

THE STATE vs. ABRAM FISCHER.

- ON MONDAY 28th MARCH 1966 -

ON RESUMING AT 10 a.m.

MR. LIEBENBERG: My lord, I formally close the case for the State.

S T A T E C A S E .

MR. KENTRIDGE: My lord, I have no witnesses for the defence. The accused, who is, of course, well aware of his legal rights, wishes to make a statement from the dock.

THE ACCUSED:

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I am on trial, my lord, for my political beliefs and for the conduct which those beliefs drove me to. My lord, whatever labels may have been attached to the fifteen charges brought against me, they all arise from my having been a member of the Communist Party and from my activities as a member. I engaged upon those activities because I believed that, in the dangerous circumstances which have been created in South Africa, it was my duty to do so.

My lord, when a man is on trial for his political beliefs and actions, two courses are open to him. He can either confess to his transgressions and plead for mercy, or he can justify his beliefs and explain why he has acted as he did. Were I to ask for forgiveness today, I would betray my cause. That course, my lord, is not open to me. I believe that what I did was right, and I must therefore explain to your lordship what my motives were; why I hold the beliefs that I do, and why I was compelled to act in accordance with them.

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My belief, moreover, my lord, is one reason why I have pleaded not guilty to all the charges brought against me. Though I shall deny a number of important allegations, this Court is aware of the fact that there is much in the State case which has not been contested. Yet, if I am to explain my motives and my actions as clearly as I am able, then this Court was entitled to have had before it the witnesses who testified in chief and in cross-examination against me. Some of these, my lord, I believe were find and loyal persons who have now turned traitors to their /1 cause, and to their country, because of the methods used against them by the State. Their evidence, my lord, therefore may in important respects be very unreliable.

My lord, there is another reason, and a more compelling reason for my plea and why even now I persist in it. I accept, my lord, the general rule that for the protection of a society laws should be obeyed. But when the laws themselves become immoral, and require the citizen to take part in an organised system of oppression - if only by his silence and apathy - then I believe that a higher /20 duty arises. This compels one to refuse to recognise such laws.

The law, my lord, under which I have been prosecuted was enacted by a wholly unrepresentative body, a body in which three-quarters of the people of this country have no voice whatever. This and other^{laws}/were enacted not to prevent the spread of Communism, but my lord for the purpose of silencing the opposition of the large majority of our citizens to a Government intent upon depriving them, solely on account of their colour, of the most cle- /30

mentary human rights; of the right to freedom and happiness, the right to live together with their families wherever they might choose, to earn their livelihoods to the best of their abilities, and to rear and educate their children in a civilized fashion; to take part in the administration of their country and to obtain a fair share in the wealth they produce; in short, my lord, to live as human beings.

My conscience, my lord, does not permit me to afford these laws such recognition as even a plea of guilty would involve. Hence, though I shall be convicted by this /10 Court, I cannot plead guilty. I believe that the future may well say that I acted correctly.

My lord, my first duty then is to explain to the Court that I hold and have for many years held the view that politics can only be properly understood and that our immediate political problems can only be satisfactorily solved, without violence and civil war by the application of that scientific system of political knowledge known as Marxism. I shall also have to explain, my lord, why this view compelled me to act as I have. /20

And I wish to emphasize, my lord, that I do this from the dock and not from the witness-box, not because I fear cross-examination on these matters, - in fact my lord I would welcome nothing more than to discuss the subject - but I know, my lord, that cross-examination must go further, and must involve others who may or may not have been associated with me in my work. In the long series of political trials which this country has experienced in recent years, brave men and women have refused to testify against their friends, and have accepted long prison sentences rather than do so. In this very case Mrs. Lesley /31

Schernbrucker, whose husband is already serving a five-year sentence for his political beliefs, provided an outstanding example of that courage. She was prepared to sacrifice herself and the happiness of two young children rather than give evidence.

I ask the Court to consider my position in the light of such conduct. I will not go into the witnessbox and prevaricate or lie. I cannot go into the witnessbox and answer questions that might implicate others. There is only one alternative, therefore, which is open to me, and that is to make my statement from the dock. I know, my lord, that it is possible for this Court to draw adverse inferences from my failure to go into the witnessbox. In the circumstances I cannot avoid that possible consequence. In no circumstances, whatever the consequences to me personally might be, would I myself be a State witness. And I cannot even allow myself to be put in the position of informing on others, whether directly or indirectly, whether by answering or refusing to answer questions. /10

My lord, when I consider what it was that moved me to join the Communist Party, I have to cast my mind back for more than a quarter of a century to try and ascertain what precisely my motives were at that time. /20

My lord, Marxism is a system of philosophy which covers and seeks to explain the whole range of human activity, but looking back I cannot say that it was Marxism as a social science that drew me originally to the Communist Party, just as little, presumably, as a doctor would say he was originally drawn to his field of science by its demonstrable truths. These truths only become apparent later. /30

But in my mind, my lord, there remain two clear reasons for my approach to the Communist Party. One was the glaring injustice which exists and has existed for a long time in South African society; the other, a gradual realization as I became more and more deeply involved with the Congress Movement of those years. That is, my lord, the movement for freedom and equal human rights for all. It was always the members of the Communist Party who seemed prepared, regardless of cost, to sacrifice most; to give of their best, to face the greatest dangers, in the struggle against poverty and discrimination.

The glaring injustice, my lord, is there for all who are not blinded by prejudice to see. This is not even a question of the degree of humiliation or poverty or misery imposed by discrimination, imposed on one section of the community. And for that very reason, my lord, it cannot be justified by comparing non-white standards of living or education in South Africa with those in other parts of the continent. It is simply and plainly that discrimination should be imposed as a matter of deliberate policy/20 solely because of the colour which a man's skin happens to be, quite irrespective, my lord, of his merits as a man, as worker, a thinker, father or a friend.

Yet my lord the injustice of the system does not in itself appear to explain my conduct. All White South Africans can see it. The vast majority of them remain unmoved and unaffected. They are either oblivious to it, or despite all its cruelty, condone it on the assumption, whether admitted or not, that the non-White in this country is an inferior being with deals, hopes, /30 loves and passions which are different from ours. Hence

the further tacit or open assumption that he need not be treated as a complete human being, that it is not 'unfair' to make him carry a pass, to prevent him from owning land; deprivations which, if applied to whites, would horrify all and cause a revolution overnight.

My lord, though nearly forty years have passed, I can remember vividly the experience which brought home to me exactly what this White attitude is, and just how artificial and unreal it is. Like many young Afrikaners, I grew up on a farm. Between the ages of eight and twelve my daily companions were two young Africans of my own age. I can still remember their names. For four years we were, when I was not at school, always in each other's company. We roamed the farm together, we hunted and played together, swam together and made clay oxen together. And never can I remember a single occasion that the colour of our skins affected our fun or our quarrels, or our close friendship in any way.

And then, my lord, my family moved back to town and I moved back to the ordinary normal white method of life, where the only relationship with Africans was that of master to servant. I finished my schooling and I went to university. And there one of my first interests became a study of the theory of segregation which was then about to blossom. This theory, my lord, seemed to me to provide the solution to South Africa's problems, and I became an earnest believer in it.

A year later, to help in some small way to put the theory into practice, because my lord I have always held the view that theory and practice cannot be separated, /30

I joined the Bloemfontein Joint Council of Europeans and Africans, which was a body devoted very largely to trying to induce various authorities to provide proper (and separate) amenities for Africans. I remember arriving for my first meeting with other newcomers. I remember, my lord, myself being introduced to leading members of the African community. I found I had to shake hands with them. This, I found, required an enormous effort of will. Could I really, I felt, my lord, as a White adult, touch the hand of a black man in friendship? /10

That night, my lord, I spent many hours in thought, trying to account for my strange revulsion when I remembered I had never had any such feelings towards my boyhood friends. What became abundantly clear, my lord, was that it was I who had changed, and not the Black man, and that despite my growing interest in him and his problems. I had developed in fact an antagonism for which I could find no rational basis whatsoever.

My lord, I cannot burden this court with personal reminiscences. The result of all this was that /20 in the succeeding years when some of us tried to run literacy classes in the old Waaihoek location in Bloemfontein I came to understand that colour prejudice was a wholly irrational phenomenon, and that true human friendship could extend across the colour bar once the initial prejudice was overcome. And that I think, my lord, was lesson No. 1 on my way to the Communist Party, a Party which has always refused to accept any colour bar, which has always stood firm on the belief - a belief itself two thousand years old, of the eventual brotherhood of all men. /30

The second reason, my lord, for my attraction to the Communist Party, was the willingness to sacrifice - that was a matter of personal observation. There could be no doubt of its existence. By that time the Communist Party had already for two decades stood avowedly and unconditionally for political rights for non-Whites and its White members were, save for a handful of other courageous individuals, the only Whites who showed complete disregard for the hatred which this attitude attracted from their fellow White South Africans. /10

These members I found were Whites who could have taken full advantage of all the privileges open to them and their families because of their colour, who could have obtained lucrative employment and social position, but who, instead, were prepared for the sake of their consciences to perform the most menial and unpopular work at little, or sometimes no, remuneration. These were a body of Whites, my lord, who were not prepared to flourish on the deprivations suffered by others.

But my lord, apart from the example of the White/20 members, it was always the Communists of all races who were at all times prepared to give of their time and their energy and such means as they had, to help those in need, and those most deeply affected by discrimination. It was members of the Communist Party who helped with night schools and feeding schemes, who assisted trade unions fighting desperately to preserve standards of living and who threw themselves into the work of the national movements. It was African Communists who constantly risked arrest or the loss of their jobs or even their homes in locations, my lord, in order to gain /30 or retain some rights. And all this was carried on regardless

of whether it would be popular with the authorities or not.

