

evening.

When did you first hear that you are going to give evidence at these proceedings? --- On Thursday afternoon.

This last Thursday? --- Yes.

9 That is to say on the 15th August? --- Yes. The subpoena is dated the 13th.

When did you first make a statement for the purpose of giving evidence in this trial? --- A few weeks previously. I can't remember exactly.

Late July or early August? --- Yes.

When you received this letter from the African National Congress, was that the first time you became aware that you were desired to employ an African in your business by your Native customers? --- Yes. I would like to point out that I had always employed an African in the shop, or practically always, but not to serve the customers. He did other duties in the shop.

You personally served the customers? --- Yes.

And your employee had duties apart from that? --- Yes.

Didn't any of your customers sometimes express the wish to be served by an African? --- Not at any stage.

Did you have any complaints of any description from any of your customers? --- Very, very seldom. You do get business complaints, but nothing that - nothing in that line.

And I take it that after you received this letter you refused to employ an African on these terms? --- I refused.

And you maintained that attitude? --- Yes.

And you still had no African serving the customers? You continued to serve them yourself? --- Yes.

Your shop was picketed for two or three weeks? --- Approximately.

When did you first realise that they were pickets? ---

One Friday evening, I saw them standing there. They weren't standing at the shop. It is in a rural area...

Some distance away? --- Some distance away from the shop.

At that stage were they wearing anything distinctive? --- The first evening, no.

Did you go and speak to them? --- I did.

Did you know them? --- No, I didn't know them.

You cannot say who they were? --- No.

And on subsequent occasions I think you say pickets wore bush shirts and rosettes? --- Yes, there was one stage when they had these bush shirts on and wore rosettes.

You say at one stage? One how many occasions? --- It wasn't very, very many occasions that they had these bush-shirts on.

Two or three occasions? --- I would say that.

And they were some distance from your shop? --- Yes, on the main road, some distance from the shop.

So you couldn't hear what they were saying to your customers? --- No, except that on that first occasion when I spoke to them. I went up to them and I remonstrated with them for interfering with a little child that had purchased at the shop.

Is that the only occasion? --- Yes.

Apart from that you cannot tell us what they said to your customers? --- Except by hearsay.

I don't want you to give any hearsay. I take it that these pickets were never harmed in any way? --- Not as far as I know.

Were the persons who picketed your shop ever arrested or charged in any way? --- Not as far as I know.

Did you yourself never attempt to bring an action against the African National Congress? --- I did report the

matter to the police at the time.

But they took no steps apart from dispersing these two processions? --- Yes. The second time they forcibly dispersed them.

When you say forcibly, what did they do? Did they have a baton charge? --- Yes.

You never instituted any civil action against the African National Congress? --- No, I did not.

As far as you know, no person was ever prosecuted, no person was ever involved in any proceedings as a result of this boycott? --- No.

You were able to continue in business until early 1956? --- Yes, then I closed down.

Did the business get steadily worse all the time? --- Yes.

Where are you in business now? --- I am not in business at the moment.

Do you still earn your living by working in butcheries, or what? --- No, I am not. I'm working for a firm in Port Elizabeth, doing appliance repairs.

Is this shop the only butchery you have ever owned? --- No, I had two.

Where were they? --- The other one was also in the same area but about a mile and a half away.

And did you attend to both shops? --- No, I had somebody running the other shop for me.

That shop also closed down? --- No, that shop I sold previously - before 1954.

Did you not have these two shops simultaneously, or did you have them at the same time? --- I had both at the same time for a while.

You disposed then of one of them? --- Yes.

Was it not a profitable venture? --- No, it had nothing to do with that, but it ended up - I purchased the place and

the person I purchased it from never stuck to the contract, and he started a butchery next door, a backdoor butchery.

In fact you had some competition from the original owner? --- Yes. It is a very involved case.

Don't let us hear all the details. I did ask you about it, but an outline will do. You then sold that business? --- Yes, actually I sold it back to the person who had sold it to me.

From that butchery I take it, you never really made much of a profit? --- It wasn't bad, it was a good stand, but I paid a big price for it.

And you had this competition? --- Then I had the competition from the previous owner, and I got an interdict from the Supreme Court, and the actually the person who took it back was not the one I bought it from, it was the people who had financed it. It is very complicated.

Are these the only two butchery businesses you ever owned? --- Yes.

NO FURTHER QUESTIONS.

CROSS-EXAMINED BY MR. SLOVO :

Mr. Cockroft, did the lifting of the control on meat have an effect on butcheries generally around about that time? --- Pardon?

Was Meat Control lifted round about 1954, 1955? --- Yes, it was lifted before that.

Do I understand the position to be that that had a general effect on butcheries? --- Yes, we were able to sell much more meat after that.

I take it it allowed other competitors to enter the field too who didn't enter before? --- Not in that area.

Was this a special area? --- No, I mean in that whole area there had been no addition whatsoever.

NO FURTHER QUESTIONS.

NO RE-EXAMINATION.

(M. van Ruyen - Int. Eng./Afr.)

JOHANNES SAMUEL PIENAAR, duly sworn;

EXAMINED BY THE P.P. :

Do you reside at Mistkraal, Kirkwood, Port Elizabeth, area? --- Ja.

U bly nou daar? --- Ja.

You conduct a business of a General Dealer at this address? --- Ja, dit is my eie besigheid.

What does your clientele consist of? --- Meeste uit Naturelle.

Did you already have this business in 1954? --- Ja.

Did you ever - when did you start this business? --- In 1947.

Did you ever experience a time of recession? That the business deteriorated? --- Nee, nie voor 1954.

What month in 1954 did you become aware of this deterioration? --- Augustus.

What is the name of your business? --- Ek handel onder J. S. Pienaar.

What was really happening to your business? In August, 1954? --- Dit was die eerste naweek in Augustus, 1954. Die Saterdag toe het ek ondervind dat dit besonderlik besig was. En Maandagoggend het ek my winkel oopgemaak gewoonlik om 8 uur die oggend. En toe ondervind ek dat die mense wat na my winkel toe kom, voorgekeer word deur sekere Naturelle.

Where did this take place? --- Net voor my winkel, ongeveer n honderd tree langs die hoofpad

Did you recognise the people who were preventing Natives coming to the shop? --- Ek ken sommige van hulle persoonlik.

Do you know whether they belong to any organisation?

Sommige van hulle het n sekere drag aangehad, ook met armband.

What sort of dress were they wearing? --- Dit is nie almal, maar sommige van hulle was in n soort kakie uniform.

What do you say about the armbands? --- Sommige van hulle het armbande om die arms gehad.

Was there anything distinctive about the armbands? --- Well, hy het verskillende kleure.

What colours? --- Ek s reek onder korreksie, maar ek neen dat dit swart, geel en rooi was.

Do you know whether those colours are used by any organisation? --- Nee.

What did these people do? --- Al wat hulle gedoen het, hulle het net my klandiesie weggekeer van my besigheid.

Did they succeed in keeping the people away? --- Twee Naturelle vrouens het na my gekom en gesê, baas....

We don't want the report. My question was, did they succeed in keeping the people away from the shop? --- Ja, behalwe twee.

DEUR DIE HOF :

Are you talking about a particular day now? --- Ja, ek praat nou van die Maandag, die sekere dag.

BY THE PLP. :

You said that this first weekend there was no change in the business, and then on this Monday you noticed the crowd of people? --- Ja, die vorige naweek was my besigheid besonder goed. Dit was net Maandag dat ek ontdek het dat die klandiesie gekeer word.

Did you supply the two women? --- Ja.

Did they leave your shop with their purchases? --- Ja.

Did anything happen to them? --- Ja, die goed was van hulle wegge neem en stukken gegooi op die pad.

Did you have any further clients on that Monday? ---

Nee.

Did any of the people approach your shop? The people who were preventing clients from coming to the shop? --- Ja.

How many? --- I kan nie onthou nie.

What were they doing when they got to the shop? --- Hulle het liede gesing en ook die finger opgesteek en 'Afrika' geskree.

Did they speak to you? --- Nee, niks.

What happened after that? --- Dit het maar aanhoudend so gebly dat hulle my klandisie afgekeer het van my besigheid.

Did anything happen three weeks later? --- Twee het na my gekom en gesê, Baas, jy veroorsaak self die moeilikheid. Jy maak dit vir jouself swaar.

Did you know these persons? --- Ja.

Do you know whether they belong to any organisation? --- Hulle het vir my persoonlik gesê dat dit die African National Congress is.

What did they say to you? --- Hulle het net gesê dat dit myself is wat die moeilikheid veroorsaak dat ek so swaar kry.

Did they suggest how you could get out of this trouble? --- Hulle het vir my gesê dit is baie maklik. Ek kan net na New Brighton gaan en een van die groot mense daar sien en ek kan alles regmaak.

Which big people? --- Dit is juis die vraag wat ek aan hulle gestel het.

What did they say? --- Hulle het gesê hulle sal my weer kom sien en vir my n adres bring na wie ek kan gaan.

Did they bring you an address? --- n Dag of n paar later.

What address was it? --- Ek kan nie Xosa lees nie, dit was Xosa, en met die gevolg dat ek somar die adres stukkend geskeur het.

