

Lollan spoke at this meeting . . .

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MR. HOEXTER: Followed up by the Crown, or the Defence?

KENNEDY J: Followed up by the Crown, yes?

MR. HOEXTER: No, my lord - - yes, he was identified, my lord, in Court.

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RUMPF J: By the same person who gave evidence

MR. HOEXTER: Does your lordship mean by additional evidence . .

RUMPF J: Yes

MR. HOEXTER: No further witness was called, no.

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KENNEDY J: Only what appears at page 9102 . .

MR. HOEXTER: That is so, my lord, and I understand that in cross examination at that stage the evidence was challenged, my lords.

KENNEDY J: Yes.

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RUMPF J: Well, all that is alleged as far as this speech is concerned by the Crown is that the speaker, whoever he was - and it appears by page 9101 that he may have spoken on behalf of the Coloureds, said this: at page 9102 - "We must see that we stand together as people who demand our rights and we will not rest until the Freedom Charter comes into operation."

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MR. KATHRADA: My lord, I did not put that general question to him.

RUMPF J: No, but I'm putting it to him.

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Well, it is alleged by this witness that you were the speaker and this is what you said, but assuming you were not there . . .?-- Well, I was not there, my lord.

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Well, I'm assuming for the moment that you were
not - - is this in any way in conflict with the policy
of your organisation?— No, my lord, I have no quarrel
with this, except for the fact that I clearly know that
I was not at that meeting.

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Yes.

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MR. KATHRADA: Now, at page 7567 of the record,
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RUMPF J: I think this is a convenient stage
to adjourn. I would like the witness to go through these
lectures, and if he's read them before he might recog-
nise them more quickly?— Yes, my lord.

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COURT ADJOURNED

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MR. LOLLAN

MR. DE VOS: My lords, may the Crown at this stage raise the matter of a Winter break. I understand the Defence is at idem with the Crown on this point; they would like to have some adjournment. The Crown would suggest a period from the 1st July, 1960, to the 17th July, both dates inclusive - that is from Friday, my lords, 1st July, terminating on the 17th, that is beginning again on the 18th July, which is a Monday morning. That gives a full two weeks plus a day, which is substantially shorter than is very often given in the circumstances, but which would, I submit, in the particular circumstances of this case suffice. That is as far as the period is concerned. Now on the question of period, my lords, there is no agreement between the Crown and the Defence, so I assume the Defence will put further considerations to the Court.

RUMPF J: Yes.

MR. MANDELA: My lords, yesterday I had a discussion with Mr. de Vos in regard to this matter and he then indicated to me that it was the intention of the Crown to apply for a remand until the 18th July. There was a discussion between the accused and we felt that we would welcome an adjournment until the 18th, but since then, my lords, there have been further developments. Our attention has been drawn to the fact that a statement has been made by the Minister of Justice to the effect that about 1200 people - detainees - will be released within the course of the next two weeks. Now, if that statement is implemented within the two weeks it will be necessary for the accused to consider the question of asking their Counsel

to come back. Now, I merely wish, my lords, to make an application that I should be allowed tomorrow morning to raise this matter again because I understand that Counsel might require a longer time - at least until the end of the month, to be able to return to this case, and I would ask that I be allowed tomorrow morning to raise this matter again with regard to the duration of the adjournment.

RUMPF J: Yes, very well, we will hold the matter over till tomorrow morning.

STANLEY BASIL LOLLAN (Contd. under former oath)

XD. BY MR. KATHRADA (Contd.)

MR. KATHRADA: Now, Mr. Lollan, have you had an opportunity of looking through the three lectures A.84, 85 and 86?-- I have, my lords.

Did you find anything in those lectures with which you disagree?-- My lords, I have read these three lectures. The first two are chiefly an historical survey and my complaint with them is that they are over simplified - they over simplify the processes that we know of up to this stage, and it does appear that there is a tendency to advocate systems, practised in China, the U.S.S.R, Poland, Hungary, Rumania and Czechoslovakia, because the lectures mention these countries. First of all I do not agree with the chapter "What is your labour worth"; I think that is over simplified against the cost of material, the cost of labour and so forth, but

it doesn't take into consideration the factory owners' expenses, etc. Then in the lecture "We live in" - the chapter dealing with Wars, it says "each of these wars has been fought because the Imperialist powers have tried to re-devise the policies between them"

KENNEDY J: What lecture is that?-- The world we live in, my lord.

RUMPF J: Yes?-- "Today in Kenya, Malaya and yesterday in Korea and Indo-China and Palestine - before that in China and Spain and Abyssinia". Now I don't agree with the example of Spain because as far as I know in Spain it was a fight between the Republicans and the Royalists, it wasn't a Colonial country, my lords. That is about all, my lords.

Yes.

MR. KATHRADA: Is that all you have to say on these lectures?-- Yes.

Now, yesterday afternoon we had dealt with the meeting held by S.A.C.P.O in Benoni on the 1st July, 1956?-- Yes.

I want you now to look at page 7567 of the record; there is a report of a meeting held by the Freedom Charter Committee at the Trades Hall on the 18th September, 1955?-- That is correct, my lords.

At which it is alleged that you were Chairman?-- I was chairman of the morning session, my lords.

Did Nimrod Sejake speak at this meeting?-- That is correct.

Now, my lords, this speech is to be found on page 7574. Who selected the speakers for this meeting, Mr. Lollan?-- I beg your pardon?

Who selected the speakers to speak at this meeting?-- I'm not sure now whether it was the Freedom Charter Committee or whether the Freedom Charter Committee asked its various organisations to send speakers; it would be one of the two. 1

Who appointed you as Chairman?-- The Freedom Charter Committee. 5

Would you now look at your own speech, Mr. Lollan?-- Yes.

RUMPF J: What page is that?

MR. KATHRADA: My lords, that is at the beginning. 10
?-- That is page 7568, my lords.

BEKKER J: Who appointed the speakers? The Freedom Charter Committee?-- Well, I'm not sure; I cannot remember now whether it was . . .