Without any question, my lord, this fearless adherence to principle must always exercise a strong appeal to those who wish to take part in politics, not for personal gain, but in order to make some positive contribution.

My lord, the Court will bear in mind that at that stage, and for many years afterwards, the Communist Party was the only political party which stood for an extension of the franchise. And this is what I would wish to emphasise my lord: to this day, the elimination of discrimination and the granting to all of normal, human rights remains its chief objective as a number of the exhibits will show. In particular, as far as I am concerned, my lord, this appears from my own draft, a very rough draft, of an introduction to the Programme, which has been admitted to be in my handwriting - I think that is Exhibit 182 - and indeed from the Programme itself (whose exhibit number I don't have) it is a booklet, my lord, and also from Exhibits 5 and 189. My lord, this is the objective for which the Communist Party has stood, and it is the objective for which I have lived and worked for nearly thirty years. /10 /20

But my lord, I have to tell your lordship not only why I joined the Communist Party when it was a legal party, and when at times it had representatives in Parliament, in the Cape Provincial Council, even in the City Council of Johannesburg; I must also explain why I continued to be a member after it was declared illegal. This involves what I believe on the one hand to be the gravely dangerous situation which has been created in South /30

Africa from about 1950 onwards, and, on the other, the vital contribution which Socialist thought can make towards its solution. I wish, my lord, to start with the latter.

But this is neither the time nor the place, my lord, in which to embark upon an exposition of a system of philosophy. I want to refer, however, to a few well-recognised principles which demonstrate the nature of the extremely dangerous situation into which South Africa is being led, by those who choose to ignore these principles, and which demonstrate, too, the desperate urgency for reversing this /10 direction. I should add that most of the Marxist principles to which I shall refer are today accepted by many historians and economists, who are by no means themselves Marxists.

My lord, it is clear, for instance, that during the course of its development, human society assumes various forms, and that one form succeeds another. I shall try to show that it succeeds another inevitably, and irresistably. There is, for instance, a primitive kind of communism found in early stages, which is as well illustrated in the Bushman/20 Society which still exists in this country as anywhere in history. There have been slave-owning societies, there have been feudal societies. We know the systems of capitalism and socialism, and each of these types of society develops its own characteristic forms of government and of political control.

Now my lord, a number of factors may contribute towards the shaping of the precise form of political control which each form of society develops, and historians may differ as to the weight to be given to each factor. But there can /30

be no doubt that the economic form which a society assumes is basically determined by the manner in which it produces the goods upon which it lives, that is to say, my lord, the manner in which it satisfies its material wants. There can be equally no doubt, my lord, that it is this economic form which basically determines the form of political control which each system ultimately evolves for itself.

I take just one or two illustrations: it is clear that in a primitive clan or tribal system such as exists among Bushmen, the whole community is occupied with /10 the task of scraping a bare subsistence from nature itself, assisted only by the most primitive tools and weapons, such as crude instruments and the bow and arrow which we know of. Here, my lord, there can obviously be no room for slavery, because the slave would produce no more in general than he himself consumes. And hence, my lord, to underline my point, slavery is not to be found amongst these people. Here, too, the society has its own particular method of political control through the clan itself.

My lord, as more elaborate tools and methods /20 come to be developed, for instance in a settled agricultural community, man gradually evolves methods and ways of producing more than he can himself consume, and hence he provides the basis for a slave-owning society, the typical form in classical times. And then, for the first time, do we find a division in society itself between those who own the means of production and those who do not, and who have therefore to work in order to remain alive. And then too, my lord, new political forms are developed.

My lord, I don't propose to go through this /30

whole process. I would like to say to your lordship that two things are abundantly clear. The one is that the economic form which one society assumes is incompatible with that of the society which preceded it, or with that of the society ^{which} will succeed it. The second is that a new form of economic society cannot finally establish itself unless it develops the new political forms which can allow it to develop to its full extent.

My lord, most of these propositions are self-evident. May I give your lordship two illustrations. The idea of universal adult franchise can simply not exist in a slave-owning society, for if it were put into operation, it would be destructive of that society itself. The majority of people being slaves would simply vote themselves free men, bringing that particular economic form to an end. Similarly, my lord, if we turn to somewhere near the end of this scale of development, feudal economic and political forms are wholly incompatible with the system of capitalist production. Capitalist production requires certain essential conditions. Land must be alienable, and serfs must be freed from their feudal obligations in order that they can move to cities which then spring up and in order that they can take part as 'free' workers in the new system of society. Thus, once man has invented machinery, and has learnt how to drive it by mechanical power, new economic forms must of necessity come into existence and, in their train, inevitable political changes must take place. Surely, my lord, it is inconceivable that modern Britain, or modern France, could be ruled by the feudal aristocracy of the Middle Ages, just as it is inconceivable that a modern/

capitalist system could run with slave labour.

And so, my lord, what I am saying to the Court is that political changes are as inevitable as the economic changes and ultimately both depend upon that slow but ever accelerating process of the change in the methods of production. It is these political changes, and this I wish to emphasise, it is these political changes which in Marxist language are known as "revolutions" whether they take place by violence or by peaceful means, and this again, in its turn, depends upon the circumstances at any given stage of /10 history. It is not difficult to illustrate this, my lord, if one thinks for one moment of a comparison between the French Revolution and the gradual extension of capitalist democracy in England during the 19th century. That, my lord, is a clear illustration of a revolution which took place peacefully, but which nevertheless, in Marxist terms, was a revolution - a revolution in political forms.

And so my lord what I am saying, and this is relevant to my motives, is that this whole approach explains in rational terms why at different times in man's /20 history, different economic and political forms of society have existed. It also explains why one type of society must of necessity give way to a new and higher form. And so history becomes something which can be rationally understood and which can be rationally explained. It ceases, my lord, to be a meaningless agglomeration of events or a mere account of great men walking across its stage in some haphazard fashion. And modern society itself assumes a meaning. It has not appeared on the stage by chance, nor, my lord, is it final or immutable, and in its South /30

African form it contains its own contradictions which must irresistably lead to its change.

My lord, this is a part of Marxist theory and the first point therefore which I wish to emphasise is that Marxism is not something evil or violent or subversive. It is true that propaganda against it in recent times has been unbridled and unscrupulous. It is also true that for sixteen years now its principles have been outlawed and that prejudiced propaganda has made it almost impossible for our people to understand, or to give any unbiased thought to /10 the principles which most closely affect their future. They do not even study what the people they call their enemies, are thinking. In fact, they have no idea what Socialism means and the tragic stage has been reached where the word "Communism" evokes nothing but unthinking and irrational hatred.

But my lord, this cannot alter the character nor the accuracy of the Marxist view of South African society, nor does it alter the fact that Socialism has already been established by fourteen states with over 1000 /20 million people and is accepted as the future form of society by many other millions. What this does do, my lord, is to highlight the absurdity of legislation which seeks to abolish a scientific approach to history, which as I shall show, has so much to contribute to our own solutions.

One should not forget either, my lord, that this legislation cannot abolish those four years when the Soviet Union, then the only socialist State, stood as one of the main bastions between civilisation and the Nazi/army, /30 and my lord, more to the point, nor can it finally prevent

us from returning to the more rational attitude we have previously displayed, when, for instance, in 1919 even the late Dr.. D.F. Malan was able to study and praise the virtues of socialism.

My lord, I have not said anything about capitalism as yet. Its characteristics are displayed in South Africa, and hence I ask the Court to look at it in its South African context. Before I do so, my lord, I just wish to emphasise two matters:

I have already said the political changes I have referred to occur when the outmoded political form ceases to serve the needs of the people who live under the new circumstances which have been brought about by economic changes. Where the old forms are at their weakest, and this is the point I wish to emphasise, there precisely it is that the change is most likely to occur first, and where it becomes irresistible. The clock of history, my lord, can never be set back. Once the economic changes have taken place, the political changes are bound to follow.

The second matter for emphasis, my lord, is therefore this, that the sole question is whether, when these changes do occur, they can be effected peacefully or by violence, and this, in its turn, my lord, depends in essence upon the balance of forces at the time when the changes occur and on the degree to which people understand the necessity for those changes.

In South Africa today we have, my lord, a clear example of a society in which the political forms do not serve the needs of most of the people. Its chief features can be mentioned briefly: We have here, my lord,

a country in which the means of production are owned by a relatively small handful of people. It is an ownership which is becoming ever more concentrated. I am referring, of course, my lord, to the ownership of factories, mines and land used for productive purposes, etc.

We have here the overwhelming majority of men and women who own no means of production at all, and can exist only by selling their labour.

Production of commodities in South Africa as in other countries living under capitalism can be undertaken only for the purposes of making a profit and for no other purpose. My lord, this is not due to any particular trait of avarice on the part of man. It is inherent in the system. Profit, after all, is the lifeblood of the system. If profit disappears, as it does periodically, then the system falters, or even comes to a stop altogether as it did in the 1930's.

Moreover, my lord, and this is the last point which I wish to emphasise, the existence of this system depends on competition for markets and raw materials and for cheap labour. Since large production, and up to date methods of production which are constantly being improved, reduce costs, so the inner force of the system is constantly driving it to form larger and larger production units and to an ever more intense search for markets. /20

Now my lord, I have gone into this in some detail because it is precisely these characteristics of capitalism which lead to Imperialism and which led in the last century to the scramble for Africa, and to the division of the world into the colonies of the Imperial States. /30

These facts are recognised by all. What everyone tries to forget or simply overlooks is that for the vast majority of men the system here is based upon fear, fear of unemployment and poverty. This is so, my lord, in the older industrial countries. It is more particularly so in the colonies, and in the ex-colonies and in South Africa, my lord, it is a fear which is constantly accentuated by the colour bar.

