for freedom. Inspired by the
supreme sacrifice already made by many we must resolve
afresh to speed to democracy and freedom for all."

RUMPF J: I take it that first portion refers
to the Congress of the people?

MR. HOEXTER: It refers to Freedom Day, my lord.
That must refer to Freedom Day, my lord, because that is
taken from "Advance" of the 24th June 1954, record 3633/4,
and it is stated to be Luthuli's message to "Advance",
An expression of similar ideas again in June is to be
found in the "Advance" of the 30th June, 1955, record
page 3961.

"In calling for volunteers it should be borne
in mind that throughout history no freedom has come to
any people without blood and tears, and that Africans can-
not be an exception to this divine test."

That is taken from "Advance" of the 25th Novem-
ber, 1954, record 3895, and is said to be a message by
Luthuli. Similar statements, my lords, are to be de-
rived from "new Age" of the 21st June, 1956, record page
4081, and this is stated to be Luthuli's National Free-
dom Day Call.

"We are under no illusions as to what the attainment of freedom will cost in pain and suffering before victory is gained. The days ahead will see the growth of an effective army of liberation that will strike a deathblow to oppression in South Africa. May our courage rise with danger."

That is taken from "New Age" of the 15th September, 1955, record 3976, and it is said to be Luthuli's birthday message to Dr. Dadoo.

"The struggle for freedom must go on no matter how hard the struggle might be. It must go on because Freedom is the noblest attainment for which man throughout the ages has willingly paid the supreme sacrifice."

That is from "New Age" - - I see the date of that one isn't given, my lords, I apologise; I shall give your lordships the date on Monday. I am indebted to my learned friend, I am told it is the 2nd August, 1956, record 4089; it is Luthuli's Presidential Address to the African National Congress, Natal.

40). "That there can be no greater honour than to sacrifice all in defence of one's Motherland. Our battlefields will not be chosen by our opponents. And our method of struggle, which is based on mass education and activity, will be chosen by us. We shall not be misled by their provocation. We pledge and swear that no matter how bitter the struggle, no matter what laws are passed, no matter what force is used against us, we will refuse to surrender, and will determinedly oppose tyranny and fascism in our Motherland."

That is taken from "Advance" of the 25th February, 1954, record 3614, a report of a speech by

Mr. Sisulu.

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"It has been Nationalist policy since 1948 to refuse to negotiate with the people's organisations and leaders. To their Fascist tactics the people must reply by building their strength and reaching the point where they can compel the Government to listen. If ordinary means of communication are ignored by the Government, then the people must adopt extra-ordinary means to get a hearing."

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That is from an "Advance" of the 3rd November, 1953, record 4035, and it's an editorial article.

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41). "That you are called upon to resist apartheid, to defeat the Western Areas Removal Scheme, the Bantu Education Act, the Schoeman anti-trade Union measures, and many others." This is from "Advance" of the 2nd September, 1954, record 3645, and it is stated to be Sisulu's farewell message. It was not read into the record at 3645, my lords, and further reference should be made to Exhibit A.101 at page 689.

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"The centre of our campaign will be the threat to the Western Areas. We call on the citizens of South Africa to take part in the campaign launched, and call for 50,000 South Africans to volunteer for active, intensive work in our campaign. According to the African National Congress persistence by the Government in the Removal Scheme will lead to an extremely dangerous and explosive situation."

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That is taken from "Advance" of the 22nd of July, 1954, record 2640, and it is an editorial article.

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"Against this wicked scheme the African National Congress has decided to mobilise the country to

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ceaseless and uncompromising struggle, regardless of the consequences."

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This is taken from "New Age", of the 13th January 1955, record 3908 to 9.

"The battle of the Western Areas should be the Waterloo of Apartheid" is taken from Advance of the 1st July, 1954, record 3634, and it is described as being a statement by Y. Cachalia pledging support for Luthuli's call for volunteers. Similar views are expressed in the "Advance" Of April/May, 1954, record 3931 - that is South Africa's Way Forward, my lords.