Were you appointed by the Freedom Charter Committee as chairman?-- Yes, my lord. 15

MR. KATHRADA: Have you had a look at it, Mr. Lollan?-- I've had a look at my speech, yes.

Is there anything in that speech which is contrary to the policy of S.A.C.P.O?-- No, my lords. 20

Did you intend to advocate the destruction of the State in your speech?-- No, my lords.

Now look at Sejake's speech on page 7574?-- (WITNESS STUDIES SPEECH).

KENNEDY J: Mr. Hoexter, while the witness is looking at the speech, would you mind checking lines 3, 4 and 5 on page 7577 and see if they are correctly recorded. I think they're wrong. 25

MR. HOEXTER: Yes, my lord, in line 3 there should be a comma after 'mention'; that is my clear 30

recollection. I shall endeavour to make certain, my lord. 1

KENNEDY J: Yes, if you will get the record put right, if it can be put right.

MR. HOEXTER: Yes, my lord, I will attend to that.

(WITNESS): I have read the speech, my lords.

MR. KATHRADA: Do you see anything in that speech 5
which you would consider to be contrary to the policy of
your Organisation?-- Well, no; it is a bit of a wild
speech, but I think he had the idea - - I mean the policy
of non-violence in mind when he says "Your powers of re-
sistance are greater even than the Atom bomb", because one 10
does not speak of military powers - if you are thinking
of military powers - as being greater than atom bombs
unless you have atom bombs. I did think the speech was
a bit wild and I had intended speaking to Sejake about 15
it after the meeting but after the following speaker the
police rushed the platform, they ran up to the platform
and seized the documents that were on the table, and that
created a diversion, and afterwards I left it - I forgot
about it because he didn't have his notes with him and I 20
thought there'd be no point; I didn't remember what the
points really were that I had wanted to discuss with him.

BEKKER J: Well, what do you make of it - - I
think in that speech appears a passage on "We may even
have to clash with the forces of the State", 7577 - - 25
what do you say about that?

RUMPF J: I think in line 1 there is the
correction to be made; "One must be prepared to clash
with the servants of the State and if (instead of in)
the struggle becomes very large and countrywide . . ." 30
and then a comma - "One will have to clash even with the

armed forces of the State"-- My lords, I don't know what he meant by it, but I think it becomes quite clear when you read the end of it, because if he had meant clash in the physical sense nobody could possibly say that our powers are greater than the atom bomb. 1

I don't follow you there; how do you clash with the armed forces of the country if it is not in a physical sense?-- No, you don't necessarily clash in a physical fashion, my lord. 5

How do you clash otherwise?-- If I have an argument with somebody, my lord, and we don't agree on any particular thing we have a clash. 10

You suggest he had in mind that they were arguing with the army?-- Well, possibly that the Government might send the army out to disperse crowds; it is not unknown that the army has come out to deter people. . . 15

BEKKER J: Well, what's your comment on the sentence that follows, where it says "We may have to clash with the armed forces of the country"; "That is the test we must pass before we can have work and security". What's your comment on that?-- Well, my lord, I think it is quite -- I mean, especially trade unions -- you'll have to clash with the Government, you'll have to fight with the bosses -- it's a term they often use, trade unionists, my lords. They never speak of negotiating for wages, they always say "We fight for wages". 20 25

MR. KATHRADA: Mr. Lollan, you mentioned that the police rushed to the platform at this meeting?-- That is correct.

Are police generally present at public meetings held by the Congresses?-- They are. 30

Were they present throughout that meeting?-- Well, there was a large number at this meeting; larger than normal.

What would you say about the behaviour of the police at this meeting?-- Well, I think the behaviour of the police was quite unwarranted. If they had wanted copies of the speeches, because Sejake was reading from his notes, one of the policemen could have come up to the platform and taken the notes, but at this particular meeting . . .

BEKKER J: If I may interrupt, what in Sejake's speech - - you may not be able to remember, but if you can remember I'd be glad to know - - what in Sejake's speech made you decide that you wanted to talk to him about the speech; can you recall that? Before you answer can you recall what it was in his speech that made you think "Well, I'll have to talk to him"?-- Well, my lords, as the chairman of the meeting I was having a discussion, while Sejake was speaking, I think with the next speaker, or somebody sitting next to me, and I can't remember, - I wasn't really listening to Sejake, and all I heard was "clashing with the armed forces of the State" - when I looked up, and I thought, "What is he talking about". I then thought "Well, I'll see when he's finished" . . .

That passage made you decide you'd have to talk to Sejake?-- I looked up from something I was doing and I think I was looking at . . .

Mr.Lollan, what I want to know is: you can either remember or you can't remember, or you can't be sure, in the position you find yourself in to-day; Now,

if you can remember, I'd like to know what in Sejake's speech made you decide "Well, I'll have to talk to him" ?-- No, I cannot clearly remember, my lords; as I think over it now I think I must have - from not listening to his speech - just looked up when he was talking about armed clashes with the State . . .

That passage, and not the reference about the atom bomb?-- That was at the end of the speech; that came right at the end, my lord, just before he stepped down. It was somewhere in the middle of his speech that I looked up.

Can you to-day recall the use by him of the word "clash". You see, something he said led you to think "Well, I will have to talk to him"?-- Well, not talk to him in the sense that there was something I wanted to reprimand him for, my lord - - talk to him and look at his notes and see what it was really that he had said.

Yes.

MR. KATHRADA: When the police rushed the platform and removed papers, do you recall if they removed Sejake's speech as well?-- That is correct.

BEKKER J: Did Sejake have a written speech ?-- Yes, my lord, he had a written speech. It's not the whole speech, my lord, he had notes - points that he wanted to speak on.

I may be wrong, but was that put to the police when he gave evidence?

MR. HOEXTER: The speech was handed in, my lords; notes contained in an exercise book which

was taken by the police.

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Yes, well then I'm wrong.

MR. KATHRADA: Mr. Lollan, coming to the Freedom Charter, do you recall who drafted the Freedom Charter?--- The Freedom Charter was drafted by the Secretariat of the National Action Council.