At heart, my lord, the problem is an economic one, which becomes only too apparent in South Africa when one takes note of the reactions which, even in a period of apparent prosperity, follow any attempt to permit non-Whites to perform skilled labour. In the back of every White man's mind lurks the fear of losing his job. This fear is always with him, whether he be miner or bricklayer, steelworker or busdriver.

For the non-white population, the position is intolerable. The non-white knows he will always be the first to suffer loss of employment. He realises that so little concern is shown for him that in South Africa the number of unemployed Africans is never even counted, or known.

Now my lord, it is this fear, bred by this system, which is the fertile soil for producing racialism and intolerance. It was a similar fear which in Europe enabled Hitler to propagate his monstrous theory of race superiority, a theory which led to the extermination of five million Jews in Germany. It is this fear, my lord, which provides scope for the ready acceptance by whites in South Africa of many distorted ideas: that Africans are not civilized; they cannot become so for many generations;

that they are not our fellow citizens, but really our enemies and hence must be ruled by extreme police state methods and must be prevented from having any organizations of their own; that their voice should be heard only through mouthpieces selected by an all-White Government; that their leaders should be kept permanently on Robben Island.

My lord, as far as South Africa is concerned, it is the economic fear which is the greatest evil which our system has produced, for it has had one consequence of/10 vast importance. It has severed all contact between the two main races of this country, and it is daily making it more and more difficult for those two races to get together to work out by discussion and not by violence, a method whereby they can live together in peace and prosperity.

My lord, what I have said about Marxism is directly relevant to Counts 5, 6 and 7. In those counts I am charged with performing acts calculated to further the objects of Communism, and one object is defined as "The establishment in South Africa of a despotic system of /20 Government based on the dictatorship of the proletariat." This, my lord, is a gross mis-statement of my aims, and those of my party. We have never aimed at a despotic system of Government, nor were any efforts ever directed towards establishing a dictatorship of the proletariat. It is necessary, therefore, my lord, for me to explain what we have worked for.

It is true, my lord, that we say that the ultimate remedy for the evils I have described and many other evils which also exist in this society today, that the /30

ultimate remedy lies in a change to a Socialist system. Socialism, after all, is a system under which the means of production are owned by all the people; a system where production takes place not for profit, but for the benefit of the people as a whole in accordance with a planned economy. It is therefore a system my lord, and I am saying this to confine it to the South African aspect, it is therefore a system which is not subject to the fluctuations of a capitalist economy, and can ensure full employment at all times, thus abolishing the fear which is the characteristic/10 of South African society.

The distribution of goods can take place according to the contributions of those who produce and to the needs of those who do not produce, the aged and the children. What is more, in our view, my lord, this can lead to rapidly increased production until eventually the system of socialism itself changes to full Communism, where a superabundance of wealth entitles all people to receive according to their needs. But that, my lord, is a question /20 for the future.

What we do maintain is that all this development goes hand in hand, can go hand in hand, if mistakes are not made, with an ever-widening democracy, and an ever increasing degree of individual freedom and participation in the control of the country. These, however, are matters which the future will settle for South Africa.

We, as the Communist Party, my lord, have never put forward Socialism as our immediate solution. We have said that immediate dangers can be avoided by what we always have referred to as a national democratic revolution/30

and that, my lord, means bringing our State at this stage into line with the needs of today, by abolishing discrimination, extending political rights and then allowing our people as a whole to settle their own future.

My lord, may I direct your lordship's attention to one of the Exhibits. What I am saying is fully demonstrated by the Programme of the Communist Party which right at the outset, at page 4, says this:

"As its immediate and foremost task, the South African Communist Party works for a united front of national liberation. It strives to unite all sections and all classes of oppressed and democratic people for a national democratic revolution to destroy white domination. The main content of this revolution will be the national liberation of the African people; carried to its fulfilment, this revolution will at the same time put an end to every sort of race discrimination and privilege (the emphasis, my lord, is on EVERY sort). The revolution will restore the land and wealth of the country to the people and guarantee democracy, freedom and equality of rights and opportunities to all."

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I shall return to this in dealing with the merits, my lord.

Again, at page 53 the Programme puts forward its "immediate proposals" and it makes quite clear that they are put forward within the framework of the Freedom Charter which is not a Socialist document, my lord, and are put forward for urgent discussion by a National Convention, not to establish a socialist State, but for the

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building of a democratic State.

My lord, there are sound reasons for doing this. South Africa has already advanced too far along the path which will lead us directly to war to wait for the advent of socialism in order to save it from that horror. One has only to look at this country's military budget to realise that. Few people realise, my lord, that from a military expenditure in 1946 of R18.3 million, our military expenditure has risen to R229 million by 1965, an increase of more than twelve-fold. This amount exceeds /10 the highest amount spent when the country was actually at war, the sum of R204 million.

But even more important, my lord is the proposition which I have put forward, and that is that history shows that a system must break down just at that point at which it displays its greatest weakness, and there can be no doubt that in the past few decades the greatest weakness in the present system has been displayed in the Imperialist sector. I am talking of that, in general terms, as the sector in which one people tries to dominate and rule /20 another. It is at this point, in fact, that the system has broken down.

Over the past 20 or 30 years, the weakest link in the Imperialist system has been its inability to deal with the wants of the colonial peoples. And it is there that it has bred its own downfall, because it has on the one hand created poverty and economic instability, and on the other, developed intense feelings of nationalism. My lord, what Imperialism succeeded in doing in the colonies in the 20th Century, the 19th and 20th century, /30

was to reproduce the worst evils which the Industrial Revolution produced in England, plus something, my lord, and that is a sense of deep national consciousness. Hence, in those parts of the world - India, Africa and Asia, the East - this so-called revolution has taken place, the democratic revolution. It takes place in different forms. In truth, my lord, four empires have had to dissolve themselves and have been compelled to grant political independence to some thirty or forty states, just as Britain was compelled to grant the vote to the /10 so-called "lower classes" in the nineteenth century. But with three or four notable exceptions, these new states have achieved their independence peacefully, and without having to resort to any form of violence.

South African State propaganda suggests that this was due to some mystical decadence in the West. Surely, my lord, nothing could be further from the truth. Britain, France, Holland have not in a couple of decades gone soft and decadent. Far deeper forces have come into play which left them with no alternative but to do /20 what they have done. The combination of the new nationalism, and the urge to take control of their own economic future proved in the new States to be irresistible.

My lord, the curious feature is that it should not indeed be difficult for South Africans to understand this process. In one sense we Afrikaners were the vanguard of this liberation movement in Africa. Of all former colonies, we displayed the greatest resistance to Imperial conquest, a resistance which, to turn it into modern terms, a handful of freedom fighters /30

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carried on for three years against the greatest Empire of all time. We failed then. A few decades later, without having once more to resort to arms we succeeded in gaining our independence because, my lord, it was impossible to stop us. And then, my lord, whichever date one chooses as the date for Afrikaner liberation, whether it is 1907, 1910, 1931 or 1961, then, my lord, we did not say we had acquired it because the West was decadent. We knew that we could not be resisted.

Now, as we Communists see it, those who rule /10 South Africa are trying to do just those things which Imperialism could achieve in the 19th Century, but which are impossible in the second half of the 20th Century. That attempt must inevitably lead to disaster.

My lord, so much for the considerations of theory which led me to contravene the law. Let me turn to what I regard as the present dangers in South Africa, which should impel people to act. I suppose, my lord, it can never be easy for a normal citizen to break the law. It is usually only amongst those who are mentally sick or /20 warped that law-breakers are found. The normal citizen is a social creature, bred to respect the rules of his society. If in addition he has been trained as a lawyer, as I have, his instincts are reinforced by his training. For him to make the departure is doubly difficult. Only profound and compelling reasons can lead him to choose such a course.

In my view, my lord, such powerful and compelling reasons have been brought into existence in South Africa during the past fifteen years, and they have, as I /30

shall show, when I deal with the indictment, led many thousands of South African citizens, including many of the country's kinliest and wisest and in normal circumstances, most law-abiding citizens, to transgress against unjust laws. My own case is but a single illustration of what our laws have driven such widely different men, such people as Chief Luthuli, Nelson Mandela, Robert Sobukwe, Dr. Naicker, Nana Sita, Hugh Lewin, Joan Middleton, Alan Brooks and thousands of others, young and old, men and women. It is a feature to which white South Africa never gives proper attention. It is not something that happens by chance, my lord. /10

I suppose there has always, since the days of slavery, been racial discrimination in South Africa. I suppose, too, at the beginning, when people enjoying a more advanced civilization come into contact and intermingle with those who are not so fortunate, this is inevitable, though according to the tenets of true Christianity it should not be so. Today we know, from experience in other parts of the world, that it is possible to make an illiterate people literate and, if I may use the word without any reflection to "civilize" people in one, or at most two, generations. That can be done, my lord, provided those who hold the State power are prepared to devote sufficient resources to that object, even if it entails sacrifices in other directions. /20

Now my lord, that course South Africa never took. For 150 years it hesitated. Then the white rulers chose a road which led in an entirely opposite direction. To preserve civilization, one would think it prudent to /30

spread it as rapidly as possible. Instead our rulers elected, as far as possible, to retain it as a monopoly. Deliberately, my lord, we chose the path of "segregation" which, whatever changing appellations we may give it, was and is a policy intended to keep the non-whites in a state of permanent inferiority and subjection - an inferiority which is political, social and economic. And this, this stark fact by itself, constitutes a grave menace. ✓

My lord, I don't propose to deal with the policy of segregation. I don't propose to give the facts /10 and figures and events which show that it is crumbling. Some of its laws and enactments I shall have to refer to in relation to the charges against me. What I do want to say in regard to it in relation to my motives can be said very briefly.