Did you have - were you again visited by Natives after that? --- Ja. n Paar weke later toe het daar van hulle uit Port Elizabeth gekom om my te sien.

How were they dressed? --- Hulle was in gewone klere, maar hulle het ook die bande gedra.

Did they have anything on their breasts? --- Ek het goed aan hulle gesien, maar ek kan u nie sê wat dit is nie. Hulle het medaljes of iets gedra.

Did this take place at your shop or at your house? --- Dit was n Sondagoggend; ek het net van kerk gekom, toe hulle die voordeur van my privaat huis storm. Hulle was n groot klomp bymekaar en natuurlik daar plaaslik met die paar van New Brighton.

Who was the leader of this group? --- Hy het hom by my voorgestel as Mr. Ciko.

Did you tell them to come and see you at your shop? --- Ek het net vir hulle gesê ek laat hulle nie toe in my privaat woning nie.

Did they then leave? --- Nee, hulle het nie.

What happened then? --- Toe het ek vir hulle gesê wat ek sal doen as hulle my wou spreek. Ek sal my besigheid oopsluit en ons kan daar spreek.

Yes? --- So het ek toe gegaan, ek het my voordeur toegetrek, en ek het uitgestap en hulle het my agtervolg na my winkel. Ek het toe my winkeldeur oopgesluit en hulle het my gevolg. Toe het die-Mrs.Ciko wat toe gepraat het. Sy het vir my gevra of ek mnr. Pienaar is. Ek het toe vir haar gesê, ja. Sy het toe vir my gesê hulle het my kom sien oor die boikot van my winkel, en sy het toe in Engels gespreek. And she said that these people have got two claims against me. In die eerste plek hulle wil nie n Blanke dame agter my toonbank sien nie, Maar 'a A.N.C. girl serving'. En die tweede eis sê sy, ek persoonlik huur n stuk grond, en sy sê hulle eis daardie grond

vir hulle diere om op te loop.

Was it said ^{effect} what/your compliance with these demands
would have on the boycott? --- Nee, sy het nie gesê nie. Sy
het net gesê hulle het die twee eise teen my, maar iedere slag
het sy melding gemaak dat hulle my kán sien in verband met die
boikot van my besigheid.

Did you comply with their demands? --- Nee.

Did the boycott continue? --- Ja.

How long did this boycott last?--- Ongeveer elf maande.

Did they then start buying from you? --- Twee van
hulle het toe na my gekom en gesê die boikot van my besigheid
eindig nou en hulle gaan nou weer terugkeer.

When you say 'two of them' what do you mean? ---

Die selfde twee wat voorheen by my gewees het om daardie adres
my aan te bied.

NO FURTHER QUESTIONS.

CASE REMANDED TO 20TH AUGUST, 1957.

COURT RESUMES 20TH AUGUST, 1957.

APPEARANCES AS BEFORE.

MR. COAKER ADDRESSES COURT :

Accused Absent	:	Same as on 19th August, 1957.
In addition	:	No. 31, S. Malupi; 138 M. M. Motala.
Back in Court	:	No. 70, W. M. Sisulu.
In Default	:	No. 2, M. Asmal.
Medical Certificates handed in	:	No. 146, D. A. Seedat.

(Accused No. 2 back in Court).

(Int. M. van Rooyen - Eng./Afr.)

THEUNIS JACOBUS SERFONTEIN, duly sworn;

CROSS-EXAMINED BY MR. BERRANGE :

Last time that I was questioning you, I was directing my questions to the case of Regina versus Sesedi and Others. You will recollect that? --- Ja.

You will recollect that I was asking you what the nature of the charges were against these accused persons, and also what the nature of the evidence was. I have been able to obtain the record, and I want to deal with the charges first. Rex versus Sesidi and ten others. Included in those ten others were the following persons whose names have been mentioned in evidence, that is D. M. Tshabalala, Dr. A. E. Letele, A. E. Nkoane, P. Madibane, S. M. Molema, M. Matji and J. G. Matthews. You will agree that they were amongst the Accused? --- Yes.

And I have before me the indictment, that is not the charge at the first preparatory examination, but the indictment that was actually preferred in the Supreme Court against the Accused. The first count was one in which it was alleged that the Accused had contravened the Suppression of Communism Act, in that they advocated or encouraged a scheme which aimed at bringing about political, industrial, social or economic

changes, by unlawful acts or omissions. In other words Count 1 was based upon an allegation and upon evidence relating to the Defiance Campaign, which consisted of breaking certain laws in protest against these laws. Count 2 was a count on which the Accused were charged with inciting certain persons to contravene certain sections of the Railway Act? --- Yes.

Count three was an allegation of incitement on the part of the Accused to get certain individuals to contravene laws relating to the carrying of passes. Count 4 was an allegation that the Accused, acting with a common purpose, incited non-Europeans with public violence by the utterance of certain words set out in the indictment? --- Yes.

I think most of these words which are set out in the indictment were taken from the speeches to which you have already testified? --- Ja.

So that is now the true position. You were a witness in these proceedings which were held in Kimberley? --- Ja.

I think, I am correct in stating that Mr. Hechter, who gave evidence yesterday, was also a witness? --- Ja.

You are aware of the fact that exception was taken by Counsel for the Defence to the second, third and fourth counts contained in the indictments? --- Daar was sekere besware gemaak, maar ek kan nie onthou waarteen die besware gemaak is nie. Dit is n lang tyd gelede.

I think the Court can accept that. It is in the Law Reports.

BY THE P.P. :

I will have to verify it first. I have no reason not to believe, not to accept what my learned friend is putting before I personally could make any comment I would like to consult the record.

BY MR. BERRANGE :

I haven't got it here, Sir. I thought it would be common cause.

CROSS-EXAMINATION BY MR. BERRANGE CONTINUED :

In any event, you say that you remember there was exceptions and there was certain argument before the trial proceeded? --- Ja, daar was besware gemaak voor die Hof begin, het, maar soos ek gesê het, ek kan nie onthou waarteen die besware gemaak was nie.

But you do remember that ultimately when the trial did proceed, it proceeded only on count 1, that is the main charge, in which a contravention of the Suppression of Communism Act is charged? --- Soos ek sê, ek kan nie onthou nie, maar ek kan my voorstel dat daar na die argument 'n ooreenkoms gewees het tussen die Kroonvervolger en die Verdediging, dat die Kroonvervolger die alternatiewe klagte sou terugtrek, mits die Beskuldigdes skuldig pleit op die hoofklag. Ek dink dit was die reëling gewees.

That was after exception had been taken to counts 2, 3 and 4? --- Dit is na die argument in die Hof tot 'n einde gekom het. Dit het die argument tot 'n einde gebring.

And the Accused pleaded guilty on the main count? --- Ja, hulle het almal op die hoof aanklag skuldig gepleit.

And this was after the decision in the case of Regina versus Sisulu had been given in the Witwatersrand Local Division? --- Ek kan nie onthou of dit daar uitgeredeneer was, al dan nie.

I never asked you whether it was argued there. I said that this plea of the Accused was a plea which was tendered after judgment had been given several months before in the case of Regina versus Sisulu? --- Ek kan nie met sekerheid sê op watter gronde en hoekom Beskuldigdes skuldig gepleit het nie.

BY THE COURT :

I don't know whether that was properly translated. Die vraag was dit gewees : In die saak van Rex versus Sisulu wat in die Witwatersrandse saak besluit was, die was al maande tevore besluit. Kan u dit sê of kan u nie? --- Ja, dit weet ek van.

BY MR. BERRANGE :

That is all I asked you. Why are you somuch on the defensive? Well, you know that Sisulu's case had already been concluded? --- Ja, hy was afgehandel.

At that time you were a member of the Special Branch?
--- Ja.

And your duty to keep yourself au fait with cases of a political nature wherever they occurred in the country? --- Ja, ek weet van daardie sake.

And in Sisulu's case the allegation by the Crown was exactly the same, based upon the same facts as the allegation made on Count 1 in Sesidi's case? --- Die kan ek nie met sekerheid sê nie.

DEUR DIE HOF :

Ek dink nie die vertaling is juis nie. As die vertaling nie juis is nie kan ons nie die regte antwoorde kry nie. Will you repeat your question, Mr. Berrange?

BY MR. BERRANGE :

The allegations upon which the Crown based its charge in Sisulu's case, namely the initiation of the Defiance Campaign and the breaking of laws as a result thereof, is exactly the same as the allegations which are - which were made in Sesidi's case. That is the first count on which the Accused pleaded guilty. Perhaps we can do it more shortly by putting it in a more lengthy manner. You say that you keep yourself au fait with these matters of a political nature? --- Ja.

What was Sisulu and his co-accused charged with? --- Ek het nie die saak gehanteer nie. Gevolglik het ek nie die klagskrif gesien om die Hof te kan sê waarmee hulle aangekla was nie.

Did you ever read about the case? --- Volgens koerante en volgens inligting wat ek ingewin het, was dit die selfde, maar ek kan nie met sekerheid sê dat dit so was nie. (Incorrect interpretation).

The same as what? --- Was die saak naasteby dieselfde as die wat ons in Kimberley teen die Beskuldigdes gehad het.