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Was the draft of the Freedom Charter considered by the National Action Council of the Congress of the People?--- It was, my lords.

Were you present when it was considered?--- I was present.

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When was that?--- That was the Thursday before the Congress of the People was held, my lords.

Did your organisation, that is the South African Coloured Peoples Organisation, have an opportunity of discussing the Freedom Charter?--- No, my lords. The Freedom Charter was only presented to the meeting of the National Action Council on the Thursday and it would have been quite impossible to have the various organisations discuss the Freedom Charter before its presentation to the Congress of the People, because we were getting ready then to hold the Congress of the People on the Saturday.

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Were you present at the Congress of the People?--- I was.

And was the Freedom Charter adopted there?--- It was adopted there.

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Did the South African Coloured Peoples Organisation adopt the Freedom Charter?--- Not during the period of the Indictment, my lords.

KENNEDY J: How do you mean . . .

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MR. KATHRADA: I asked Mr. Lollan whether
the South African Coloured Peoples Organisation adopted
the Freedom Charter, my lord?-- Whether they adopted
it -- the various organisations put the Freedom Charter
before their conferences, my lords, after the Congress
of the People, and they formally adopted it.

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When did it adopt the Freedom Charter, that is
your organisation?-- In 1957, my lords.

Were you present at the conference?-- No, my
lords. I was precluded from attending gatherings at
the time.

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Now, Mr. Lollan, coming to the National Con-
sultative Committee, was the South African Coloured
Peoples Organisation represented on the National Consul-
tative Committee?-- It was, my lords.

Who represented your Organisation?-- Myself and
Mr. Daniels.

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What was the purpose of the National Consul-
tative Committee?

KENNEDY J: I think we've had that explained,
have we not? I thought Mrs. Joseph explained the pur-
pose of the National Consultative Committee, the National
Action Committee, and drew the distinction between the
two. Unless you want to repeat it for any particular.....

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MR. KATHRADA: My lords, I did not want to
repeat it for any particular purpose; if your lord-
ship . . .

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KENNEDY J: I think it's on record.

MR. KATHRADA: Then I will not pursue the
matter, my lord.

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RUMPF J: You heard the evidence of Mrs. Joseph

?--I have, my lord.

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And do you agree with her as to the functions of this Committee?-- Yes, I agree.

MR. KATHRADA: Did the National Consultative Committee conduct a signature campaign?-- That is correct.

For the Freedom Charter?-- That is correct.

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What other campaigns did they conduct?-- I think the signature campaign and the anti-Pass campaign.

Did it actually conduct the campaign, or did it co-ordinate?-- It co-ordinated; the campaigns were conducted by the various organisations.

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Now, Mr. Lollan, Exhibit R.S.S.24 is a memorandum on the Anti-Pass Campaign. My lords, portions of this have been read in, I've not been able to find out where.

MR. HOEXTER: They were read in, my lords, at page 1333 of the record, as C.995.

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RUMPF J: Is it page 1333?

MR. HOEXTER: Yes, my lord.

RUMPF J: These are the P exhibits, there must be a mistake.

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MR. HOEXTER: Will your Lordship bear with me? I beg your Lordship's pardon, it appears to be read in under P.J.92, at page 1472, Vol. 8 - I don't know if this reference I have is the correct one, my lords.

RUMPF J: Page 1472, P.J. 92 . . maybe it was referred to at that stage . . .what is the document?

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Is it a memorandum on Anti-Pass Campaign?-- Yes, my lord, that is correct.

MR. HOEXTER: The National Consultative Committee's memorandum on the Anti-Pass Campaign, my lords.

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RUMPF J: Annexure B.4 is referred to at page 1481; that is a report of the National Consultative Committee.

MR. HOEXTER: It's apparently not that, my lord.

MR. KATHRADA: My lord, if it will help the Court I merely wanted him to refer to a little portion dealing with S.A.C.P.O.

MR. HOEXTER: My lords, I'll see that the reference is made available as soon as possible.

RUMPF J: Yes.

MR. KATHRADA: Do you recall, Mr. Lollan, whether this memorandum was discussed by the National Consultative Committee?— It was, my lords.

Do you recall where it emanated from?— This memorandum I think was drafted by the African National Congress as a basis for discussion by the National Consultative Committee.

Now, on page 5 of this document there is a heading "S.A.C.P.O": would you just read that please?— "The task of the South African Coloured Peoples Organisation should be to mobilise the Coloured people and arouse them against the Population Registration Act". In quotes 'Re-classification': "And the Group Areas Act. The South African Coloured Peoples Organisation, by education and agitation, on these issues will be able to bring home to the Coloured people the evils of the Pass Laws, and to show them how their own freedom is affected by these laws. The South African Coloured Peoples Organisation should endeavour to get more Coloured people to take part in mass demonstrations of the African people against Passes. Where no branches of the South African Coloured

Peoples Organisation exist the Anti-Pass Committees or branches of the other Congresses should make a special effort to get Coloured people to serve on the Anti-Pass Committees and to draw as many Coloured people as possible into the campaign on the lines suggested above." 1

Was that supposed to be the part played by the South African Coloured Peoples Organisation in this campaign?-- That is correct. 5

You have also referred to another task of the National Consultative Committee to propagate the Freedom Charter?-- That is correct, my lords. 10

By means of collecting signatures?-- That is so.

What was the purpose of collecting signatures?-- The purpose of collecting signatures was to gain support amongst the people for the ideas of the Freedom Charter - in fact, for the Freedom Charter itself. 15

Was it part of the purpose of this campaign to prepare and condition the population of the Union of South Africa, and more particularly the non-European sections thereof, for the overthrow of the State by violence?-- No, my lords, I don't see how that could possibly be. 20

Did every person who adopted the Freedom Charter thereby become a member of an army of National Liberation?-- No, my lords. 25

Mr. Lollan, did the South African Coloured Peoples Organisation have a policy that it would not compromise on the question of the universal franchise, as contained in the Freedom Charter?-- That is correct, my lords. 30

BEKKER J: What do you mean by that ?-- Well, we cannot compromise on the demands for universal franchise, my lord. The South African Coloured Peoples Organisation were very much aware of compromises being made on their demands. We demand the full franchise; whether we get it or not is a different matter; it's generally a question of asking for the Sky and settling for something less, my lord. One never makes a compromise on one's demands, my lords; it's like in a Trade Union. Employees would demand say £1 a day and they'd say "We won't compromise on that", but when it comes to the point where the employers negotiate the employees will not say "We'll strike until we receive that £1" - they'll go back and work if they're offered 15/-.