I say first my lord that "apartheid", or "parallelle ontwikelling" is something which can never succeed. In terms of what I have already said, it is in fact a form of "Imperialism" which is a complete anachronism. For my purposes, my lord, it is sufficient to ask /20 whether my Afrikaner people would after a century long struggle for freedom and equal rights, have been satisfied with the following, and I put before your lordship briefly what the Afrikaner would experience, if Bantustan were applied to him:

Firstly, that they should be given, say, the Orange Free State without its gold or coal mines, as the one and only part of the country in which they could live as of right, and in which they could ownland.

That they should enjoy political rights in /30

the Orange Free State only and those in the form of an emasculated Provincial Council which would always be subject to the control of a legislature comprised entirely of members of a different race - with only a promise of some vague form of 'independence' at some unspecified, dim and future time.

That my lord elsewhere in South Africa, where the majority of our people and would, of necessity, for ever have to live, they should be allowed to live on sufferance of another race only - subject to their having employment, the necessary documents and having a political record of not being openly opposed to the government. /10

That in all parts of the country, the Transvaal, Natal and the Cape, where lie the industries, the mines and the big cities, they as Afrikaners should have to live in locations or in compounds, be excluded from owning their own homes, be excluded from performing skilled work and be constantly subject to losing their employment because of job reservation.

That in those areas they should be excluded from all administrative and judicial posts, and from all our best universities and schools, our theatres, restaurants, and all our other amenities. /20

That they should be subject to the Pass Laws, and find that Afrikaans is recognised as an official language in the Free State only.

And that because of all this, my lord, they should be condemned for the foreseeable future to degrading poverty and insult.

My lord, I have gone far enough, though this /30

catalogue could be extended indefinitely. After all, my object is merely to explain my motives. The answer to my question should be obvious. What does not seem to be obvious to the White people of the country is that the attempt to implement their present policy is one which is fraught with peril. Again, my lord, argument is not only superfluous but should not come from the dock. One has only to use one's imagination and picture the application of this policy to either of the White races of this country. The situation which would be created would immediately be explosive and would lead overnight to unrest and violence, as indeed, my lord, much milder policies have led in the past. After all, we have experienced violence before, in Graaff Reinet and Swellendam, in the Free State, in 1881 in the Transvaal and even in the 1914 Rebellion when those who thought they were wronged were in fact in possession of the vote. /10

That similar reactions on the part of the non-White have not been produced during the past fifty years is no tribute, my lord, to the policy of segregation but rather to the tolerance, understanding and the infinite goodwill of the African. The truly surprising thing, my lord, is that it has produced nothing more violent than some highly controlled and restricted sabotage. /20

But my lord there are circumstances which make the policy of segregation far more dangerous in the nineteen-fifties than it would have been in earlier decades.

South Africa has chosen the fifties and sixties of the 20th Century as a point of time at which to signal a full-steam-ahead for this policy. Historians /30

will point to that period approximately as the end of the "colonial" system . It has been in these decades that political independence has spread throughout Africa and Asia. And it has spread, not by mere chance, not by some so-called "decay" of the West. It has spread because historically imperialist domination has outlived its purpose and is now about to be replaced by something different. Consequently colonial peoples of today are able to demand and obtain something they were quite unable to do even twenty-five years ago. /10

My lord, this has extremely far-reaching consequences for South Africa, which is in effect trying to establish a "colonial" system of its own brand at this stage of history, complete with 'indirect' rule and even with the re-establishment of tribalism. And this it is, my lord, that I say, that the Communist party says, can never succeed for one cannot move backwards in history.

My lord, I am not trying to dramatize this situation. I am stating nothing but plain, simple fact: it is there for everyone to see - everyone whose vision is not tally obscured by the myopia of the White South African: /20

Clear in this country there is a strong and ever-growing movement for freedom and for basic human rights amongst the non-white people of the country - that is my lord among four-fifths of the population;

This movement is supported not only by the whole of Africa but by virtually the whole membership of the United Nations as well - both West and East.

However complacent and indifferent White /30

South Africa may be, this movement cannot be stopped. In the end it will triumph. Above all, my lord, those of us who are Afrikaans and who have experienced our own successful struggle for full equality should know this.

And so the sole question for the future, for the future of everyone, is not whether the change will come, but whether the change can be brought about peacefully, and without bloodshed; and as part of that:

What the position of the white man is going to be in the period immediately following the establishment of democracy. What his position is going to be after years of cruel discrimination and oppression and humiliation which he has imposed on the non-white peoples of this country.

My lord, if this is correct - and all the world except South Africa knows that it is - then my conduct in recent years must be viewed in relation to the results which have been produced by the ruthless and persistent application of the Act, of this Act under which I am charged, and which, in order to mislead, has been entitled the "Suppression of Communism" Act.

As the Communist Party and Congresses prophesied as far back as 1950 when this Act was before Parliament, its true purpose was not to suppress the political and economic principles of Marx. Neither at that stage nor at any stage since then has a socialist revolution been on the agenda in South Africa. The true intention of the Act was and is to prevent the growth of two ideas accepted throughout the whole civilized world today: the idea that all men should have a say in the manner in which they are /20

to be governed and the idea that it is possible for men of different races to live and work together in harmony and peace - to co-operate for the good of all.

That the prophecies of 1950 were correct has been demonstrated beyond doubt by the experience of the past sixteen years. I refer to the principal political bodies my lord:

- (i) The African National Congress, the powerful and moderate national movement of the African people, which through more than half a century has stood for a thorough-going non-racial democracy in South Africa has been outlawed. Just before its banning it had paid-up membership of 120,000. The extreme wing of the non-white movement, the Pan-Africanist Congress, which came into existence only because of the utter frustration caused by Government policy, has also been outlawed.
- (ii) The South African Indian Congress, an organisation founded by Gandhi himself and based on his principle of Satyagraha, though not banned, has been put out of action by the proscription, restriction, house arrest and banning of all its leaders.
- (iii) The Congress of Democrats the only non-Marxist body of whites which campaigned for equality of all persons, has been declared an unlawful organisation.
- (iv) The Communist Party, standing unequivocally for equal rights, has been outlawed and its members and even its sympathisers have been hounded from pillar to post; have been persecuted and prosecuted; have even been put to physical and mental torture.

Today, of those who stand for racial equality and for co-operation between the races, at least 3000 are now in our gaols, and all their leaders are either in gaol, or under bans or restrictions, or banished to remote parts of the country or have been driven into exile.

If today, my lord, there is an appearance of calm, it is a false appearance induced entirely by this oppression. The police state does not create real calm, or does it induce any genuine acceptance of/10 a hated policy. All that it can achieve is a short term period of quiet and a long term hatred. Would calm and a desire for peaceful solutions have been created amongst Afrikaners if the Nationalist Party had been declared illegal during the last war, and its leadership thrown into gaol?

My lord, I believed, when I joined the illegal Communist Party that South Africa had set out on a course which could lead only to civil war of the most vicious kind whether in ten, fifteen or twenty years. Algeria provided /20 the perfect historical example of that. I believed, moreover, and still believe, that such a civil war can never be won by the Whites of this country. They might win a few preliminary rounds. In the long run the balance of forces is against them, both inside and outside the country. In Algeria, a close historical parallel, a French Army of half a million soldiers, backed by one of the world's greatest industrial powers, could not succeed. But win or lose, my lord, the consequences of a civil war would be horrifying and permanent in this country. Clearly, it is /30

imperative that an alternative solution be found, for in truth, civil war is no solution at all.

Here, my lord, I believed and I still believe that socialism in the long term has an answer to the problem of race relations - and that is a socialist state. But my lord, by negotiation other immediate solutions can be found. They must, however be found by negotiation, and they must not be imposed. They must be worked out in co-operation, and that, my lord, is what the Communist Party has stood for.

I have said that the problem is at heart an /10 economic one. In 1930 we hurriedly assembled what was known as a "white labour" policy to protect white employment during a crisis. Today we have prepared in advance up-to-date machinery for that purpose: we have Job Reservation, we have Bantustans to which superfluous Black labour can be endorsed; we have forbidden African Trade Unions, so that African workers shall have no protection; we have removed all their representatives from our legislative councils so that they shall be voiceless in a new crisis.

But whatever we may have achieved in the 1930's, /20 this can never be a solution for a crisis today. Thirty years of industrialisation have passed since then. An enormous class of African industrial and urban workers have been created. The capacity of the Reserves to accept and keep people alive has grown smaller, while the numbers to be accommodated have grown larger. We cannot go back to 1930. To try to do so would lead to starvation and want, to unrest and violence. Such a policy, my lord, in a crisis is one which would fail before it started.

And therefore an alternative must be found. /30

We must start at the other end. We must find a system which creates work and banishes the fear of unemployment. That I believe, my lord, can be found in a carefully conceived plan along the lines of the Freedom Charter, with a fair division of political and economic power. All the peoples of South Africa must be given a voice in their own affairs, and ⁱⁿ the whole country which they work in- they must be taught that races can live together and work in harmony.

My lord, had our White political leaders during the past thirty years preached the possibility of inter-racial co-operation instead of using every means of destroying any belief in that possibility, we might already have reached a position of safety. South Africa would certainly by now have achieved a unique leadership amongst the States of Africa and would undoubtedly have influenced the history of the whole of this Continent and the future of the Whiteman's position in it. Instead of that, my lord, we stand completely isolated from over 200 million people, and hated by all.