And what was that? The case in Kimberley? --- In Kimberley het ons die mense aangekla - die oorsprong van die aanklag het gespruit uit die versetbeweging en die onluste.

Do you say that they pleaded guilty to that charge? --- Hulle het skuldig gepleit onder die Kommunistiese Wet, maar as daar nie 'n versetbeweging was en onluste, sou hulle nooit aangekla gewees het nie. (Incorrect interpretation).

You know, I thought you told us long ago that the trial only proceeded on count 1? --- Ja.

And what was count 1? --- Onder die Kommunistiese Wet.

Tell us what it was? --- Ek kan nie die klagskrif onthou nie.

I don't ask you to give us the words. Tell us what the general nature or tenor of the allegations was? --- Ek kan nie die inhoud van die klagte vir u weergee nie, dit is 'n lang klagte en ek kan hom nie weergee nie.

Can you not even give us an idea of what they were charged with under count 1? --- Nee.

Why not? --- Omdat ek dit nie kan onthou nie.

Did I not obtain your agreement when I first started reading out the charges to you as to what count 1 consisted of? Did you not say that that is what count 1 was? --- As dit vir my uitgelees word dan weet ek dit is die klagte.

But you yourself couldn't tell us what it was? Not even in your own language? --- Nee, ek kan nie die inhoud van die klagte weergee nie.

Not even in your own language? --- Nee.

You can't give us any idea of what the nature of the charge was? --- Ja, n idee daarvan kan ek gee.

Well, what do you think I have been asking you for? --- Vir die klagskrif was ek gevra, nie vir n idee.

Didn't I say the nature of the charge?

BY THE COURT :

That was probably misinterpreted. The word 'inhoud' was used, and that means the contents.

THE COURT AND MR. BERRANGE DISCUSS INCORRECT INTERPRETATION.

BY MR. BERRANGE :

When you hear me put my questions in English, do you understand them? --- Ek antwoord die vra volgens...

BY THE COURT :

Jy moet daardie vraag antwoord. Ons kan nie toelaat dat jy vrae ontduik nie. Die vraag is of jy die vrae in Engels kan verstaan? --- Ek kan.

BY MR. BERRANGE :

Well then, when you find that there has been a mis-interpretation, don't you think you might be a little more co-operative? If you have understood my question?

BY THE COURT :

I don't think you ought to criticise the witness.

BY MR. BERRANGE :

I think that what the witness might do is to point out there and then. After all he is not a man who has come into the witness box for the first time.

BY THE COURT :

I am afraid I can't allow that, Mr. Berrange. The witness is entitled to answer to the questions interpreted.

BY MR. BERRANGE :

How many years have you been giving evidence? ---
Twenty-five years.

And have you noticed that the interpretation has at
times been faulty? --- I don't know.

Although you understood my question? --- I don't know.

You don't know. Did you understand the interpreter's
question? --- Ja, ek het syne verstaan.

What I put to you originally was that in terms of the
first count, the Accused were charged with having advocated,
advised, encouraged a scheme which aimed at bringing about
political, industrial, and economic changes in the Union. Is
that correct? --- Yes, that is correct.

THE COURT AND MR. BERRANGE DISCUSS INTERPRETATION.

(Witness agrees to speak English).

BY MR. BERRANGE :

Now, I think you told us that in terms of the first
and the main count, the Accused were charged with having
advocated a scheme to bring about some form of industrial,
social or economic change in the Union by unlawful acts or
omissions? --- Yes.

The unlawful acts and omissions were namely, the
acts or omissions flowing from the Defiance Campaign, that is
breaking laws? --- Yes.

That was the first count. And that was the same - and
I think you have already told us - the same count as that
which was preferred against Sisulu and Others? --- Yes.

They were charged in the same way. And Sisulu's
case at the time that the Accused pleaded guilty, had already
been decided? --- Yes, that is right.

Now the Accused all received suspended sentences in
the Kimberley case? --- Yes.

And you know that the Accused in Sisulu's case also

all received suspended sentences? --- Yes.

And I think you will agree with me that His Lordship Mr. Justice Beyers, who was the presiding Judge at Kimberley - do you remember that? --- Yes.

He based his sentence upon Mr. Justice Rumpff's findings in the Sisulu's case? Am I making myself clear? --- Yes, I quite follow.

In other words, in the case of Regina versus Sisulu His Lordship is dealing with sentence said - that is Mr. Justice Rumpff - he said : 'I have decided to impose a suspended sentence. I have done so because I accept the evidence that you' - he was addressing the Accused - 'have consistently advised your followers to follow a peaceful course of action and to avoid violence in any shape or form. I know the act comprises a range of acts from open non-compliance of laws to something that equals high treason. In all the circumstances of the case I feel that I am justified in imposing a suspended sentence'. Now that judgment of Mr. Justice Rumpff was referred to by Counsel for the Defence in addressing Mr. Justice Beyers on the question of a suspended sentence. Do you remember that? --- Yes.

And Mr. Justice Beyers adopted and follows Mr. Justice Rumpff's judgment in also imposing a suspended sentence on the Kimberley Accused? --- He did, yes.

This is something which has been well known to the Crown in this case, that the fact that suspended sentences were imposed in the Sisulu case because of the finding by the Court that the Accused had followed a peaceful course of action and had avoided violence in any shape or form. That is something that is well known to the Crown in this case? --- Yes, but I don't think that was mentioned by the presiding Judge in the case of Rex versus Sesidi.

But he nevertheless had this case of Sisulu quoted

to him? --- He had it quoted to him.

And he also followed Mr. Justice Rumpff in imposing suspended sentences on all the Accused? --- Yes, he followed that.

What I am really asking you at the present moment, is are you able to say whether the fact that His Lordship Mr. Justice Rumpff had come to a finding that the Accused had called upon their followers to follow a peaceful course of action and avoid non-violence - avoid violence, whether that was known to the Crown in this case? --- In this particular case, this hearing now?

Yes? --- That I don't know.

You are not aware of that? --- I don't know whether the Crown is aware of this.

I mention this because I think it must have been, because if I can draw Your Worship's attention to the 21st Conference of the South African Indian Congress held at Durban on the 9th, 10th and 11th July, 1954, which is an exhibit that has been put in by the Crown in these proceedings, at page 11 - I'll get the Exhibit number in due course - page 11, Annexure A dealing with the Defiance Campaign. His Lordship Mr. Justice Rumpff's judgment is quoted in full. Now, you have read a number of speeches, Mr. Serfontein, when you were giving your evidence in chief? --- Yes.

And I don't want to deal with them again, but I want you to read some more speeches of which you are aware were made, on the question as to whether there was any incitement to public violence or racial hostility by the speakers. And the first speech I want you to be so good as to read is a speech made by Samuel Peco Sesedi at the meeting of the 21st September, 1952, at the Abantu Batho Saal. You remember that meeting? --- Yes.

I'll make a copy later on available to the Court. I

just want it read into the record. Would you be so kind as to read that? --- "Ladies and gentlemen, this is a grave occasion in the annals of the African people of Kimberley. Those people who do not understand are criticising us for the steps we are taking. I have been confronted by Europeans of all shades and stature since the inception of this Congress. People, Europeans, have said to me, 'Sesedi, why do you not use your influence with the Africans of Kimberley'. I have told them that we make no enemies with the Europeans. We are against the 'Unjust Laws'. I have said to my European friends, both Afrikaans and English, 'You do not understand conditions'. I told you on Tuesday in this hall here that the Afrikaner volk of this country is our ideal. I want to tell you as a man of experience and one who has made a careful study of politics, we are not against the Government of Dr. Malan, but against the laws which have perpetuated the unjust treatment. Do you know that the Afrikaans language was not allowed in the schools or Courts in this country. Do you know that the Afrikaners were oppressed by the English in this very country. Do you know that? Today the Afrikaners are ruling this country and I predict that they will rule it for another fifty years. Do you know that a great leader whom I respect led the Afrikaners to liberty? There is at least a section of the community who ought to understand us and that is the Afrikaner people of this country. Tell the Government that the steps set by the Afrikaners is our ideal. Tell Dr. Malan that the Government of General Hertzog.. Let me read out to you in very short what a respectable Native Commissioner said in the Free State in Kroonstad : Mr. Myburgh in Kroonstad. . 'This is a policy this Government. A wavering Native Policy should be abandoned as lots of time has already been lost'. There you have it from an Afrikaner - a man who has worked as Native Commissioner for many years. So, anybody

who says that we are following a wrong course is wrong himself. I shall quote to you an authoritative statement by one of the leading men in South Africa, Sir Godfrey Huggins. Sir Godfrey Huggins says : 'It is madness to think of future white domination'. When a man utters words like these it is not a Mister and we must take heed. Sir Huggins says that the salvation of the white lies in true co-operation of white and black together. Sir Huggins says we must co-operate for the welfare of Africa. Now, we come to South Africa. The white people of Africa say, through fear, that the black man must always be kept down. They forget that by keeping the black man down, they will have to remain there and keep the black man down. We are prepared to co-operate with the Government, provided they give us our rights. The country will make no progress. They must not deny us opportunities of development. The Land Act of 1913 made us serfs and slaves. A landless people, a voiceless people will not be in a position to the population. All we ask for, is give us a measure of freedom. You give freedom to aliens who arrived in this country only one or two years ago. We have proved our worth to South Africa, that South Africa is our home and we have died for South Africa. Before I sit down, please convey to the Government that this movement, as far as Kimberley is concerned, is in responsible hands. We have a belief that we are doing the right thing. We shall do so with dignity and respect. As in the past, the police need not fear us and we need not fear them. We shall follow this course believing that we are on the right path. I am treasurer of a committee which has been set up recently here. This committee, called the Bantu Welfare Committee, has nothing to do with any other organisation. This organisation is here mainly to look after the suffering Africans irrespective of standing. It has nothing to do with the United Party, Nationalist Party, African