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And, my lords, in this connection I just wish to refer again, without reading from the reports that have been considered in the argument on the African National Congress generally - - I refer for example to T.E.T.50 - that document was a Press release on the Western Areas, and I refer here to page 3789 of the record, and page 13482 of the record, and page 16969 of the record.

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Then, my lords, I refer also to Exhibit L.L.M. 81, that is the Exhibit containing the Report of the National Executive at the Bloemfontein Conference - - I refer to so much as was read in under the paragraph dealing with the Western Areas Removal Scheme; portion of this document was considered with the witness Luthuli at page 13485, and 13609.

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Then, my lords, I refer also to Exhibit A.162 which is the Report of the Secretariat on the Western Areas; it is referred to first at page 796 and I refer more particularly to the passages read in at page 801 and 810, and the concluding portion of that report under the heading of "What must be done".

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I also refer, my lords, to Exhibit O.R.T.129,
- to that part of this document which was read in at
page 3440, in which the aim of the Western Areas Campaign
is described.

42). "That the Government is nearly hysterical
over the plan to raise a 50,000 volunteer army for the
mobilisation of opinion and action against the Western
Areas Removal Scheme. The Government by using police
tactics of terror and intimidation is inciting a mood
for a bloodbath." That is taken from "Advance" of
the 8th July, 1954, record page 3637.

"The opposition to the Western Areas Removal
will be in three stages. The first stage will be re-
sistance by legal action. The second and third stages
are still to be announced. Africans should be ready to
obey Congress' Call, and should enrol as Volunteers.
Africans in the Western Areas are in the first line of
defence." That is from "New Age" of the 20th January,
1955, record page 3909.

"Any force on the part of the authorities in
the Western Areas Removal will lead to violence and blood-
shed." That is from "New Age" of the 10th February,
1955, record page 3920.

43). "That the Government has forcibly re-
moved the first Sophiatown victims, but that it had to
call out all its forces, its army, its police, and its
laws, to do so. Citizens, prepare for greater resist-
ance. Let out slogans fire our neighbours: we are not
moving. The campaign against the forced removals can be
one which will deal the Nationalists a staggering blow."

That is from "New Age" dated 17th February, 1955, record page 3923/3.

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44). "That Bantu Education is not a thing by itself, but an integral part of the whole system of oppression and repression practised by the Government. The struggle against Bantu Education is envisaged as the unfolding of a campaign in which great flexibility and variety are required, according to local circumstances and the general campaign itself. The campaign would be converted into a powerful contribution to Freedom."

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That is from "New Age" of the 28th April, 1955, record 3943/5.

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45.) "That Winburg, the town chosen by the Government for first issue of passbooks to African women, is also the first place where the women have hit back - and hard. When the local magistrate at Winburg refused to take back the pass books from the women and returned to his Court, the women piled their passes before the Court and set them alight. The African National Congress Women's League at Klerksdorp had threatened similar action in case they were forced to take pass books."

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That is from "New Age" of the 19th April, 1956, record page 4066/7.

My lords, here I refer to Exhibit N.R.M.36 which was read into the record as F.24; it's a roneoed document, a Presidential Address delivered by Mrs. Lilian Ngoyi, President of the African National Congress Womens League, Transvaal, on the 11th November, 1956, in which she says, amongst other things, - - this is at page 1639 of the record, my lords - -I beg your lordships' pardon, my note is incorrect. The true reference to the record

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is page 1369, my lords.

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In the course of this speech she asks the rhetorical question, whether they should carry passes, and then she says: "We would lose our honour, betray our Congress at Winburg, Lichtenburg and in numerous other towns and villages throughout the country, where the daughters of Africa are putting up a glorious struggle in defence of their rights. When the rights of the people are taken away from them and even liberties are being crushed the only way that is open to them is to mobilise the masses of the people affected to stand up and fight those injustices. The immediate issue facing us therefore is to organise all the various organisations of African women and individuals against this inhuman and wicked decision of the Government. Only direct mass action will deter the Government and stop it from proceeding from its cruel laws."