And so, my lord, in the circumstances, who was there to preach this co-operation but the Congresses and the Communist Party? And if one believes that these things can only be achieved by political means, there was no party to join but the illegal Communist Party.

Moreover, my lord, such ideals are not achieved by theorising only. To convince people, one must put them into practice. Over the past two or three decades it has been the Congresses and the Communist Party who have demonstrated in practice that men and women of different

aces can work together without difficulty on the basis of complete democracy and who have produced leaders prepared to sacrifice everything to achieve this ideal, people who have actually hammered out a policy, the Freedom Charter, in terms of which there will be room for all to exercise their rights. With leaders such as these, no one need be "driven into the sea." My lord, I speak from practical experience. I have worked with every Congress leader in South Africa. With these beliefs I had no alternative but to break the law. /10

I must deal now with the allegations made in the evidence led by the State.

AT THIS STAGE THE COURT ADJOURNS UNTIL 11.30 a.m.

ON RESUMING AT 11.30 a.m.

THE ACCUSED CONTINUES HIS STATEMENT FROM THE DOCK:

My lord, I have said that I will turn to the facts, but obviously before I do so I owe this Court an explanation of why I estreated bail on the 25th January of last year. My lord, had I wished to save myself, I could have done so by leaving the country, or simply by remaining in England in 1964. I did not do so because I regarded it as my duty to remain in this country and continue my work as long as I was physically able to do so. The same reasons which induced me to join the illegal organisation induced me to estreat bail. But my lord, by 1965 they had, in my view, been magnified 100-fold. All protest had been silenced. The very administration of justice had been changed by the 90 day law and by the so-called "Sobukwe" clause which in a vital respect usurped /2-

the power of the Court trying me. My punishment no longer was in the sole discretion of that Court. During the previous decade too, and now I speak as an Afrikaner particularly, something had happened which I regarded as extremely sinister.

My lord, it is true that apartheid has existed for many years, with all it entails in shapes that range from segregation and the deprivation of rights to such and yet important apparently trivial/things as the daily depiction in our Afrikaans newspaper cartoons of the African as a cross between a baboon and a 19th Century American coon. What is not appreciated by my fellow Afrikaner, my lord, because he has cut himself off from all contact with non-Whites, is that the extreme intensification of that policy of segregation over the past 15 years is laid entirely at his door. He is now blamed as an Afrikaner for all the evils and the humiliation of apartheid. /10

It produces strange results, my lord. It leads to a policeman being known, not as a policeman, but as a "Dutch". It leads to a curious result that when during a bus boycott I give Africans a lift, they refuse to believe that I am an Afrikaner. /20

All this, I believe, bodes ill for our future. It has bred a deeprooted hatred for Afrikaners, for our language, our political and racial outlook, amongst all non-Whites, my lord, even amongst those who in order to obtain positions of authority, pretend to support apartheid. It is rapidly destroying amongst non-Whites all belief in future co-operation with Afrikaners.

To remove this barrier, my lord, will demand /30

all the wisdom, the leadership and the influence of those Congress leaders now silenced and imprisoned. It demands, in my belief, my lord, something more, that Afrikaners themselves should protest openly and clearly against discrimination. Surely, my lord, in such circumstances, there was an additional duty cast on me, that at least one Afrikaner should make this protest actively and positively, even though as a result I now face fifteen charges, instead of four.

My lord, it was to keep faith with all those /10 dispossessed by Apartheid that I broke my undertaking to the Court, that I separated myself from my family, pretended I was someone else, and accepted the life of a fugitive. I owed it to the political prisoners, to the banished, to the silenced and to those under house arrest not to remain a spectator, but to act. I knew what they expected of me, and I did it. I felt responsible, not to those who are indifferent to the sufferings of others, but to those who are concerned. I knew, my lord, that by valuing above all their judgment, I would be condemned by /20 people who are content to see themselves as respectable and loyal citizens. I cannot regret any such condemnation that may follow me.

With regard to the evidence, my lord:

At the times referred to in the evidence, I was a member of the Central committee of the Communist Party. I was its acting chairman. I was not its treasurer then, or at any other stage though I dealt with certain of its financial matters. I attended the meetings of the committee. I am not prepared to say who its members were, though I /30

should add my lord that at these meetings there were occasionally non-members - persons we wished to consult and who could be trusted because of their long record of service to the liberation movement in South Africa.

Hlapane has given evidence about the meetings which took place between the end of 1962, or the beginning of 1963, (I am not quite sure whether he fixes the date) and June 1963. Some of this evidence, my lord, is correct: some of it is totally false, but I cannot deal with these meetings or with his testimony about my views and my conduct /10 or in particular, my lord, about Umkhonto We Sizwe, without giving the Court just an outline of the history of the formation of Umkhonto, of its purposes and of the attitude of the Central Committee of the Communist Party towards it.

My lord it is well known that throughout its history the Indian Congress has always been influenced by the ideas of non-violence taught by its founder. It is also a matter of history, my lord, that during the first forty years of its existence, from 1912 onwards, the African National Congress chose strictly legal methods only of /20 trying to make its deep felt grievances known to the White people of this country. Exactly the same methods were used by the Coloured People's Organisation and by the Communist Party.

My lord, if proof were needed of the fruitless results of these methods, it can be found in any statute book printed during those years. Discrimination was piled upon discrimination. After forty years no leader could be expected to continue with such fruitless methods. /30

During the fifties, therefore, new methods were put into practice, as your lordship will remember. There was the great campaign for the defiance of unjust laws. I mention here for the first time the use of our prisons. In that campaign over 8½ thousand people, men, women and youths, went to gaol in 1952 for breaching discriminatory laws and this campaign was conducted without one single act of violence. Our Government took no cognizance of the deep human feeling underlying such a move. Instead it imposed vicious punishment on any attempt to breach laws by way of protest. The twenty leaders were tried and convicted under the Suppression of Communism Act though few were communists, some were anti-communist and none intended to achieve any object other than the withdrawal of petty apartheid laws. /1r

My lord, it was during that decade, too, that as all strikes were illegal, passive resistance by means of mass stay-at-homes was developed. Again care was taken to avoid all violence. But here violence was used against the protestors, violence in the form of arrests of innocent people and actual violence in the way of shootings. On the 26th June 1950, - in breaking up the mass stay-at-home, eighteen people were shot dead, to give your lordship but one illustration. /2r

But negative methods were not the only ones employed, my lord. After two years of preparation, there gathered at Kliptown on the 26th June 1955, an assembly of over 2000 delegates of all races and from all corners of our land - The Congress of the People. Though the obstacles placed in their way were enormous, nevertheless /30

the assembly took place - the most representative gathering this country has ever seen. It adopted the Charter for the future of South Africa, putting forward positively what people believed to be a solution for our problems - the Freedom Charter.

My lord, once again the Government refused to pay any attention to peaceful demands. Instead, it used this very document as a basis for the arrest of 156 of the leaders of the Congress Movement and the Communist Party for the trial, on high treason, which started in 1956 and ended in 1961, when all the accused were acquitted.

In the meanwhile, my lord - I am emphasising these things because it will indicate to your lordship why the objects of Unkhonto were so restricted. In the meanwhile the shootings at Sharpeville and in Cape Town had taken place, a state of Emergency had been proclaimed, and the A.N.C had been declared illegal. Here again mass arrests took place. During that emergency 2000 leaders went to gaol and some 10,000 others were arrested. /20

Meanwhile, more ominous, my lord, grave unrest in many parts of the country came into being. They came into being as a result of the application of Apartheid laws - in Zeerust and Sekhukhuniland, in Durban, in Maritzburg, in Zululand and Pondoland. All these pointed to the almost inevitable outbreak of violence in its most dangerous form - that from our point of view, my lord, meant indiscriminate violence by non-Whites against Whites purely on racial grounds. The answer of the Government was not to attend to the grievances, but to use force in these areas /30

and to place the Transkei under a state of Emergency, where it remains to this day.

Now this was the position when the African leaders met in March 1961 in 'Maritzburg in an all-in Conference and decided to make one more peaceful call on the Government to hold a Convention at least to discuss the constitution for the new Republic of South Africa, failing which they decided there should be a three-day stay-at-home at the end of May.

Once again my Lord the appeal fell on deaf /10 ears. Again, instead of sympathy, new oppressive legislation was passed, all gatherings were prohibited between the 19th May and the 26th June; nation-wide police raids were conducted. On this occasion, my Lord, between 8 and 10,000 Africans were arrested ; leaders were held under the twelve day no bail rule and the army staged demonstrations in the non- White areas of our cities. That, my Lord, was the Government's reply to what could not be described as an unreasonable request. Save for a handful, none of those leaders who were arrested was ever charged. Those who were charged /20 were acquitted. In fact the arrests were probably an abuse of legal process.

In these circumstances, my Lord, history will not blame those Congress leaders who in some way or other came together in July of 1961 and devised the scheme by which the Spear of the Nation was to be brought into existence, under the control of one of its ablest, most responsible men, Nelson Mandela.