National Congress, Indian Congress or Torch Commando. We have set ourselves a policy that we shall collect from each family in Greenpoint and No. 2 Location 1/- per week. It is the intention of this Committee to help the suffering Africans in Greenpoint and No. 2 Locations. Mark, not only the families of volunteers, but each African who finds himself in need can come to that committee for assistance. When we have got these funds we shall assist the families of those volunteers who are in gaol today. You must know that people who come forward to volunteer have a lot to sacrifice. I therefore make an appeal to the Africans of Kimberley to subscribe 1/- a week to the Fund. Don't allow the families of those who volunteered to live under deprivation. Gentlemen of the Police, we are carrying on this campaign with discipline and dignity. We feel we are on the right road and we shall pursue that road. On Tuesday night we shall have a big reception for the volunteers whom I hope will come out on Friday. Those who have chickens, turkey, pigs, sheep must bring them to me. Those who have not get those things can buy them cheap from the African Meat Market. The struggle goes on, the sufferings go on, for how long we do not know - until victory is attained. Those African peoples who are not with us in the struggle must please not stand in our way. An avalanche is coming down the hill and every African who is not with us will be swept out of the way. We shall let you know through an advertisement when the next meeting will take place. I can leave you a message from your brothers and sisters who are in gaol today, namely, their greetings and that they are in the best of health. They found yellow mealie-pap and beans most appreciable. Please join Congress. Without numbers we shall be nowhere. Please subscribe to the funds of the Bantu Welfare Committee. Learn to help yourselves. Let us stand by the Chairman and his Executive. We shall criticise after the victory has been won. Let us show the white man that

we can help ourselves. Let us stop criticising at this juncture. Our forces must not be divided this time. There must be oneness in the Africans. Our freedom will not come from any other race but from our own race. I shall in conclusion say : Forward Africans."

This was one of the speeches that was referred to in the trial of Regina versus Sesedi and Others and the transcript of it was Exhibit D? --- Yes.

And the Campaign that was referred to, I just want it on record, in the speech is the Defiance Campaign? --- Yes.

There was also a speech made by Tshabalala at the same meeting, for the purpose of helping you, I'll read it out this time or perhaps we can do it jointly. You did attend this meeting of the 21st September, 1952, did you not? --- Yes.

And you made notes of speeches there? --- Yes, I made notes of speeches, but not of all the speeches.

But you heard what was said there? --- Yes.

There was Tshabalala, who also spoke at this meeting, and I'll just read it out and ask you whether you agree that that was said. "Fathers, mothers and friends. We thank you very much for having come to this meeting in such great numbers. Truly, there is a spirit arising within you. There is no doubt that you asked yourself questions. There is no doubt that within you, you asked questions directly to God. We are not alone in this struggle. We did not start. Not so long Indian prayed to God : 'Seeing we are made in Your image, why should we be so oppressed?'. The negroes in America placed the same question before God. The Africans of the Gold Coast also asked God about the oppression meted out to them by the British Government. God, in his own time, replied to the questions. The result - Negroes of America are relieved, the Indians are relieved and even those Africans in the Gold Coast were relieved. We Africans have a God to whom we

appeal. We will give a reply. We shall also pray to God as a liberated people. Today we are engaged in a struggle. In this struggle discipline is necessary, and I shall end by making an earnest appeal. We had a mass meeting in the Bantu Hall on Tuesday evening, the 16th September. We then made an earnest appeal to people to behave in dignity. We are proud to say that all the people who were in the hall behaved themselves in dignity. The campaign afoot was explained to them. They were told that the struggle is not a physical one, and discipline is number one. They were told that when you are slapped on the one cheek, you must also give the other cheek, but unfortunately, when we dispersed, those who were not with us started in their own way. I make an earnest appeal to you. The secret of success is to follow your leaders whether they are young or old. Please respect your chosen leaders. Those who are volunteers to break the unjust laws should do so with the greatest discipline like soldiers. Let the keynote be an example of discipline. I come to this point, my friends, I must say, a lot here today are not members of the African National Congress, Kimberley Branch. Here are members in spirit but not practical members. I ask of you friends, fathers and mothers, to join as active members by putting down your 2/6d. They without deeds are dead; you agree, don't you? Show your faith in your repentance by joining Congress in your numbers." You attended the meeting of the 19th October, 1952, did you not? I have it here in your notes, as a matter of fact. Do you remember it? --- There are so any meetings, and unless I can see the report that I submitted, I am not prepared to say that I did attend it.

"Well, the one that you have referred to, which has not been read out yet, is the meeting of the 26th October, 1952. You gave evidence about that last time, do you remember? ---

Yes, if I had given evidence, then it is one I attended.

And Sesedi was one of those who spoke? --- Yes.

And included in that which he had to say was the following : "I am going to speak to you on a domestic issue. I am going to ask you a question first. Do you want this campaign to succeed, yes or no? Well, I am glad you have the right answer. You know the keynote of this campaign is non-violence. If you wish to win this defiance campaign, then there must be no violence. It would appear that in Kimberley here, there is a section which is sabotaging this campaign. An incident happened here last Tuesday, the 23rd October. I understand that a police car was stoned after the meeting that evening. No, those things we do not want. We disassociate ourselves with that element. After all, we are not fighting the police, we are fighting unjust laws made by all the Governments since 1910. The members of the C.I.D. are merely servants carrying out the orders of their masters. So I make this appeal to the people of Kimberley - not to take violence in your hands, otherwise you will not support your leaders who have preached non-violence from every platform. I hope that an incident of that nature will not again be heard of in Kimberley. You will soon be called upon to put your hands in your pockets and help this organisation with collections. I will not be happy if I do not go home with my pockets bulging with no less than fifty pounds. Please remember the warning that I gave you. If you wish to wreck this campaign, you must use violence on your side. I hope you will take heed, because with violence you will spoil the whole movement." That was said by Sesedi at this meeting of the 26th October, correct? --- Yes.

Now, during the course of your investigations, during 1952, you had to make a number of reports to your superior officers, in regard to meetings that you had attended? --- Yes.

You had to also place before your superior officers any documentary material relating to the Defiance Campaign which came into your possession? --- Yes.

I have been asked - Now, amongst the documents which came into the possession of the police and which were forwarded ultimately to your superior officers, was a Presidential Address delivered to the African National Congress, Cape, at a special Conference held at New Brighton on the 12th April, 1952? That was Exhibit R in Sesedi's case? --- That is a document, that did not originate at Kimberley.

No, that is what I am pointing out to you. It didn't originate at Kimberley, but it came into your possession? --- through the Police at Port Elizabeth.

Through the police at Port Elizabeth it came into your possession. That is what I am talking about. You know the document that I mean, I don't have to show it to you? I propose to read certain portions of this document to get it onto the record. The first four paragraphs deals with purely formal matters.

BY THE COURT :

Whose speech is this? --- Professor Matthews.

BY MR. BERRANGE .

The first portion of the document deals with organisational matters, planning the organisational mass meetings and demonstrations, Conferences over the Easter Weekend, special meetings of the National Executive, and it then goes on to read as follows ["The first stage of the campaign has come and gone. April 6th, a date which was awaited with considerable apprehension in some quarters has come and gone and I would be failing in my duty if I did not take this opportunity to congratulate all those centres which carried out this directive for their magnificent organisational work, for the praiseworthy response which their efforts evoked from the people and for the

dignity, the discipline and the order which marked the proceedings in every centre. Even the ranks of Tuscany must admit that the dignity and restraint with which the African people conduct themselves in a situation which is provocative in the extreme is beyond all praise. In view of the widespread misunderstanding of the objectives of the African National Congress in deciding to launch a campaign of direct action against unjust laws in this country, it will be necessary for us to state our viewpoints again and again. The decision of the A.N.C. is inspired by the intolerable situation in which the African people find themselves in South Africa, strangers in the land of their birth, outcasts in their own home, prisoners and serfs in the only land in which they have a right to be free, paupers and beggars in the land which ought to sustain and maintain them. The African National Congress is resolved to work for the termination of this state of political subjugation, economic exploitation and social degradation, and as a result of experience since its inception in 1912 the A.N.C. is satisfied that only the African people themselves will ever rid themselves of the burden imposed upon them. I need hardly remind you about the various methods which the A.N.C. has tried since its inception in an endeavour to bring about the liberation of the African people. On more than one occasion our forbears have sent deputations to the United Kingdom, only to find that the cow of British justice could not live up to its reputation. Deputations, representations and resolutions to successive governments in this country have produced no better results. Attempts to appeal to white opinion through the press, through co-operation in National, Provincial and Local organisations have largely proved abortive. Far from the situation improving, it has steadily tended to go from bad to worse. The last three hundred years have witnessed an ever widening gulf between the inhabitants of this sub-Continent