Then I'd like to know: you stated in reply to the question "Was the policy of the S.A.C.P.O not to compromise on the question of the general franchise" - - I understand by that that you mean no-negotiation; it's either full franchise or nothing?-- No, my lords, compromise not in that sense; there are very many people who -- for instance the Liberal Party when they started said the Congresses were wrong in asking for the full franchise. It was unreasonable, the Congresses should ask for a qualified franchise.

But what I want to know is: when you say the policy of the S.A.C.P.O on the question of general franchise was one of 'no compromise', what do you mean by that?-- Not compromising on the principle of full franchise, my lord.

RUMPF J: You are prepared to accept less, but

not to abandon?-- Not to abandon, my lord. . . not at all. 1

MR. KATHRADA: Was that the only reason why the S.A.C.P.O insisted on universal franchise?-- No, my lords; our history shows that you cannot have rights unless everybody else in the country has such rights; in order to protect your own rights and liberties you must see that other people have them, because it's easier to attack the rights, especially of the Coloured people, if other races in South Africa have not got the full franchise. 5

Did the South African Coloured Peoples Organisation adopt any attitude on the question of negotiation with the Government?-- My lords, the South African Coloured Peoples Organisation has been opposed, and is opposed to negotiation with the Government as they have been going on - as has been carried on by certain sections of the Coloured people - - which is negotiation on the terms of apartheid. The South African Coloured Peoples Organisation is fully prepared to negotiate on open terms - the Government should not come there and say "We will only negotiate on apartheid"; on that basis we are not prepared to negotiate. 10 15 20

RUMFEE J: As far as negotiation is concerned, can I take it your point of view was because we don't compromise on our demands for universal franchise, we are prepared to take, but not to give?-- No, my lord. 25

I'm only confining it to the universal franchise. I take it from that, from that point of view, your attitude was "We are giving nothing away"?-- But there is nothing to give away, my lord. 30

No, I know, but when it comes to negotiation
as a form of bargaining, then what you would give away
would be the insistence on some rights, the insistence
on some rights; you haven't got the rights, you can't
give them away; but the insistence on the rights you
could give away. I take it the effect of your policy
was this: "We are prepared to negotiate, we are prepared
to accept anything which is to our advantage, but on the
principle of universal franchise we are not prepared to
give away any bit of our insistence on that; we insist
on that, now or in the future"-- Quite so, my lord, and
it must be looked at from this point of view, that per-
haps even in the Congresses themselves - even in the
South African Coloured Peoples Organisation - once there
is a qualified franchise, some people will not belong to
the Congress because they'll be among the voters and they
will be quite satisfied with that, my lord. But there
would always be the people who haven't got the vote who
of necessity have to clamour for the vote.

Yes.

MR. KATHRADA: Mr. Lollan, had the South African
Coloured Peoples Organisation any view on the possibility
of the changes that it sought being made through Parlia-
ment?-- Well, I think that speaks for itself, my lords;
you cannot make the changes any way but through Parlia-
ment. What we are opposed to is that - - and what we
have seen is that unless there is sufficient pressure
Parliament on its own would not give us anything; they
would rather take away from us. These changes have to be
made through Parliament, otherwise how can they be law?

BEKKER J: It's the mechanics that I don't

follow on this part of the case. The Government, hardened, to put it that way, say to the South African Coloured Peoples Organisation "We are not going to negotiate with you on your own terms", so there is no room for negotiation, viewed from the point of view of your organisation; the Government is getting consistently harder, not softening. Now, what did you visualise, what did the organisation visualise - how were you going to effect these changes that you wanted through Parliament?-- My lord, pressure would be brought to bear on the European electorate and the Government surely cannot govern without their consent.

RUMPF J: But doesn't the passage say "govern by force of arms"?-- Well, I don't know what a Fascist State is like - I haven't been - - I haven't lived in a Fascist State.

You are living in a Fascist State to-day, according to the documents of your organisation, the Congress alliance, and I'm referring to that form of Fascism, that form of Fascist State which the documents reveal?-- Well, perhaps I should say fortunately for us it has not become a Fascist State for the Europeans, because with pressure being brought on them they are still in a position to change the government without a force of arms.

Well, you had in mind pressure on the electorate?-- That is correct.

The electorate of course is not parliament?-- No, my lord.

But you also had in mind, I think, judging from the speeches and documents, that the government

would not budge?-- Well, my lords, another point is this: 1
is the Government Parliament itself, because there is an
Opposition in Parliament who could become the Government
if there is sufficient pressure from the electorate.

I know, those are possibilities, but I'm on 5
your expectation for the moment; on your expectation.
You see, if one reads the documents put before the Court
one gets the impression that what the people were told
was this: "We have our aims and we are on the road to
achieve our ideals, irrespective of the sacrifices that 10
have to be paid. It's the only way, and the people are
warned that the type of government they are facing is
a government", and if I may now use the words of Mr.
Sejake - "with which you may have to clash; that's the
type of government. It is not a government that is going 15
to become soft, you must sacrifice; it is getting
harder...."?— My lords, looking at it from that point
of view I think . . .

As I summed up the evidence before us, is that 20
not correct?— No, my lord. I think the Coloured people
in this country show a clearer indication of what our
attitude is, because if we take it from 1910 when we
were agitating for the vote to be extended throughout
the country, it would have been quite fair to say that
we must struggle now for the franchise to be extended, 25
but before that time comes there are going to be more
difficult times to come, and as has been shewn by the
history of the various governments times have been
harder; more rights have been taken away, but we are
still hopeful, my lords, that it is going to change 30

and that there is going to come a time when everybody is going to be given the franchise, because it is a world trend, my lord; it cannot be argued against.