My Lord may I emphasise the basic ideas which prevailed then:

(a) to do nothing would to the African leaders have meant

THE Acceptance of Apartheid and have meant total and unconditional surrender to ideas which were and still are, intensely hated;

(b) On the other hand, my lord, to proceed to personal violence against Whites or White leaders would have been to negate all the Congresses had ever stood for;

(c) Therefore there was devised a plan which it was hoped might help to achieve the required results without injury to persons or to race relations, and /10 this in particular I wish to stress. This plan was the formation of a small, closely-knit multi-racial organisation which would practice sabotage against carefully selected targets, targets which could be attacked without endangering life or limb but which, because of their nature would demonstrate the hatred of apartheid. For this purpose therefore targets were to be Government installations and preferably those which, if successfully attacked, would disrupt the process of Governing. /20

Two further ideas were of importance in this scheme. One was that the leaders of Umkonto gave the assurance that it would not depart from its self-imposed limitations without prior reference to the political movement. In the circumstances, the African National Congress and the Communist Party took no steps to prevent their members joining Umkhonto, despite their past policies.

The second, my lord, was that the organisation was not only to be secret but was to be self-controlled by men selected by Mandela, was to finance its own affairs and /30 was to be kept entirely separate and distinct from the Con-

gresses and the Communist Party. This was of equal importance. Your lordship will readily appreciate why. The Congresses and the Communist Party believed that they still had important political functions to fulfil as several of the exhibits before this Court will demonstrate. They were the functions of political education and organisation, the function of making use of every political opportunity which presented itself to advance the cause of freedom and democracy. Their members, after all, my lord, had been recruited on the basis that they were joining non-violent /10 organisations. It would have been politically dishonest as well as politically foolish to endeavour to turn them into organisations for sabotage. Neither the Congresses nor the Communist Party wished to have their membership held liable for every act of sabotage, nor, and this too was of crucial importance, did they want their members to gain the idea that once sabotage commenced, political work should cease. This separation of organisations was always maintained. I, my lord, had no hand in the founding of Unkhonto, and I was never a member. I became aware of its /20 existence after it had been formed, and I did not disapprove.

My lord, it was never believed that a fundamental change in South African policy could be brought about by sabotage alone. What was hoped by those who devised the plan was that it would highlight the ever-growing dissatisfaction and that steady political work by the Communist Party would have to continue to try to bring about a change in the attitude of White South Africa.

Nowhere, my lord, are these principles more /30

CLEARLY stated than in the Manifesto of Umkhonto itself, which is Exhibit 138, which says:

"We of Umkhonto We Sizwe have always sought to achieve liberation without bloodshed and civil clash. We hope, even at this late hour that our first actions will awake everyone to a realisation of the disastrous situation to which Nationalist policy is leading. We hope that we will bring the Government and its supporters to its senses before it is too late, so that /10 both the Government and its policies can be changed before matters reach the desperate stage of civil war."

As Umkhonto was a small and highly secret organisation, the Communist Party laid down that no questions were ever to be asked about it and that members were informed that if anyone were to join this organisation, he was to keep that knowledge entirely to himself. It was because of this rule that I at first did not know who belonged to Umkhonto, or even, with the exception /20 of Mandela, who was responsible for its formation. In fact, my lord, it was not until 1963 that I knew that Slovo was a member. It was only, my lord, when the trials for sabotage commenced that I discovered who had actually taken part in Umkhonto activities.

There was no question of Umkhonto having to report to the Central Committee, and there was no question, my lord, of instructions being given by the Central Committee to Umkhonto, or to any of its members.

I should say at this stage that the Communist /30

Party has always in this country and elsewhere been rigidly opposed to individual acts of violence. Such acts are regarded by Communists, and this, my lord, is a matter of theoretical reasoning, as acts of terrorism which achieve nothing. Communists are not, of course, we make it clear, opposed to violence on principle. They are not pacifists, in other words. They do, however, believe that in general it is the working class that suffers most from violence and suffers most from war, and hence that wherever possible violence and war are to be avoided. /10

My lord, we in the Communist Party never believed that South Africa was ripe for a socialist revolution. That was my personal belief too, That is precisely why, in our programme, we aim in the first place only at democracy, and the abolition of racial discrimination and leave entirely open the manner in which and the time when socialism may eventually be achieved in this country, for, of course, my lord, it is clear from all the theoretical Marxist statements today that Communists do not believe that violence is the only method by which socialism can be achieved. /20

But my lord, in contrast with individual acts of terrorism, which really belong to people who call themselves anarchists, the plan put forward by Ushonto appeared to us to be of an entirely different character; entirely different from that type of terrorism of which we disapprove in principle and in practice. This, my lord, was to be a demonstration. It might achieve its object of making the White voter in South Africa reconsider his whole attitude. If it succeeded in that it would succeed without loss of /30

life, or injury to persons, the very things which stimulate race antagonism. It might in addition, we believed, have the effect of deterring extremists, whose number, and we knew about this, my lord, whose numbers and influence were growing at an alarming rate, it might deter them from undertaking precisely that kind of terrorism which we have always sought to prevent. In fact, my lord, the creation of Umkhonto may have succeeded in this respect, if one remembers that but for Umkhonto the pattern for the future of this country may have been set by the Paarl riots and the Bashee /10 River murders.

I return, my lord, now to Hlapane's evidence. As far as I can remember, I met him for the first time when he became a member of the Central Committee. I, therefore, have no knowledge of any of his activities prior to that. I do not understand how he came to take part in collecting and delivering leaflets on the 16th December 1961, for he, ^{apparently, from his evidence,} as far as I know, /was never a member of Umkhonto, and played no further part in its activities. If he did in fact collect these leaflets it would appear that he did so purely /20 fortuitously.

Next my lord Hlapane is correct when he says that I was not at the conference in November, 1962. But I find it very difficult to believe that any plans for Umkhonto would have been discussed at that conference. This would simply not have been permitted. In any case, my lord, if it had occurred, on my return to the Central Committee I would undoubtedly have heard of this, and I heard nothing of any new Umkhonto plans until Operation Mayabuye was brought before us incircumstances which I shall shortly /30 describe.

I am certain, my lord, that the Central Committee never issued any instructions regarding Umkhonto to the District Committee or anyone else other than the information which was given in the first instance, namely to acquaint members with the existence of this body and with its preparedness to remain within the strict limitations that they had laid down for themselves. The District Committees and the groups had no functions whatsoever to fulfil in regard to Umkhonto, nor had the Central Committee my lord. It is out of the question, therefore, either that /10 a plan for any so-called "second phase" was passed on to the Central Committee to deal with or that Slovo was our representative on the High Command of Umkhonto. Had any such plan been passed on to the Central Committee, I must have got to know of it during the course of the following six months. As far as Slovo is concerned, it is true, my lord, that he was a member both of the Central Committee and of Umkhonto, but he was in no sense the Central Committee's representative on Umkhonto. Such a representative would have been entirely inappropriate in regard to a body which /20 was supposed to be entirely secretive and was in fact entirely secretive.

My lord, for exactly the same reasons it is not true that Slovo was told that I would supply him with money for Umkhonto. I was never asked to nor did I ever do so. In fact, I had no knowledge of Umkhonto's source of finance, nor did I wish to know it, nor did I make any enquiries.

Another allegation made by Hlapane is that the affairs of Umkhonto were sometimes discussed at Central /30

Committee meetings, for instance he mentioned questions of recruiting people and that Slovo reported on acts of sabotage. My lord, there may be one element of truth in this. When acts of sabotage did occur and were reported in the newspapers, they were certainly mentioned in informal talk at the Central Committee's meetings, just as, presumably, my lord, they were discussed elsewhere. However, they never formed any part of the agenda, or of any decision of the Central Committee and Slovo certainly never reported on them. As time passed, my lord, I suspected that Slovo was /10 part of Umkhonto but as I say I had no knowledge of his association until much later when Operation Mayabuya actually was presented to us.

We, for instance, never knew, my lord, when or where any act of sabotage was to take place, and it would have been quite outside out strict application of the secrecy rule for Slovo to have reported on them. If it is true, my lord, as Ludi says, that Jean Middleton invited members of her group to find targets for Umkhonto, in Hillbrow, she was acting without the authority or knowledge /20 of the Central Committee, or myself, and entirely outside of the scope of the whole idea of Umkhonto.

As a matter of fact, my lord, we never knew when an act of sabotage was committed whether it had been committed by Umkhonto, or by one of the other sabotage organisations. It should be remembered, my lord, that the Committee of National Liberation was functioning as a sabotage organisation before Umkhonto and that by the beginning of 1963 that organisation, the Committee of National Liberation, Poqo and an organisation known as Yu /30

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Chee Chen were in existence, a clear sign of the manner in which this country can, and will yet again, drift into violence if present policies are continued. My Lord, the same remarks apply to recruiting for Umkhonto. This again was never any part of the business of the Central Committee. To this day, my lord, I do not know whether Slovo had anything to do with recruiting. Two of the persons most closely associated with recruiting were accused in the Rivonia trial. I met them for the first time when I defended those accused, and then heard for the first time that they /10 had organised recruiting.

I would like to emphasise two things, my lord. The first is that at Central Committee meetings we made a point of not asking questions regarding Umkhonto. The second is that apart from Umkhonto recruits, the African National Congress and other organisations were also sending abroad young people for the purposes of general education. When one read occasionally of such persons being arrested, one did not know whether they were Umkhonto recruits, recruits of other organisations, or merely scholars. /20

I turn now to Hlapane's evidence in regard to Operation Mayobuye. He is quite correct when he says that this document was mentioned on two occasions at Central Committee meetings, but there, at the Central Committee, it was discussed once only. On the first occasion, which must have been towards the end of May or in June, more likely in June of 1963. Slovo raised this plan before the Central Committee. It obviously constituted a complete departure from the ideas on which Umkhonto had been founded, and it was therefore raised, quite clearly, with a view to /30

ACCUSED.

ascertaining what the Communist Party attitude towards such a departure would be. I, my lord, was totally opposed to the whole idea. It seemed to me that it was a plan which was politically wholly incorrect and wholly unsuited to the situation in South Africa as it then existed. It was, in addition, totally impracticable. If ever, my lord, there was a plan which a Marxist could not approve in the then prevailing conditions, this was such a plan.