as a result of the short-sighted policies of those who have controlled successive South African governments during that period. It is only by a perverted process of reasoning that anyone can find in the present state of race relations in this country occasion for rejoicing and festivities. For the African people the process of nation building lies, not in the humiliations and indignities to which they have been subjected in the past three hundred years, but in the future destiny which they are resolved under God to shape for themselves in the years that lie ahead. Dedication to that cause is what brought us together on April 6th. On that day throughout the length and breadth of this land, Africans and other non-Europeans foregathered, not to rejoice over their own oppression, but to make a solemn pledge to rid themselves by their own efforts of the shackles by which they are fettered. Our first act in this campaign was an act of dedication and prayer. "More things are wrought by prayer than this world dreams on". The struggle upon which we are entering will be long and bitter and it will be foolish to underestimate the forces ranged against us. This campaign cannot be entered upon lightly, without calm reflection, without due consideration of the consequences to ourselves and to our people. Any idea of looking upon this as a sort of picnic cannot be too strongly condemned. As you know we have already been warned by no less a person than the Prime Minister himself that the Government will not hesitate to bring to bear on the situation all forces at its command. Similar warnings and appeals to desist from launching this campaign has been addressed to the African National Congress by the leader of the Opposition, by the Torch Commando, the Institute of Race Relations, Mr. Manilal Ghandi and numerous less important groups and individuals. Besides these presumably well-meant admonitions, we have tried to contend with those who,

not being willing to do and dare anything for themselves, can find nothing better to occupy their timid selves than to pour scorn upon the honest efforts of those who are willing and serving them no less than the rest of the African people. We cannot desist from what we consider necessary action in order to placate those who are not prepared to lift a finger to help make South Africa a better place for all to live in. Dr. Moroka, our National President has given serious consideration to all genuine representations made to him to call off this campaign, but has thus far found himself unable to do so. The fight is on! The Plan. If this campaign is to have any measure of success, certain conditions must be fulfilled. First, the campaign must be based upon a carefully worked out plan. Without proper planning and proper organisation the campaign is doomed to failure. Second, the campaign must rest upon a volunteer basis. Only people who are convinced that it is their duty to participate in it will be accepted for the purpose. Third, the campaign, if it is to succeed, will require the moral and financial support of the people on a wide mass basis. Every African can share in this campaign, but it is obvious that it will not be possible for all to participate in the same way. For some their share will consist in leadership and direction, for others in active service in one front or another; for others in financial and moral support. As the campaign unfolds itself everyone will be able to find his or her proper niche in it. The Form. The question may be asked as to what form the campaign will take and what we have at our disposal for the struggle. It is obvious that in our present unarmed state it would be futile and suicidal for us to think of an armed struggle against the powers that be in this country. They have a monopoly of the death dealing weapons devised by modern science. With our bare hands we cannot hope to stop aeroplanes, tanks, machine guns and atom bombs, although history has shown

again and again that the mere possession of force is by no means a decisive one in a war in which moral issues are involved. Our struggle in the circumstances will have to be a non-violent struggle. The Mahatma in recent decades taught oppressed peoples that non-violence is not an easy form of struggle. It requires a degree of self-discipline and self-control surpassing that required of the man who fights from behind the shield of modern armour. The only shield of non-violent resister is moral principle and personal conviction, a shield which is impervious to modern instruments of coercion but is not sufficient to protect the body from pain and suffering." The next section of this is under the heading of 'Unjust Laws'. The first paragraph is not relevant for my purpose. I'm sure it isn't relevant for the Crown, but I'll pass it to the Crown in case they desire to put it in. It has already been put in as evidence in the other proceedings, so I'm am sure the Crown has got possession of it. "It is not part of a deliberate and carefully prepared plan. It is this .." This leads on from what is said immediately before that. "But the present defiance of unjust laws by unorganised individuals, however large their numbers, have not affected the Government of the country because it is undirected. It is not part of a deliberate and carefully prepared plan. It is this element of planning, direction and control which the African National Congress proposes to introduce into African defiance of unjust laws. The campaign will not be directed against all the laws of the country, because they obviously not all unjust. I repeat that it is the laws which are inspired by the unjust policy of racial discrimination against which a drive is to be made. Some of the consequences which can be expected from this campaign are clear and obvious. Those who take part in the defiance of unjust laws will suffer for it. In the first place they will be arrested for contrave-

ning the law, will have terms of imprisonment imposed upon them, and we can be sure that while they are in prison they will receive special attention. Altogether, their lot will not be a happy one, it is because of this probability of suffering that many of our friends are suggesting that the campaign should be abandoned. But none of our wellwishers are able to suggest an effective alternative to bring about what the African people desire, namely, Freedom from Oppression. Obviously, the African National Congress has no sadistic desire to embark upon what will bring untold suffering upon many people just for the sake of achieving cheap notoriety. There is no pleasure in suffering. It is when they see no alternative to it that people will, willingly submit themselves to suffering such as this campaign is likely to bring about. The African people are in that position today. Other people have been in the same position before, and they have undergone suffering in order to free themselves from the lingering death of humiliation and oppression. Other peoples have been confronted with the choice which faces the African people today. Liberty or suffering, freedom or serfdom. "The African National Congress is convinced that the African people will not be found wanting in the day of reckoning. Africa's cause must triumph." And then, according to this note, there was a special request made to the Secretaries of all Branches to the effect that they are expected to read this document to all their members and all the people who can be of assistance to the struggle and it is the duty of the organisation to carry out these instructions.] Will you just have a look at that and confirm that? I think you will find it Exhibit M.M. in the original proceedings, in the Sesedi proceedings. Page 31.? --- Yes, that is correct.

You yourself was giving evidence and had a number of documents in front of you to which you made reference from time

to time? --- Yes.

And you have made those documents available to Counsel for the Defence? --- The Prosecutor did, yes.

I would like you to refer - do you remember my reading out to you the speech of Sesedi purporting to be delivered on the 26th October, 1952, beginning "I am going to speak to you on a domestic issue...". I read it out to you just now. That is one of the speeches which is contained in your notes which you were looking at. Is that right? --- Yes.

And included in these documents that you were referring to, is reference to a meeting held at Greenpoint Location, Kimberley on the 19th October, 1952, which meeting was attended by approximately one thousand native males and females, according to the report. The Chairman was Daniel Nontuli and one of the speakers was Michael Ndobu.

BY THE COURT :

What are you referring to now?

BY MR. BERRANGE :

The witness' own notes, the first page. Michael Ndobu?
--- Correct.

At this meeting Michael Ndobu spoke and in the course of his speech this is what he said : "We are marching forward. I am glad we have this spirit. Don't be afraid of the Europeans you see here, nothing will happen to you. We must go forward and there will be no repeat. Sometime ago the African National Congress showed signs of weakness, but today we are doing things properly. I must tell you that we hate nobody, that we hate the faults made by the European. These faults must be and will have to be rectified. My Black people, we do not want to fight with arms. We have no arms. We fight without mouths, because we have no weapons to help us. As we are here today we must listen to the appeals of other speakers".
That is what this speaker said? --- Yes.

Joseph Pantshwa was one of the speakers at this meeting? "These white people you see here in our midst were born here. Their fathers have gone back to Europe as rich people. We want these white people in our midst to listen carefully. They must not suspect us. We take them as our friends. If they are happy, why should we starve. We only want to enjoy ourselves. This is our land and there is nothing as sad as when a person is hungry in his own home." And later on his his speech he goes on to say this : "We ask for Afrika to come back to us. We pay all Government taxes peacefully. Let them state why they oppress us. It is not our intention to fight them. We are going to give our bodies as a sacrifice. I will now sit down. The presence of these white men disturbs us."? --- Correct.

And then Daniel Nomthuli also addressed this meeting and having indicated during the course of his speech that the type of oppressive legislation which they were objecting to did not originate with the Nationalist Party but much of this legislation was carried over from former Governments, he goes on to say this : "We appeal to the present Government to give in and call our leaders and settle this question. We do not want freedom and equality that we should be able to marry European women. We want a pure race. We want the present Government to open up and pave the way for us." Correct? --- Yes.

And then he goes on to say this : "As for instance in this location, the Location Superintendent must be an African. The Assistant Superintendent must be an African. The Europeans know nothing of our community. We want space where people bred by God can live as such. The point which is heartbreaking in this location is that beerhall. We are exposed as savages at that beer hall and we are treated as savages there. I'm

calling upon you now to boycott that place. What we are doing is not aimed against the Government. We have no other persons to appeal to. We can only appeal to the present Government." Correct? --- Yes.

And then your notes refer to a meeting held on the 7th October, 1952, from 7.50 p.m. to 10.45 p.m. at Greenpoint Location in the Monkeynut Hall. Just to make one thing clear, all the speeches that have been read either by you or by me, were speeches which were made at African National Congress meetings. I omitted to make that clear. That is so, is it not? --- Yes.