Now, assume you are applying pressure, first perhaps by a form of strikes in a limited way, perhaps later as I think was envisaged, the possibility of a National strike, what did your organisation think would happen? in the case of a National strike being called out, in order to achieve the universal franchise?-- Well, speaking for myself, my lord, I would visualise this position, that if a National strike were called and there was a complete stoppage of work, by the end of the first day the European electorate would clamour for the government to resign. I mean in practice the Opposition would be the first to clamour for the Government to resign. .

And itself to resign, the Opposition itself to resign - it would go?-- Not necessarily, my lords. The Opposition is not in government and they would clamour for the Government to resign so that they could take over and handle the situation in a way which they considered to be better than the way the Government who had brought about that situation had handled it.

Yes, but how would that be effected? The transfer of power. how would that be effected?-- To whom, my lords?

To the Congress alliance?-- The Opposition would then I visualise approach the leaders of Congress and say "We are ready to negotiate with you; how can we bring this to an end". I mean, my lords, I take it, before the War, when the then present government did not want to enter the war, they were immediately disposed and a

new Government put in. 1

I beg your pardon?-- When the government refused to enter the War, they were immediately replaced by a new government. The Governor-General called on the Leader of the Opposition to form a government, my lords.

You say you expected the possibility, in the case of a nationwide strike, for the Opposition to call upon the Government to resign?-- Quite so, my lord. 5

And the possibility of the Opposition in those circumstances obtaining a majority and establishing a new government?-- And the opposition themselves, fearful of what had happened to the present government, would negotiate, my lords; or perhaps somebody in the Opposition . . . 10

The assumption is that this strike is a nationwide strike to achieve the aims of the Congress alliance, namely the universal franchise?-- Quite so. 15

As you have put it, it is a possibility; what did Congress alliance think of the probability of that happening? The minority in Parliament getting the majority?-- Well, I think it's quite clear, my lord; if a nationwide strike could take place, you'd perhaps find that the Government itself would negotiate without -- I mean a few would resign, and they would tell the electorate that we are going to negotiate with the people. 20

That is a possibility; do you say that was in the mind of the Congress alliance?-- I think so, my lords. 25

I must put it on this basis. While you were listening to this evidence have you come across any document or any speech in which that possibility is 30

set out to the masses?-- My lords, when you speak to the masses you don't go to the stage where you negotiate; I mean we haven't even reached the stage where we can apply sufficient pressure on the electorate; that stage is still far off, my lord.

When you are dealing with an extra-parliamentary form of struggle do you not have to explain two things to your own members; the objects which you want to achieve and the method by which you hope to achieve them?-- That has been explained to them, my lord. The object we wish to achieve is universal franchise, and the method we used was non-violence.

Yes, well, that is just a phrase, a term; it may mean anything or it may mean nothing?-- No, my lords, non-violence is a method; it is just not a phrase.

But how are you going to acquire your aims - have you explained to the masses how they are going to acquire them?-- How they are going to acquire . . .

Their objects?-- By a non-violent method, like demonstrations . . .

How are they going to get it through non-violence?-- By strikes and demonstrations, my lord.

Very well. But have you explained to them what might happen then?-- No, my lords, I don't think....

Would it be unfair to say that what you did explain to them was that you expected violence on the part of the government?-- Well, because that was the immediate thing, my lord; because we have experienced that in the past, and that is a fact which is known among the people. That laws will become more oppressive - that

we are living with at the moment, my lord, and that is likely to increase -- pressure by the government is likely to be increased on the non-European organisations.

Was it the opinion that the more pressure that is applied by Congress alliance, the more force the Government would use?-- Yes, that was the opinion. And to judge the quality of the organisation, my lords, purely from speeches -- even if there are thousands of speeches before this Court -- is not strictly correct because the speeches that were taken down I would not be able to say that the people have not been told what would happen ; there may be speeches which we have not got in our possession at the moment. The police took down the speeches that they wanted to take down.

That may be. Yes?

BEKKER J: In embarking on industrial action on a nationwide scale, I don't know whether this was considered; you can tell me. Did Congress consider whether it would have to be a lawful act before they did it, or were they indifferent whether it was lawful or unlawful? This pressure you were going to apply, did it matter whether it was lawful in the sense that strikes were prohibited, or not prohibited -- or did it not matter at all?-- Well, my lords, during the Defiance Campaign it was unlawful to break the laws that were broken; that was a method that the people used, and it hasn't become unlawful to strike, and I don't think it would be easy to declare a strike unlawful -- I don't know, my lords.

RUMPF J: Well, in the case of a strike on

a smaller scale being declared unlawful by the Government, would it deter the Congress alliance from striking?-- I don't think we have considered that possibility, my lord, but if people are embarked on a non-violent struggle and they have the assurance that even committing an unlawful act would not result in violence, I don't know whether they would be deviating from their policy; but that possibility has not been discussed, my lords, because I don't think it has arisen, that strikes are unlawful.

Yes.

MR. KATHRADA: Mr. Lollan, did the South African Coloured Peoples Organisation expect that all the demands of the Freedom Charter would be achieved at the same time?-- No, my lords.

Did it consider that the franchise would be a pre-requisite?-- The franchise would be a pre-requisite; once the people had the franchise they may or may not accept the Freedom Charter.

What is your view on the achievement of these demands by gradual reforms?-- My lords, I think you cannot -- it has been shown in South African history that you cannot achieve the franchise by gradual reforms, but once the franchise has been achieved the other objects of the Freedom Charter will have to be by gradual reform.