So far from being able to achieve anything along the lines of this plan, it was my opinion, my lord /10 that if any part of it even could have been put into operation, it could have achieved nothing but disaster. In fact, my lord, it seemed to me as if it were an entirely unrealistic brainchild of some youthful and adventurous imagination. After Operation Mayebuye had been explained to us, I raised numerous queries and objections, a number of those have been put in cross-examination. None of these could be answered or met.

I gathered, indeed my lord, that it was a plan which had not even been approved by Umkhonto itself and /20 we as a Central Committee certainly expressed our complete disapproval. In fact we asked that our views should be conveyed to Umkhonto, and that as far as we were concerned, if they wished to develop something which was supposed to be a so-called "second phase" of sabotage they should re-consider the whole matter as we could not approve of anything so diametrically opposed to our views as Operation Mayebuye.

My lord many months later, during the Rivonia trial, I discovered that a document, which is called the /30

Syllabus for a Course on the Training of Organisers and a document which appears to be a summary of that, or of which that was a summary (I am not sure which, my lord) that is called "Speaker's Notes", were documents which had been prepared by one or two persons in Umkhonto as part and parcel..in Operation Mayebuye, as part and parcel of that operation. One of these exhibits, my lord, is Exhibit 201 I am not sure what the number of the other is. These documents, my lord, were never shown to the Central Committee of the Communist Party and to the best of my knowledge /10 were never distributed to anyone at all.

This matter, my lord, this matter of Operation Mayebuye, was raised at a subsequent meeting of the Central Committee, probably about 3 or 4 weeks later. That my lord was a meeting of which Hlapane speaks. It was a meeting at which we were informed that Umkhonto had decided to send Slovo abroad, and that the African National Congress had decided that it needed one more senior member to represent it outside the country. The person that it proposed to send was J.B. Marks. This matter was discussed /20 on the Central Committee, and after discussion it was agreed that we should not prevent them from going, we should not try to dissuade them from going. That was all that happened at that meeting in this respect, except that, as far as Operation Mayebuye was concerned, it was merely reported that Umkhonto had not yet done anything about this. It was after that, my lord, then, that Slovo and Marks left South Africa.

I want to say next my lord, that I was never asked to contribute Communist Party funds to Slovo for Um- /30

khonto purposes and that I never did so.

I want to say next, my lord, that I deny that I ever suggested the burning of crops, as testified to by Hlapane. This, my lord, would in fact have been contrary to the very principles adopted by Unkhonto. It would have constituted an attack on individual white farmers, on the one hand, whose sympathies one would not know, it would on the other hand, it could, on the other hand, not possibly have helped to achieve the objects which Unkhonto had set itself. It could only have exacerbated race relations and lead to a spread of undisciplined violence. Hlapane's evidence on this point is either entirely mistaken, or a deliberate lie. /10

I should at this stage refer to Exhibit A.F.7. That, my lord, is a draft discussion statement which was found in the house in which I was living at the time of my arrest. I regret that I am not prepared to say who the author of this document was, but I am prepared to say, my lord, that I can support most of what it contains, and relevant to what I have been saying about sabotage, my lord, I say, as far as this exhibit is concerned, that I agree with what is set forth in paragraph 7 of the exhibit, which deals with the whole question of sabotage in retrospect, what had caused it to come about, how it had started, what its possible effect had been, what criticism there had been. /20

BY THE COURT:

A.F.7 is the note on Discipline and Training.

MR. KENTRIDGE: It is A.F. 5 my lord.

MR. FISCHER: I beg your lordship's pardon, Exhibit 5. /30

My lord, I also would like to draw the Court's attention to certain other exhibits which have been put in, and I refer, first of all, my lord, to Exhibit 191, 192, and 209. My lord these exhibits are apparently documents which were found at Rivonia, at the time of the arrests made there. These three exhibits, my lord, as far as I can judge, are obviously incomplete drafts. They have notes on them, amendments, pages inserted and one of them I think my lord has a page 6(a) and 6(b) and one of them has comments written on them, and so forth. I have no knowledge of these documents, my lord. I cannot tell this Court, not because I do not wish to, but because I am unable to - I cannot tell this Court who prepared them. I cannot remember, my lord, in what form they may finally have emerged, nor indeed, my lord, can I remember whether they ever emerged at all. In other words, my lord, I cannot remember whether those documents, in some final form, were ever issued. I do know, my lord, that a number of the topics with which they deal were discussed on various occasions. That, I am afraid, my lord, is all that I can say about them, /20 except for this: that Exhibit 192 is, from its contents, clearly a draft of some African National Congress statement or intended statement.

That document, my lord, deals with a subject which I know was being very much debated during 1963; during 1963 the African National Congress, which had up to that stage boycotted elections, was debating whether it should invite its members to take part in the Transkeian elections for the Transkeian Territorial Authority, or whether that election, too, should be boycotted. The Court will see that one of the topics dealt with in that document /31

is that very topic. I think my lord that it is the fourth paragraph on page 3 of the document.

My lord, I turn next to Exhibit 197. I did not see this document until it was produced at the Rivonia Trial. My lord, that is the document headed in one part "the A.N.C. Spearheads Revolution." That then was the first occasion on which I saw this document, and I then discovered, my lord, that it had been issued by a couple of African National Congressmen, without the consent of their executive. It further transpired, my lord, that it /10 had been so strongly disapproved of that in many parts of the Transvaal, and in whole of Natal, the African National Congress had refused to distribute the document, and that moreover, as far as could be ascertained, no copies of the document had ever reached the Cape Province or the Orange Free State.

My lord, then there is Exhibit 189 - I beg your lordship's pardon, the next I wish to deal with is 198, which is called "Some Thoughts on the Situation Confronting the Liberation Movement". Here too, my lord, I saw this /20 document for the first time during the Rivonia trial. I had never seen it before, and in evidence during that trial it was explained that it was a document drawn up by an individual who was in hiding, not at Rivonia, but somewhere else, and who had apparently wished to put his own thoughts on paper, and had therefore not been con- /30 sidered by any committee, or issued to anyone. I can state, from my personal knowledge, my lord, that it was never considered by the Central Committee of the Communist Party and as I have said, I had never seen it until that trial commenced.

Belt 26

Now there were two exhibits with which Captain Broodryk dealt in evidence. They are Exhibits 15 and 16. Your lordship will remember that they are, if my recollection serves me correctly, roneod documents, which were found in a house in which I was arrested. These two documents, my lord, I received through the post shortly before I received a copu of "The African Communist", the Journal which is Exhibit 23 before the Court. Now my lord, I did not draft or have anything to do with the drafting of documents A.F. 15 and 16. Captain Broodryk referred to certain notes in /10 my handwriting which are in an Airmail pad, whose Exhibit number unfortunately I do not have. However, it is in Captain Broodryk's evidence that he states that this pad contained notes which, as I understood him, were notes on which the two articles, two documents, A.F. 15 and 16, were based. In fact, the reverse is the position, my lord. I had received the documents, and I made notes for my own purposes from those documents. Hence, those notes were made as summaries, and not ..summaries of existing documents, and not as notes for the purposes of producing the documents./20

My lord the Exhibit No. I think of the writing pad which contains these notes is Exhibit 41.

I wish next to deal with Lillieasleaf Farm, which was purchased purely for Communist Party use. I had nothing to do with its purchase, or with the financing of the purchase, and as I say, it was intended purely for the purposes of the Communist Party itself. The first departure from this principle, that it was to be used for this purpose only, was when we agreed to give Mandela shelter after he had been in hiding for some considerable time. /30

Thereafter, my lord, in November 1962 I personally moved a resolution which was agreed to, that the farm should again be used for Central Committee purposes only, and for some months this was done. Subsequent events showed that the resolution for a period was not carried out. When Sisulu and Mbeki went into hiding in 1963, they, too, were given shelter there. And at a later date, in probably about June of 1963, I found that Mkwayi was also in hiding at the farm. At that stage, my lord, I knew Mkwayi was a leading member of the African National Congress from Port Elizabeth. I did not know that he was connected with Umkhonto. /10

Now it was that period, my lord, and that period only when, as I learned later, Lilliesleaf Farm was used for carrying on certain of the African National Congress and Umkhonto work. But that was entirely temporary, as is demonstrated by what happened thereafter, for at that time this place which is called Travallyn was purchased by Umkhonto, and these people who had been in hiding at Lilliesleaf were in the process of moving to Travallyn when the Rivonia arrests occurred. /20

Now my lord, Hlapane is therefore not correct when he says that Travallyn was bought by the Communist Party. I would have known had this been the case. It would have been discussed by the Central Committee, it would have had to be authorised. It was not authorised, it was never even discussed. To this day, my lord, I do not know where Travallyn is, and I never had anything to do with this transaction.

On the other hand, my lord, Hlapane is correct /30

when he says that a cottage in Mountainview was hired by the Communist Party. This was done by someone in disguise in order to have a separate meeting place, so that there should be no request burdening the Central Committee for places for meeting, and so that Lillicleaf could be kept exclusively for its purposes. The Central Committee itself never met at the Mountainview cottage.

I turn next to Beyleveldt's evidence.

AT THIS STAGE THE COURT ADJOURNS FOR THE LUNCH
INTERVAL.

/10

ON RESUMING AT 2.15 p.m.