Now then, I am referring to another portion of your notes and this portion refers to a meeting of the African National Congress held at Greenpoint Location, Monkeynut Hall, on the 7th October, 1952. The Chairman at that meeting was Daniel Nomthuli and one of the speakers was Mokgoetsi. Would you just identify this? --- Correct.

And at this meeting and during the course of his speech, Mokgoetsi was inter alia, the following: "Ladies and gentlemen, I really have nothing to say. We are waiting on our friends from No. 2 to come and deliver the goods. I can judge by the way you are sitting here that you are keen. Some of you may not even had grub. In our work we have not come to fire arms at the White people. All we are fighting for is the freedom for the Black people." That is correct? And then another speaker was Griffiths Jack, I don't know whether that is Jack Griffiths or Griffiths Jack? --- Griffiths Jack.

"The first Prime Minister of South Africa, General Botha, fought the Black man. General Smuts took over and he fought the Black man. General Hertzog then took over and he fought for the freedom of the Afrikaner, and he was successful. The idea was that the Englishman had to go back to

England. Today as we are gathered here, we are also fighting for freedom as General Hertzog did, but in our fight, we use no arms". Correct? --- Correct.

And then Daniel Nomthuli, the chairman, spoke. "Since the time that the late General Hertzog was in power, he battled his way that the Afrikaner should be a recognised nation, and today they have all their privileges and we are only battling for that freedom and privileges and nothing more." And later on in his speech he says the following : "As I told you from the very onset, there is nothing wrong in what we are doing. We are following in their footsteps. We don't want Africans to be looked on as a thing. An African must be looked on as a man. We are not appealing to any other Government. We are not appealing to UNO either. We are appealing to our own Government. All we want is our freedom in the right way." That is a correct reflection of what he said? --- Yes.

And then Edward Bambani spoke. Correct? --- Yes.

And in the course of his speech he said the following : "I am very certain that Africans do not know what is meant by Communism. It is therefore very difficult to know precisely where you are. You read a lot about Communism, I don't know what it is. That state of affairs brings about fear, when there is no need of fear. That fear is common. In an argument the question was asked whether this sign, thumbs up, means the Europeans must get out of Africa? I said it was not so." That is a correct reflection of what he said? --- That is what he said.

And then D. M. Tshabalala spoke and he said this : "By saying so I mean to show that it is a great pleasure to know that we are up in arms." - Well, that doesn't sound so terrific when you read the rest of the context.- "The time in which we are, we are not in error, and I feel that even the stones will join us in our great war for our homeland. As such

will it be right to stand back while all other Africans are in the battle? You know the battle for our liberation has started. We fight without any weapons and without any guns. Now, my people, if a person wants anything that belongs to him, such as his birthright, if he asks for his birthright, is it right to frighten him with guns? Therefore, my people, it is not necessary to use material weapons. What we want is of course our rights in a constitutional way. And we are convinced that we shall get our freedom like other nations did." That is a correct reflection of some of the things he said? --- Yes.

And then Mr. Sesedi spoke again, at the same meeting. "I shall speak very shortly tonight, as many have already spoken. There is the one thing that must be very strong in our minds. This thing that all over the Union people are defying unjust laws. Are these people lunatics? No. They tried time and time again to show the Government what the Government should do. If a person scratches himself, it is because of some irritation. There is no European who is caused irritation by carrying a pass. Even the European Ministers usually call us brothers and sisters, do not know our difficulties. Our people say those who do not cry are ignored. If we do not cry out, how will the Government know we do not like these laws. And in this you are led by the A.N.C. If you take cognition of the names of your leaders, you will find that they are people who like to do things properly. And we who follow them must bear ourselves with respect. That will bring ultimate victory. It is a mere story to say that we shall chase the White man into the sea. We must evangelise the White man, so that this Christianity with which they came to us, should not be pseudo-Christianity, but Christian Christianity." Is that a correct reflection of some of which he said? --- Yes.

"We shall fight this battle of our freedom without

fear. There is nothing that we have to hide from these people". I take it that refers to you gentlemen who were taking notes?
--- Yes.

And later on in his speech, he said the following :
"Our freedom rests in our hands. There is no European who will give us freedom. That freedom of ours will not come like tea on a tray. We will have to fight for it. Not with guns, but with out mouths." Correct? --- Yes.

That was said by Sesedi? --- Yes.

And then also in your notes referring to a meeting of the African National Congress held in the Bantu Hall, No. 2 Location, Kimberley, on the 13th July, 1952. Will you just identify that? --- I attended that meeting, yes.

Your notes read as follows : "In opening the meeting, D. M. Tshabalala, Chairman of the African National Congress, Kimberley Branch, made the following statement." And then you set out what it was that he had to say. During the course of this meeting, Dr. A. E. Letele spoke, and he introduced Dr. Moroka. Correct? --- If the names are there, then it is correct.

They are here. And in the course of his speech, Dr. Letele said the following : "The position is particularly dark where it reflects Africans. All non-Europeans are suffering, but I think the Africans are suffering the worst. For instance an African man who works in a garage or any other industry, no matter what his standard of education or efficiency is in that trade, will never be recognised as a European workers. He will receive less and occupy an inferior position until he dies. We want an opportunity to improve our standard of living, economically, politically and socially. Whatever profession you occupy, you must be recognised by the Government in the same way as Europeans. Failing to recognise this, our rulers are forcing a policy of segregation upon us. It means that

such policy is dished out with fear. Fear that their present White supremacy will disappear. Ladies and gentlemen, this is a great factor in the present administration of this country. If our rulers are dishing out an honest policy, there will be no need for fear. Are we then not justified in defying administration in which is fear. Are we afraid to go to gaol because we are not prepared to uphold our constitution? No, we are not. There are certain times when it is an honour to be in gaol for your convictions. Many, many great men have been locked up because of their views. Pandit Nehru is one and even our Lord Jesus Christ was locked up because of his views." That is a correct reflection of what he said? --- Yes.

And then Sesedi was introduced as the next speaker and in the course of his speech he said the following : "When Dr. Malan broke away from the coalition Government, he was all by himself." - Perhaps I should start a bit earlier to get the whole thing in context. "When Hertzog broke away from Botha in 1912, he was all by himself, but because he preached a policy to liberate Afrikaners, within fourteen years he was Prime Minister of South Africa. When Dr. Malan broke away from the coalition Government he was all by himself, but because he preached a policy to liberate the Afrikaners, within a short period he was Prime Minister. History will repeat itself, because Dr. Moroka is preaching liberation of his people, within ten years he will be Prime Minister of this country. I am speaking seriously. You must appreciate the position. The campaign has to be carried out with dignity. There is to be no malice or hatred. We don't hate Afrikaners or Dr. Malan, but we don't like the restrictions that are placed upon us." He goes on to say : "Those who are looking forward to a rebellion will be disappointed. We are not fools. Rebellion is the armoury of the White man. Although we in South Africa are discriminated

against, there is a ray of hope. The Prime Minister of Rhodesia said there will be no Rhodesia if Black and White do not work together. Black and White will sit together in Parliament in Rhodesia. My advice to you is to behave as good Africans can behave. Stand firm behind your leaders. Pray and trust to God. The day of liberation is at hand." And then Dr. Moroko, the President, was then introduced and he commenced his speech, he explained the aims of the African National Congress, namely that the A.N.C. wishes to bring peace and harmony between the different people in South Africa. That is in your notes, isn't it? --- Yes.

And according to your notes, the end of your notes indicate that Dr. Moroko's speech was delivered in English and translated into Sechuana and Xosa by Kgaba and Malunga? --- Yes.

Now this is a somewhat lengthy speech, but it is of such importance in regard to the source from which it originates, - that is Dr. Moroka's speech, who is the president of the A.N.C. - that I propose reading all of it into the record, because it very aptly illustrates the whole object, the manner of thought behind the Defiance Campaign. "The intention of the African National Congress is to see that you Africans get freedom in the land of your birth. It is also the aim of the A.N.C. that Indians and Coloureds should also be free in South Africa. The intention of the A.N.C. is that the Europeans and everybody should be free. We cannot have free people in South Africa and others not free. If there are free and unfree people there will never be peace. Nobody wants to be a servant or be told to take a pass to Bloemfontein or Cape Town, or wants to be told to open his house for the police at night. The people who are causing all the trouble in South Africa are the people responsible for the laws in South Africa. These are the people who, when the trumpet sounds

one day, will have to consider a reply to their deeds. It does surprise me when I read the names of these people that they, the makers of these laws, go to Church every Sunday and are supposed to be democratic. I occupy a responsible place in the country and I have to be careful of what I am saying. I am very happy to see members of the intelligence service here.."
- Does that refer to you? --- He may have made a mistake, but he referred to me.