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And then generally as to the tactical approach in this campaign she says: "At the same time we must as far as possible avoid reckless and isolated action. Action taken in one isolated place and without sufficient work being done and without proper co-ordination may be disastrous to the movement. It may give the Government the opportunity to concentrate all its resources in crushing resistance in that local place in the victimisation of the active fighters in that area and the crushing of resistance before it begins in other areas. We must learn to place and co-ordinate beforehand so that we might strike fatal blows at the enemy when the time comes."

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And in the concluding part of her address she

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extends her heartiest congratulations to the brave daughters of Winburg and she says that Winburg is an example of direct mass action.

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My lords, I also refer to the memorandum of the Anti-Pass Campaign, B.259, record reference page 1340, and I refer also to Exhibit L.I.N.25, the record reference page 4389, my lords.

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My lords, there is still some general matter I propose dealing with, it will not take long. That concludes the argument as based on extracts.

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RUMPF J: Yes. Mr. Nokwe, would you like the use of these excerpts for the week end?

MR. NOKWE: Yes, thank you, your lordship.

RUMPF J: Well, you may obtain them from the Registrar and return them on Monday.

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COURT RESUMES ON THE 21ST NOVEMBER, 1960.

APPEARANCES AS BEFORE.

Accused Lollan and Accused Tshunungwa
are back in Court.
Accused Sisulu is ill - not in Court.

MR. HOEXTER :

My Lords, in conclusion as far as the periodicals are concerned, the Crown respectfully makes the submission that looking at the periodicals individually and collectively, the Crown has demonstrated that these periodicals support the policy of the organisations listed in paragraphs 5 and 7 of the Summary of Facts, that is to say the policy set forth in paragraph 8 of the Summary of Facts, I refer to pages 57 and 58 of the Indictment as now numbered. I have already referred to the policy there set out, to subvert and overthrow the state, to make active preparation for a violent revolution and then all the other allegations with which we are now familiar, the hampering of the state in the enforcement of laws, support for the liberatory movement, the establishment of an alternative state, the formation of a united front, and then also as part of the policy the means to which reference is made at this stage of the Summary of Facts. My Lords, although it is possible and indeed the Crown so argues in this case that the inference of an intention ultimately to subvert by violence is to be inferred not merely from direct statements of advocacy of violence, but also from all the other facts of the case, the support of liberatory movements in countries where it had led to open warfare, the advocacy of obstructive

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tactics with regard to the making and enforcement of laws, the urging - the desirability of an alternative state, although the inferences to be drawn from all those facts taken together, I think it is proper My Lords, that the Crown should indicate some examples in the excerpts to which reference has been made, which in the respectful submission of the Crown, when taken by themselves represent either directly or indirectly an advocacy of or defence of or encouragement for the use of violence against the state as a political method, and I propose indicating very briefly from the matter which was dealt with on Thursday and Friday, My Lords, in respect of what articles the Crown makes that submission.

My Lords, the excerpts before Your Lordships are in three series, F for the Fighting Talk, L for the Liberation, and A for Advance and New Age. As far as Fighting Talk is concerned, My Lord, I refer for example to F.19, that is on page 7 on the Summary of argument before Your Lordships. Although the excerpt is brief, Your Lordships will recollect that on Thursday I referred to this article in its entirety as it was read into the record, and with reference to this article the Crown submits that taken by itself it constitutes an advocacy of revolution.

My Lords, I make the same submission with respect with reference to the article which is cited on F.20, that is on the next page, and that too Your Lordships will recollect that this article - it is an editorial article, I made reference to the record here, and the submission here was that this represents an advocacy of

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