BEKKER J: Well, then as far as getting the franchise is concerned, that was not a matter for gradual reform?-- That cannot be, my lord;

Not whether it can or cannot be; in the view of the Congress alliance, was it accepted that so far as the Franchise was concerned whatever else may be fit

for a process of gradual reform, the general franchise was not?-- Yes, my lord. 1

Well, then, what type of pressure did the Congress alliance have in mind would enable it to get the general franchise not by gradual reform?-- Well, my lords, to put pressure on the electorate or the Government to grant... 5

Strike again?-- Yes, my lord; in practice I don't think the Congresses were unaware of the fact that they probably would not get the full universal franchise, but to implement the Freedom Charter we were sure that that could only be got if there was universal franchise. 10

Did Congress ever consider as a Congress alliance - did it ever consider - apart from the general term 'industrial action' - what type of industrial action would enable it, if that industrial action was applied, to get the general franchise: was that discussed?-- No, my lords, I think one cannot say that you would not get the franchise until you have used the weapon of a general strike, because things may change before that time. 15

In the Western Areas campaign do you know what type of industrial action was contemplated?-- I don't really know, my lords, but I took it to mean that people would be asked to stay away from work; that is what I understand by industrial action. 20

Yes, to stay away from the mines, the banks, the hospitals, the railways -- or everything? If you don't know . . .?-- No, I have never really considered it, my lord. 25

As far as the Western Areas was concerned, industrial action on a mass scale was contemplated; 30

can you tell me what type of industrial action - in what section was this contemplated to be put into action?—No, I don't know, my lord. 1

MR. KATHRADA: Mr. Lollan, I want you to deal briefly with the Apartheid Committee. What committee was this?— The Apartheid Committee was a committee of the Joint Congresses, a Joint Committee of the Congresses, to co-ordinate activities then going on at the time. 5

Do you know who was on this committee?— No, my lords.

Do you know during what period it existed, or until when it existed?— I think it existed round about April, 1954, to about the end of that year - - no, no, no, some time in 1955, just before the Congress of the People. 10

Was this committee concerned with any particular campaign?— I think the Western Areas Removal campaign, my lords. Bantu Education - - I cannot really remember them, what other campaigns. 15

Was the campaign against Passes for Women and Group Areas among the campaigns?— Oh, yes, those were.. yes. 20

Now take the Western Areas Removal, was there any specific role that S.A.C.P.O had to play in this campaign? Bear in mind there were Coloured people affected by the removal of the Africans and the Resettlement Act?— No, my lords, they were not affected by the removal from the Western Areas. 25

Did S.A.C.P.O have any specific role to play in this campaign?— Well, the Coloured people were affected by the Group Areas, but they were not affected by the removal because that was under the Removal Act which only 30

affected the Africans.

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As far as you are aware, did the Resist Apartheid Committee, or the African National Congress, decide to resist the removal by force or violence?-- No, my lords.

Did you serve on any committee which was responsible for the Western Areas campaign?-- No, my lords.

5

As far as you are aware, who was directing this campaign?-- I think the African National Congress was chiefly directing the Western Areas Campaign, my lords.

Did you receive any report from the African National Congress on this campaign?-- The reports I received were that meetings were being organised in the Western Areas, and that is about all, my lords.

10

Take the campaign against Bantu Education; did the South African Coloured Peoples Organisation take any part in that campaign?-- The only part we took, my lords, was when the Cultural clubs were organised we had a representative on the Cultural Club Committee; but there was nothing really that the South African Coloured Peoples Organisation could do, as far as Bantu Education was concerned. We were extremely interested in the campaign, because we felt that the possibility was very real that the Coloured people may be subjected to the same type of education.

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Did S.A.C.P.O take any part in the boycotting of schools?-- No, my lords.

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Did you share the view that in the struggle for freedom the people should be prepared to make sacrifices including the supreme sacrifice?-- That is correct, my lords.

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BEKKER J: What do you mean by the supreme sacrifice. 1

MR. KATHRADA: That was the question I was about to ask, my lord.

BEKKER J: Yes.

MR. KATHRADA: What do you mean by supreme sacrifice, Mr. Lollan?-- Well, as it is generally understood, the supreme sacrifice is sacrifice of one's life. 5

Was this view based on any experience, any knowledge of the possibility of that as a result of violence?-- Well, my lords, the possibility is always there. After four years in this case I think I can say the possibility is very real. 10

Did you also have in mind that as a result of police action?-- That is correct, my lords. 15

Did you have any experience of police action at meetings?-- Well, my lords, the first incident I think I saw was in Johannesburg in 1952 when a meeting was being held on the City Hall steps in Johannesburg - where women were attacked by the police. Solly Sachs was speaking at this meeting and he was arrested at the meeting; in fact he was pulled away from in front of the microphone and the women there were attacked by the police in a most brutal manner - - it shocked me to see that even European women could be attacked in such a fashion. 20

Were you a member of any organisation at that time, any political organisation?-- No, my lords. 25

Did the South African Coloured Peoples Organisation regard it as important to work in alliance with the Trade Unions?-- My lords, the South African Coloured 30

Peoples Organisation did regard it as important; I think in a statement I made yesterday - that was made at the Convention where the South African Coloured Peoples Organisation was formed - - this view was expressed, because the majority of the Coloured people are workers, industrial workers, and many of the people who took a lead in the formation of the South African Coloured Peoples Organisation were Trade Unionists.

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Did the South African Coloured Peoples Organisation have a Youth section, a Youth movement?-- For a short time in 1956, in Cape Town, yes.

10

And a Womens section?-- No, my lords.

Were you a member of the Peace Council?-- No, my lords.

To your knowledge were there any members of the South African Coloured Peoples Organisation on the Peace Council?-- Not to my knowledge.

15

Was the South African Coloured Peoples Organisation approached to send representatives to the Peace Council?-- I can't remember; that may be so, my lords.

20

Did your organisation have an International policy?-- No, my lords; only insofar as we felt that no country should have colonies, that Colonialism should be abolished.

Did S.A.C.P.O have an attitude towards world peace?-- Yes, my lords, we feel there should be peace in full.

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Mr. Lollan, did you regard any country in the world as peace loving and any other as warmongering?-- Not particularly, my lords.

I think you said . . .