"I want to assure them that the A.N.C. is not a subversive organisation. We have nothing to hide. We fear nothing. Our demands are right. We demand nothing that the White man will not demand for himself. If we do not demand what we do, we must die, because we are not human beings. I am very happy to be with you today and to address you. The discovery of diamonds in 1865 began a new era in the history of this country. The discovery was and has been the waterfall of industry in South Africa. Before the history of South Africa was a small European outpost and many indigents of South Africa as the battle field. There is some evidence of the progress made by settlements. Schools, roads and railways were built and improvements were made to the docks in Cape Town. All these things were not in comparison with the finding of diamonds in South Africa. Thousands of people came from overseas and settled here. Kimberley sprang up overnight. Port Elizabeth and East London grew into big cities. Overseas capital flowed into the country for the development of South Africa. Towns sprang up everywhere. Roads and rails were built to help the industries. Your grandfathers and fathers played a colossal role in the drama. They formed an integral part in those days, as they will continue to form an integral part in the development of the country. The towns and roads were built by African labour. Agriculture flourished because there was a supply of cheap African labour. The diamond mines

were constantly supplied with cheap labour by your fathers and grandfathers. In an amazingly short time Kimberley did not only become a city, but put South Africa on the industrial map of the world. I wish to repeat that the Africans played a considerable part in the advancement of South Africa and the building up of Kimberley. It was a valuable contribution which Africans made to South Africa. It was a contribution in many instance voluntarily. It was a contribution also which was designed, controlled and thrust upon the Africans. When it was thus organised it was nothing but sheer exploitation. It was designed and controlled to the exclusive benefit of those who controlled and designed it. In 1904 the Glen-Grey Act of Cecil Rhodes was passed. There are many aspects of this law which are commendable. When and where this law was applied there has been a benefit to all Africa. This law meant the adoption of agricultural methods which improved the soil, Black and White. But there is a provision to this law which Africans have the strongest objection. It is because of this provision that Africans have to leave their families in the reserves and work in the mines far from their homes. It is cheaper labour but most undemocratic. Men must work when they feel the urge to do so. They must work when they sell their labour to the highest bidder on a free market. Any other description or condition of labour is enslavement of these labourers. It means that in Kimberley and everywhere the Africans are not locked upon as an integral part of the urban population. This is fact when one squares up the contribution Africans have made to built up South Africa. It also means that whilst Kimberley and other towns grew into cities, the locations remained shabby, dirty plots. Look at the European properties and then look at the locations full of shacks. We don't have the splendour of the towns because that is too good for us, and not because we do not desire it. We do desire them. We

desire it very ardently, and the towns are not too good for us. We do not have them because the Europeans have so ordained that we shall not have them. I would like to enlarge on that. I wish to be plain and straight forward. The reason why we are kept down is because the Europeans want to eat the fat of the country alone. Everyone of you is a good boy and a good girl as long as you work in the kitchen. But as soon as you own a motor car like myself, or possess anything, then you are no good. You are a communist and an agitator. Our Trade Unions are denied Government recognition with the result that we cannot barter our skill. The industrial colour bar debar us from engaging in profitable labour and stamps on labour as inferior work. The 1913 and 1936 Land Acts crammed us into small reserves where there is no industrial employment. In the towns and industrial places we live in, the most inhuman conditions are to be found everywhere. In the reserves we starve and are therefore at the mercy of the farmers and the mines who can dictate to the Government to lay down laws to suit them. In the reserves we are at the mercy of the Native Commissioners who rule every aspect of our lives. In the towns the Municipalities have tied us to their laws. In the towns many of us have no place to lay our heads. Those who have some kind of roofs over their heads find the same unsuitable. These are some of the conditions under which our people live and these conditions are bred by unjust laws. These laws are framed expressly to place us where we are, in a position of utter subordination. In spite of the contribution we have made to the development of South Africa. The unjust laws under which we live are legend. The laws which make possible beer raids and deny us freedom of movement are not merely a nuisance to us, they are a danger and they threaten our existence economically, socially and politically. We are opposed to these laws and we wish to

show our utter disapproval of these laws. Not because we want to give the Government extra work, but we object to these laws because they are designed to destroy our political rights. They reduce us to poverty and starve our souls and leave us nothing to work for. I want to tell you there is not a single European who will be prepared to live under these conditions. How can they expect us to live under these conditions. People who call themselves Christians use these the way they do and want us to be satisfied and to agree therewith. It is another thing for a man to keep another man down and say nothing about it, but to keep a man down and make him believe it is for his own good! The new Abolition of Pass Laws is nothing else but new pass laws. It is worse than any previous laws because it applies and insult to our women folk. It is not a law to abolish passes, it is a law to make more effective and widen the scope of the present pass laws. Women will now have to carry passes and those in the reserves who never carried passes, will now have to carry them. It is an unjust law. It is a source of frustration and humiliation to Africans. The Government have made a farce of African consultation on the matter. The democratic leaders of the African people are those whom the people have elected. Not those appointed by the Government. The people representing Africans at UNO are those whom the Africans have democratically elected, not those who outside people chose for us. Those people whom the Government chose to consult are not the representatives of the Africans. They are local rather than national leaders. The manner in which they were rushed to Cape Town to give an opinion on the bill without consulting their people did not suggest that whatever they said would affect the issue materially. There was a mock consultation. The education of the Africans has been fascinating the Government. It is one of the first things they have

applied themselves with vigour to. No sooner were they in Parliament when they began applying themselves to Native education. One thing looms very large and that is that there is a created law for the education of Africans. Many people are loud to let Africans develop on their own lines. These people have been vague to say how. Those who made an attempt to explain made themselves ridiculous. There can be no African, Indian, Coloured or European lines. We cannot have two or three civilizations in South Africa between people who live in practically one house. They will try to keep the African down as long as they can by telling us we are ashamed to be Africans. We do not want to be Europeans. The Europeans do not say join us and let us go forward together. I want to help the Europeans. They must not be indifferent to us. Civilization is more than two thousand years old. There would the Europeans have been if their forefathers told them they cannot inherit civilization, they must all start at the beginning. Civilization is to the good of all mankind. Every good man should be ready to pass it on to the next man. I appeal to you to do that. If you don't, we all will suffer, the whole of South Africa. Do unto others as you would like to have done to yourself. Let us and the Europeans follow the ways of Jesus Christ whom the Europeans have brought to us. In doing your duty towards your people you are friends with everybody. I want you people to think of what I am saying to you now. This country demands every one of you. A man is a coward who is not prepared to fight for freedom. I am not calling upon you to fight for enslaving of anybody. You must be true Christians and fight for Christian freedom. You are not trusted by the rulers of this country and it is for that reason that you are disarmed and not trusted with arms. The Government will rather arm European women and girls before they arm you. But in spite of all that I want to tell you that we are fighting a

battle we cannot lose. Happen what may, we are in the right. We must win in the end, do what they will. You will not get one A.N.C. leader who will tell you to kill people or burn stores. We are not out for that business. I assure the White people that is not our aim, but we are going to fight for our right in this country. I will read a copy of the letter I wrote to Reverend Garrit, a Methodist Minister on an article he wrote in a newspaper. "I notice that the Reverend Garrit is opposed to the action of the African National Congress Defiance Campaign. I will raise the matter of participation of politics by Church Ministers at the next conference at Uitenhage. I am very happy to realise that the unjust laws have stabbed the hearts of many, even Ministers. Injustice is one of those hateful writs which Christ Churches through centuries have decried. In these days the Churches of Christ seem to have laid down their arms. If Garrit thinks the campaign is not right, his method of thinking is negative. Garrit must state his line of approach. For many years he has kept quiet and not given us his lines of approach. We have been far more possible to comprehend than Garrit. We have done everything, even sent representatives to UNO. Our lines must be well known to Garrit, otherwise I cannot see how he can keep his church outside politics. If he, his wife and children, had to carry passes and be unable to choose for his son the career he would like, or have to open his doors to the Police whenever they like, he would perhaps become a volunteer of this campaign. If Garrit knows of a possible way out, I would like to know it. I am a born Methodist and staunch supporter of the Methodist Church. I am surprised to read a statement by a Minister such as that made by Garrit. Such utterances, I am certain, do no good as far as relations between Europeans and non-Europeans are concerned. If anything should happen in the ranks of the Methodist Church, Reverend Garrit will only have himself to

blame. I want to assure Garrit that we are not fools. We know that all Europeans who have qualified can vote. European Ministers of the Methodist Church are no exception. They take part in politics. They help to turn the balance of power of the parties who govern us with these unjust laws. We have no confidence in a Church who compromise with the party who deny us our rights. The Christian Ministers are enlightening the world and like the founders of the Church they should clean the Church with the whip. Africans Ministers are the most educated amongst Africans. They are likely to see more clearly and appreciate more clearly the conditions under which Africans live. Like a vast many others, Ministers are members of the African National Congress. We are proud of them and I wish to bring to them the congratulations of the African National Congress. We call upon them to come forward and rally with their people in the struggle for human rights. In this way they will help to keep the faith in their Churches and rid the Churches of corruption. In conclusion I wish to emphasise that the A.N.C. is the pivot of African expectations. We are a nation. We live under one system of laws. Our problems are the same throughout the length and breadth of South Africa. Therefore, those who break us into tribal nonentities are unrealistic and enemies of the Africans. We cannot afford to disappoint our forces. I wish you good luck in the coming days. There is nothing that pleases one more than to know that he does his duty. We are fortunate to live today although we live in difficulties. It is our duty to show other nations that God did not make and create us by mistake. I can tell you why it is that other nations so oppress us. We lack unity. You are told lies by your enemies that the Xosa is an enemy of the Morolong or that the Zulu is an enemy of the Xosa. That is all lies. Even if you are oppressed you must sit down and see in what way your oppressor does things.