ACCUSED CONTINUES HIS UNSWORN STATEMENT FROM THE DOCK:

My lord, I was about to deal with Beyleveldt's evidence which was to the effect that a certain amount of money became available to us. I cannot remember now my lord precisely how this was dealt with, but I do know that the bulk of it, apart from money that went for instance for wages for Hlapane himself, the bulk of it was spent on the dependants of political prisoners - I am speaking now about the period to which Hlapane testifies, and by way of loans to the A.N.C. the reason for which I shall give your lordship in a moment. It was for these purposes that considerable sums of money were paid at times to Tloome, who was one of the senior members of the A.N.C. a man of considerable standing in that organisation. /20

But my lord, there are several facts which Hlapane has forgotten, or that he does not know of, or that he is untruthful about. In the first place, the African National Congress and Umkhonto had their own sources of

revenue and they were far greater sources than we had. Already my lord, prior to the Addis Ababa conference, they were, I believe, receiving moneys from certain of the African States and from elsewhere, and after that Conference where a number of States undertook to contribute one per cent. of their revenue to the Freedom Movement here, larger sums I believe were received.

On occasion, however, these A.N.C. sources had apparent difficulty in transferring the money to the African National Congress, and hence it was that at times /10 the Communist Party advanced money to the African National Congress, and was subsequently repaid when the African National Congress received its money, or were repaid direct by African National Congress sources to us. The former was the position in the middle of 1964 when the Communist Party had received certain sums of money, and because we had cut down expenses to a minimum, were able to advance sums to the African National Congress to enable them to pay their functionaries, and to enable them to do what had then become an enormous burden, and that /20 was to try and support the families of detainees and of exiles.

What Hlapane has forgotten, also, my lord, is that when he came on the scene, Tloome had left, or was just about to leave and the African National Congress activities, both political and welfare, were in the hands, as far as I knew, of Mkwai and others, and that was why moneys received from African National Congress sources, or advances to the African National Congress, were being sent to Mkwai. These were moneys, as I have said, my lord, which were received either from our own sources, or from the

African National Congress sources as and when these were from time to time able to make payments.

The money, of course, paid to Hlapane, both by way of wages, and for the secondhand motorcar, were entirely for Communist Party purposes. But I must state, my lord, that I have no recollection of handing him any sum as large as R4900. I never had so large a sum in my possession, and I would certainly not have risked, from the point of view of a possible theft, having handed over so large a sum of money in a single amount. /10

I can remember discussing certain sabotage incidents with Hlapane, though he certainly did not report them to me in the sense of making a report. There was plainly no duty on him to do so. In fact, my lord, as I have explained before, I obtained knowledge of such acts when they were reported in the press and were common knowledge. I certainly never suggested to Hlapane any means of committing acts of sabotage, such as he alleges.

As for Hlapane's evidence, my lord, on the making of African National Congress policy by the Communist Party, /20 this is an old canard, and I am surprised that even a man like Hlapane at this stage should come out with it. It formed an important part of the State case in the Treason Trial - as long ago as that. It failed completely. The African National Congress is a body of members of all shades of political outlook. For over half a century now it has set itself a task of removing racial discrimination from political and economic and social life. Its policy has never changed, and this has never been decided by the Communist Party. This assertion is only made ^{by} those who /30

because of their hatred of this policy, wish to smear the African National Congress with some of the political dirt which has over the years been thrown at the Communist Party.

Finally, my lord, there is the evidence which relates to allegations of forgery.

It is clear that at different times during 1965 I used different names. I did so solely in order to hide my identity, and with no intention of defrauding anyone at all. I did not forge the identity card referred to in Count 14. I certainly never uttered it since the /10 police were the only persons, besides myself, who ever saw it. The same remarks apply to the driver's licence referred to in Count 15. My lord, both these documents were intended only to hide my identity should it have become necessary at any time to use them for that purpose. They were, in fact, never used at all.

That concludes what I have to say about the facts.

I have two things to add briefly. The first thing relates to Hlapane's evidence. /20

My lord, I cannot obviously address argument, but what I can do is to try and give the Court certain facts regarding the manner in which the criminal law has come to be administered here. It represents a picture which is horrifying to those who have experienced it, and those who have been brought up with traditional ideas.

In 1964, July, I was detained under the 90 day clause under the 90 day law for 3 days. I was twice interrogated. There was nothing fair or impartial about the interrogation. It was an attempt to extract a state- /30

ment by cross-examination. As for solitary confinement, my lord, I can only say that every South African voter should try it on himself. He could do so by locking himself up for a weekend in one small unfurnished room, with no window through which he can see, by allowing himself to be taken out twice a day only, by a stranger, to walk around an enclosed yard for half an hour, and for the rest to see no-one at all except for the stranger, who brings him food three times a day. One weekend, my lord, would be sufficient to convince him of its callous inhumanity - /10 of why, in wiser days, its application was strictly limited by law.

For the past four and a half months, my lord, I have also been held in conditions which in some ways amounted to solitary confinement. Even I, as an accused was interrogated once, although once only, and that in a most unfair method, because it was attempted to extract information from me by suggesting that if I gave the information I could obtain the release of an elderly person in poor health who was then being detained. Compared with/20 others, my lord, I have not suffered. During these four and a half months I have had visits from my children. I have had consultations with my lawyers. Nevertheless, on the majority of days, I had, sleeping and working, to kill 23 hours a day by myself, and I can only state that if under those conditions pressure had really been applied to me, if I had been made to stand on one spot for 20 or 30 or 60 hours at a time, with batteries of trained men firing questions at me, which is known as the 'statue' method - if under those conditions I had given /30

information, it could only have been information of a most unreliable character. Solitary confinement is vicious and inhuman.

My lord, I can't testify to the extreme forms, but there are facts of which the State knows, and some of which have come before our Courts, which establish which those consequences can be - consequences, my lord, quite apart from the twisting and distorting of human personalities like Beyleveldt and Hlapane. My lord, these methods have already produced three suicides, one of them an Indian, /10 who was a close friend of mine, a man whom no-one could have dreamt would take his own life. They have also produced two attempted suicides, by two other close friends of mine. The first was Mrs. Ruth Slovo, the mother of three small daughters, a courageous woman, if ever there was one. The other was Mr. Heymann, also a person of outstanding character.

My lord, these are the facts that all should know. They bring shame to this country. Few whites recognise them. Most accept the application of the 180 day rule /20 like the 90 day rule, as if it were normal. But the facts remain, my lord, and they have resulted in a distortion of the administration of justice. In these circumstances it changes its character, ceases to have integrity. It becomes an inquisition. It leads to the total extinction of freedom. It adds immeasurably to race hatred.

My lord, the last subject I want to mention is personal. I have hesitated before deciding to do so. But I shall not be giving evidence in mitigation, or making any statement in mitigation, and perhaps I should /30 acquaint the Court with one aspect of my background.

My lord, I was a Nationalist by the age of six, if not before then. I saw violence for the first time sitting on my father's shoulder when business premises with German names were burnt to the ground in Bloemfontein, including those of some of my own family. I can still remember the weapons collected by my father and his friends who were bent on preventing a second outbreak. I saw my father leave with an ambulance unit to try and join the rebel force. I remained a Nationalist for over 20 years, and became the first Nationalist Prime Minister of a student parliament. /10

My lord, in all those years I never doubted the policy of segregation as being the only solution to the country's problems until the Hitler theory of race superiority threatened the world with genocide and its greatest disaster. The Court will see that I did not shed my old beliefs with ease.

My lord, it was when these doubts arose that one night, when I was driving an old A.N.C. leader to his house, far out to the west of Johannesburg, that I propounded /20 to him the well-worn theory of segregation, that if one separates the races one diminishes contact between them, and hence avoids friction. His answer was the essence of simplicity. If you place races of one country in two camps, he said, and cut off contact between them, those in each camp begin to forget that those in the other are ordinary human beings, that each lives and laughs in the same way, that each experiences joy and sorrow, pride or humiliation for the same reasons. Thereby each becomes suspicious of the other, and each eventually fears the other /30

which is the basis of racialism. I believe, my lord, no-one could more effectively sum up the position in South Africa today. Only contact between the races can eliminate suspicion and fear; only contact and co-operation can breed tolerance and understanding. Segregation, or apartheid, however genuinely believed in, can produce only those things it is supposed to avoid; interracial tension, estrangement, intolerance.

All the conduct, my lord, with which I have been charged, has been directed towards maintaining con- /10 tact and understanding between the races of this country.

If one day it may help to establish a bridge across which white leaders, and the real leaders of the non-white can meet to settle the destinies of all of us by negotiation, and not by force of arms, I shall be able to bear with fortitude any sentence which this Court may impose on me. It will be a fortitude, my lord, strengthened by this knowledge, at least, that for the past twenty-five years I have taken no part, not even by passive acceptance, in that hideous system of discrimination which we have erected /20 in this country, and which has become a by-word in the civilized world.

My lord, in prophetic words, in February 1881 one of the great Afrikaner leaders addressed the President and the Volksraad of the Free State.

His words are inscribed on the gase of the statue of President Kruger in the square in front of this Court. After great agony and suffering, after two wars they were eventually fulfilled without violence. President Kruger's words were:

"Met vertrouwen leggen wy onze zaak open voor de geheele wereld. Het zy wy overwinne, het zy wy sterven: de vryheid sal in Afrika ryzen als de zon uit de morewolken."

In the meaning which those words bear in the context today, they are as truly prophetic as they were in 1881. My motive in all that I have done has been to prevent a repetition of that unnecessary anguish which has accompanied the fight for one of those freedoms.

MR. KENTRIDGE: My lord, the defence case is closed.

DEFENCE CASE.

MR. LIEBENBERG ADDRESSES THE COURT.

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