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BEKKER J: What do you mean by that?-- Well, we did not really have an attitude as to which countries were peace loving and which countries were warmongering. Except that I personally, my lords, consider America as a warmongering America, which has been said by people in Britain too, when they were fed up with America's external policy.

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KENNEDY J: Did your organisation have no defined policy about various countries?-- No, my lord.

MR. KATHRADA: I think you mentioned a few moments ago that you had an attitude on Colonies?--That is correct.

10

Do you regard the existence of Colonies as a threat to peace?-- We do.

Did the South African Coloured Peoples Organisation have any view on Kenya.?-- Yes, that is correct.

15

What view did you hold?-- We had the view that the people in Kenya should be left alone to decide their own future.

BEKKER J: Which people? European, non-European?-- All the people in Kenya, my lord.

20

They should work it out for themselves?-- They should work it out for themselves.

MR. KATHRADA: Did S.A.C.P.O ever discuss any of the struggles of the people in Veetman, Korea, Malaya Nigeria?-- Not as far as I can remember, my lords.

25

Did it adopt any view on the methods of struggle in these countries?-- The view that we had was that the methods adopted there were their methods, and that should be left to them to decide - what methods they used.

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Was the South African Coloured Peoples Organisation
in any way associated with the South African Society for
Peace and Friendship with the Soviet Union?-- Not that I
can remember, my lords.

1

Did you personally attend any of the meetings of
this organisation, this society?-- I attended one meeting,
my lords, when I was asked to speak at this meeting, in
November, 1954.

5

Have you ever spoken at meetings organised by other
societies to observe anniversaries of other countries?--
Not to observe anniversaries, my lords, but I have spoken
at meetings of other societies when I've been invited.

10

Were you ever invited to speak at meetings which
were held to observe anniversaries of other countries?--
Not anniversaries of other countries, no.

15

What would your attitude be if you were invited
to address any meeting to observe the anniversary of any
other country?-- Well, if I had the time I would go and
address the meeting.

Of India, for instance, or the United States of
America?-- I would go, my lords.

20

Did the South African Coloured Peoples Organisa-
tion discuss, or have any specific view on the Peoples
Democracies of Hungary, Czechoslovakia, Hungary and so
on?-- Did they have?

25

Any view on these countries, or did they have
discussions on these countries?-- No, my lords.

Did your organisation, Mr. Lollan, discuss the
use of words such as "Peoples Democracy", "Fascism",
"Imperialism", "Police State", "True Democracy" - words
such as those which have been mentioned frequently

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throughout this case?-- Well, they didn't discuss the use of these words, but there are people in the organisation who used these words. 1

Did it have any view as to which specific countries in the world could be stigmatised with one or other of these terms?-- No, my lords. 5

What do you understand by a Peoples Democracy?-- By Peoples Democracy I understand a democracy where all the people of the country are able to vote and they have a say in the government of the country. 10

Which countries in the world would you regard as Peoples Democracies?-- Great Britain - most of the European countries, Russia, China, India, 10

When Congress documents and speeches refer to a Peoples Democracy in South Africa do you of your own knowledge know if they refer specifically to the forms of government as found in Eastern Europe? 15

BEKKER J: Well, doesn't that depend on the document really. How can he remember all these documents?

MR. KATHRADA: My lord, the term "Peoples Democracy", "True Democracy", are in common usage; that's why I put it on a general basis. 20

BEKKER J: But doesn't it depend on the context of the document? I really don't think this witness is in a position, unless he has looked at any one document, to give you that reply on a general question. 25

MR. KATHRADA: My lords, I won't take it any further. Mr. Lollan, did the South African Coloured Peoples Organisation regard "Fighting Talk", "Liberation", "New Age" as the official organs of the Congress move- 30

ment?-- No, my lords. 1

(COURT ADJOURNED FOR 15 MINUTES).

ON THE COURT RESUMING:

MR. KATHRADA: Mr. Lollan, you said that "Fighting 5
Talk", "Liberation" and "New Age" were not your official
organs - they were not the official organs of the Congress
movement?-- That is correct, my lords.

Have you written any articles for these publica-
tions?-- No, my lords. 10

Would you write for them if requested to do so?--
I would, my lords.

Did your organisation support these publications?--
Yes, they did. 15

Did you sell any of these publications yourself?--
I sold "New Age" for a time.

Why did you support and sell these publications?--
Because these publications published news of our organi-
sation. 20

To your own knowledge are there any other pub-
lications in South Africa which unreservedly supported
the struggle of your people?-- Well, not consistently;
only when something big happened - then the other daily
papers would support our organisation; as during the
time of the Franchise, and we got a little support from
the daily newspapers, on the Reclassification for instance. 25
Otherwise we cannot get our statements published by the
other papers.

Insofar as "Fighting Talk" is concerned, did
the South African Coloured Peoples Organisation have a 30

representative on its Editorial Committee?-- No, my lords. 1

Did it have representatives on the Editorial Committees of any of the other publications?-- No, my lords.

Did these publications report their policy and business affairs to your organisation?-- No, my lords.

Now you have already informed the Court that to your own knowledge there was one former member of the Communist Party on the National Executive of S.A.C.P.O; is that correct?-- That is correct. 5

In the Transvaal Executive of the Coloured Peoples Organisation was there any former member of the Communist Party?-- No, my lords. 10

Have you ever worked with Communists in any other organisation?-- Yes, my lords.

Who for instance?-- Early in 1954 I worked in the Congress Alliance with the speaker; I have worked in the Trade Union Movement, and I have known . . . 15

BEKKER J: Who is the speaker? -- I meant the questioner, my lord, Mr. Kathrada, my lords.

MR. KATHRADA: Can you name some of these Communists?-- Mr. Kathrada, James Phillips, Mr. Laguma. . . 20

Do you regard Communists as white ants, and as a cancer in any organisation, as suggested by Mr. Tregrove?-- No, my lords, I don't credit them with more intelligence than other people. 25

I have no further questions for this witness, my lords.

RUMPF J: Accused No.1, do you wish to cross examine Mr. Lollan?