The slogan of the European today is, 'Let us unite so that the Blacks can be our slaves and so that our children can live off them'. Some of the most prominent men and even Members of Parliament have said that South Africa is a White man's country. I am sure that if the Europeans of this country could look upon us Africans as human beings, we can live in prosperity and peace in this country.". I suppose, I don't want to go into many more speeches, I have been too long as it is, that you must have heard that type of expression used by many, many speakers at many, many meetings throughout the time that you were reporting on meetings of the African National Congress? --- Well, the speeches and I read and you read speak for themselves.

And I don't want to go into any more, I merely want to ask you the question, that sort of thing has been said in many more meetings which you have attended to which you haven't made reference? --- Yes.

In other words the repudiation of force and violence, the fact that they want to be at peace with the White man, the fact that the only way or the one way in which they find that they could secure for themselves a share to Africa's life would be by unity, that sort of thing? --- Yes, the speeches vary. Some preach that and others preach other ways.

You will remember that you gave evidence at the trial of Regina vs. Sesedi and Others? --- Yes.

And I am referring now to the evidence that was given by you at these preparatory examinations. You stated that you had been stationed in the Kimberley area for about twelve years, that would have been twelve years in May, 1953? --- Yes.

You commenced duties in the Special Branch at Kimberley on the 1st July, 1950? --- Correct.

And at page 32 of the Preparatory Examination Record you are recorded as having said the following : Did you in fact

become acquainted with the feelings of the people in the location and the atmosphere?" And your reply was : "Only as far as the activities of the A.N.C. is concerned." And then further on in your evidence you said this : "Are you acquainted with all the Accused?" Your reply was : "All the Accused except Nos. 10 and 11." That would be Matji and Matthews, they were Nos. 10 and 11? --- Those two.

Are those the two that you were referring to? --- Yes.

Those were members of the Executive of the A.N.C. who came to Kimberley in order to address meetings? --- Yes.

They represented the top flight of the A.N.C.? --- Yes, from Port Elizabeth.

And the next question is this : "Is it correct what two previous police witnesses, Sergeants Hechter and Steenkamp said, that they were all respected and responsible members of the community." Of course they did not know No. 9, including No. 9? Your reply was : "Yes". Mr. Hechter was the witness who gave evidence yesterday. Was that the same man? --- Yes.

"Leaving aside for the moment the passive resistance movement, are they all law abiding people?". Reply : "They always have been". "I understand that you personally have been satisfied with the orderly manner in which they conducted their meetings?". Your reply : "Yes". "I understand that on several occasions you complimented them on the way they handled their meetings and co-operated with you?". Your reply was : "Yes". "And the relationship of the police with the Accused has been..?". And your reply was : "Very good. When I say police, I mean just the special branch." "You have had an excellent opportunity over a number of years to learn and know the habits of life of these nine men, that is Nos. 1 to 9. Would you say that any of them are men that are likely to embark on any course of conduct that would lead to public violence?". Your reply was : "Knowing the Accused as I know

them, I was surprised to hear that they are asking people to defy the laws of the country". "You appreciate that there is a distinction between passive resistance, non-violent resistance, and violent resistance?" Your reply was : "Yes". "Knowing the Accused as you do, would you consider any of them likely to embark on violent resistance or on an action that would lead to violent resistance?" Your Reply : "I did not expect that they would undertake violence, as I did not expect them to encourage people to defy the laws". Question E "They are not the sort of people who would undertake anything that would lead to violence?". Your reply : "Not from their previous conduct". Is that evidence correctly given by you? --- Quite correct.

I see that Sergeant Steenkamp in giving evidence said the following. I don't know whether you were in Court when he gave evidence? --- All depends who first gave evidence.

He gave evidence before you? --- Before me? Then I would have been in Court - I would not have been in Court.

And this is what he is recorded as having said at page 14a. Question "I understand also that your personal relations with all the Accused except No. 9, whom you did not know, was most cordial?". Reply : "Dit is so, behalwe Nrs. 9 en 10 en 11." Question : "Is it correct that they went out of their way to assist you in the execution of your duties whenever possible?" Reply : "Ja". Question : "Is it correct that they went out of their way to make you feel that you as a policeman were quite safe in their midst?". Reply : "Dit is so." "Will it be correct to say of them generally that they are responsible and respected members of the community?". Reply : "Ek sal sê ja, veral Beskuldigdes 1, 2, 3, en 5 wat ek van naderby leer ken het". Question : "Do you remember the riots that took place here in No. 2 Location on 8/11/52?" - those are the same riots that you referred to, aren't they? - Reply : "Ja". "A week before that, approximately, there were

disturbances in Greenpoint Location?". Reply : "Ja".

Question : "These disturbances in Greenpoint were due to local factors, such as the beer hall?". Reply : "Sover ek gehoor het, ja". You have no reason to disagree with that, have you? --- No, the disturbances at Greenpoint Location was - we didn't investigate that. As far as we know, they had nothing to do with the disturbances at No. 2 Location.

But that is not my question. They were due to local factors, such as complaints about the beer hall and the municipal police, and things of that sort? --- That I can't say.

But you wouldn't dispute it if Steenkamp says so? --- I can't dispute it.

And Mr. Hechter gave evidence, talking about the disturbances in Greenpoint Location, : "Wat se soort moeilikheid? Volgens my inligting het die moeilikheid ontstaan oor ontevredenheid oor die bier in die saal"? --- Is that in Greenpoint location?

Yes? --- It may be, I had nothing to do with that part.

And then he went on to say this. This was in answer to the Court. "Daar is Munisipale Polisiestasie. Daar is net n Munisipale Polisiestasie." "You have attended a large number of meetings with the object of keeping a check on A.N.C. activities?". Reply : "Yes". "In the course of your attending these meetings, did you at any time come across any discontent over any local conditions at the A.N.C. meetings?". Reply : "No.". "I put it to you, it is a fact, isn't it? That these A.N.C. meetings were concerned entirely with national as distinct from local politics?". Mr. Hechter in reply said : "Yes". Do you agree or disagree with the evidence? --- That is how he looked at it.

I am asking you, do you agree or disagree with it? --- Not in all respects.

Well, in what respects don't you? --- The position is

this, that the natives in Greenpoint Location had nothing to do with the riots in No. 2 Location.

I am not talking about that. Let us get it quite clear. I am putting to you what Mr. Hechter said about meetings generally, at A.N.C. meetings in Kimberley. He said in the course of attending these meetings, did you at any time come across any discontent over local conditions at A.N.C. meetings? --- No, not over location conditions. Over the laws of the country.

So you agree with Mr. Hechter? --- I agree.

When he says in answer to the question 'I put it to you it is a fact, isn't it, that these A.N.C. meetings were concerned entirely with national as distinct from local politics?' And he says 'Yes'. Do you agree with that? --- Quite.

And then at page 21, the last quotation that I gave to the witness was at page 20. The next one is at page 21. He says this : Question : "In the course of your experience, did you come to know the specific problems of the people in the location?". Reply : "No, I can speak of what I heard, but not of my own knowledge". Question: "But you did hear they made certain complaints?". Reply : "I have heard some of them". Question : "What are the complaints that you have heard?". Reply : "I have heard of the complaints of carrying passes." Question : "I am talking of local conditions?". Reply : "There are passes in Kimberley which do not exist in other countries". That is the reply by Mr. Hechter. I suppose he means other locations. "You say it was about the local pass system?". Reply : "Yes". Question : "You say it was about the local pass system?". Reply : "Yes". Question : "And that specific complaint contained amongst other things a complaint that the system was being badly managed, badly handled by the Municipal Manager of Native Affairs?". Reply : "No, by the Municipal

Police". Question : "There were also other complaints about the conduct of the Municipal Police?". Reply : "I only know there was general dissatisfaction. I would say about the general behaviour of the Municipal Police". I am still quoting of the evidence of Sergeant Hechter. Question : "Was one complaint the manner in which they searched the houses of the inhabitants for liquor?". Reply : "I have heard of that complaint". Question : "That complaint contained amongst other things the time of the raids at night and the manner of the raids?". Reply : "Yes". Question : "It also included the manner in which women were searched by men?". Reply : "That I haven't heard of". Question : "But you will not deny that?". Reply : "No." Question : "You know of general dissatisfaction based on certain grounds?". Reply : "Yes". Question : "There was also a complaint about the beer halls?" Reply : "Yes". Question : "And among other things this complaint related first of all that there were Municipal beer halls at all?". Reply : "Quite correct". Question : "And that included a wish for the right of home brewing?". Reply : "For domestic brewing". Do you agree generally with what Mr. Hechter said there? --- Yes.

And on page 23. Question : "But you are aware as a fact that these complaints are abroad generally amongst the inhabitants?" - that is of the location, I take it. Reply : "Yes". Question : "You have heard that the beer halls should be closed on Sundays because European bars are closed on Sundays?". Reply : "I have heard that". And on page 24, still Mr. Hechter's evidence. Question : "Have you heard that there is a complaint that the allocation of houses is not impartial?". Reply : "I have heard that". Question : "Are you aware that at the present time there is a complete boycott of the beer halls at both locations?". Reply : "I am".

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