MR. ADAMS: Yes, my lords. 30

XXD. BYMR. ADAMS:

1

MR. ADAMS: Mr. Lollan, during the period of the Indictment where were the offices of the South African Coloured Peoples Organisation situated?-- At 37 West Street.

Were these offices in the same premises as the Transvaal Indian Congress and the African National Congress?-- That is correct, my lords.

5

Now, Mr. Lollan, would it be correct to say that besides Albertsville and Coronationville, which are suburbs in Johannesburg, set aside specially for the Coloured people, the Coloured people in all other areas live in mixed areas side by side with Africans, Indians and Europeans?-- That is correct, and there is also Noordgezicht which is a separate area.

10

Would you say that the deprivation of rights of the Coloured people would be a subject of discussion by the other races living in these areas?-- That is correct.

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KENNEDY J: Do you know that, or are you surmising?-- I know that, my lord.

MR. ADAMS: Mr. Lollan, in any particular area would it be correct to say that any Legislation adversely affecting one section of the residents would be of concern to other sections of the residents of that particular area?-- Generally it is so, my lords.

20

Now, in the areas where the Coloured people live, do these various races mix quite freely and amicably?-- That is correct.

25

Has there ever been any cause for tension in these areas between the Coloured people and the other races?-- No, my lords; I think tension is caused when

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people are separated; in the areas where people have lived together people live amicably

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In fact, are there many sporting, social and cultural clubs in these areas which are mixed and consist of all races?-- That is correct.

There are some schools which admit Coloured, Indian and African children together?-- No, my lords; I think I know of schools which admit Coloured and Indian children together..

5

Are many amenities in these areas shared by the non-white people in these areas?-- In the mixed areas?

10

In the mixed areas?-- What have you in mind with amenities?

Well, transport, sporting fields, things like that?-- That is correct.

And if representations are to be made by residents of any of these areas with regard to anything that affects the residents of any particular suburb, would you expect the various sections in this particular area to make separate representations or would you expect the residents to come together and make joint representations?-- My lords, in predominantly non-European areas they generally come together and make representation together.

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Mr. Lollan, would you say that a similar position as Johannesburg exists in other parts of the country?-- Generally speaking, yes, it would be so, I think.

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From what you have just told us, Mr. Lollan, would it be correct to say that any organisation aimed at improving the conditions of the Coloured people would naturally seek co-operation with organisations of other sections of the people with similar aims?-- That would

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be so if it expected any success, my lord. 1

Thank you, my lords, that is all.

RUMPF J: Accused No.2?

MRS. JOSEPH: Yes, my lords.

XXD. BY MRS. JOSEPH: Mr. Lollan, during 1953, did you attend any branch meetings of the South African Congress of Democrats?-- In the latter part of 1953 - I think after the formation of the South African Congress of Democrats - I attended some meetings of the Hillbrow Branch of this Organisation. 5

And, Mr. Lollan, was S.A.C.P.O formed at this time?-- Where. . 10

In the Transvaal?-- No.

In what capacity did you attend those Hillbrow branch meetings?-- I attended those Hillbrow branch meetings by invitation as a private individual. 15

Can you remember if you were the only guest who attended such meetings?-- No, my lords, there were other people there who were not members of the South African Congress of Democrats. 20

Did you attend these meetings frequently?-- I went to quite a number of these meetings, yes. 25

And do you remember for about how many months you were coming to these meetings?-- About four or five months. 30

Would it be correct to say that at most of these meetings there would be a discussion on some particular topic?-- That would be so.

Can you remember if these discussions were led by different members of the Hillbrow branch?-- That would be so, yes. 30

Were guest speakers sometimes invited?-- I
remember guest speakers addressing these meetings.

1

Where these discussions took place can you re-
member if they were based on prepared discussion notes?--
That would be so.

Was that always so, or were there some discus-
sions which were not based on notes?-- Some discussions
and especially discussions addressed by members of the
Hillbrow branch were not from prepared notes.

5

Can you recall any of the subjects of these
discussions?-- My lords, I can't recall now, but there
were various subjects discussed. There was a variety
of subjects discussed.

10

Would you agree that the subjects for discus-
sion covered mainly current political issues, such as
the Bantu Education Act or the Western Areas Removal?--
That would be so.

15

Did you gain any impression that these discus-
sions stressed the class struggle?-- No, my lords.

And did the persons there, that is the members
and the guests, engage freely in the discussions?-- To
the best of my recollection that was so.

20

Would you say that through these discussions
there was any attempt to propagate any ideology?-- No,
my lords.

Do you ever remember there being any discus-
sion on actual articles taken from "Fighting Talk" or
"Liberation" or "New Age"?-- Yes, I remember that.

25

Do you remember some such discussions?--Yes,
I do remember.

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Can you recall what they were?-- No, my lords,
I cannot. 1

You can't recall?-- No.

That concludes my questions, my lords.

RUMPF J: Accused No.4?

XXD. BY MR. LEVY: Mr. Lollan, I want to ask you a few
questions, firstly as a member of S.A.C.P.O did you
attend joint executive committee meetings, public meet-
ings, national consultative committee meetings, at which
S.A.C.T.U representatives were present?-- That is correct.
That is correct, my lords. 5
10

And did these S.A.C.T.U representatives at these
meetings ever put forward a policy of violence, as opposed
to non-violence?-- No, my lords.

Did the South African Congress of Trade Unions
ever advocate at these meetings a change in the form of
State as we know it to-day, save for the demand for
multi-racial equality in all State Institutions?-- That is
correct, my lords; they never advocated a change in
the present form of State, save for those demands. 15
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Mr. Lollan, you will agree that S.A.C.T.U never
put forward the view that the working class should lead
the liberation movement in South Africa?-- They never put
forward that view, my lords. 20

And you will also agree that S.A.C.T.U represen-
tatives at these meetings did not advocate the idea that
the ideology of the class struggle should be propagated
among members of the Congress Movement?-- No, my lords. 25

Now, did the representatives of S.A.C.T.U at
these meetings, and particularly the National Consulta-
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