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P. C. DUVENHAGE.

TM. 31, a booklet, No.20, called "Soviet News"? --
Correct.

TM. 32 is omitted.

TM. 33, is a manuscript, a document. entitled
"Presidential Report for the year 1955", starting off with
"The World Wide Movement for the Liberation of Mankind"? --
Yes.

TM. 34, is a Bulletin called "Counter-Attack" of July,
1956. TM. 35, is a booklet entitled "Britain's Guests, Bulganin
and Kruschev"? -- Yes.

TM. 36, a booklet entitled "Chou en Lai - Report on
the question of Intellectuals"? -- This is correct.

TM. 37, a Special Supplement entitled "Why is the
cult of the Individual a line to the spirit of Marxism-Leninism?
-- Correct.

TM. 38, Information Bulletin for Peace and Friendship
of April, 1956, issued by the South African Society for Peace
and Friendship with the Soviet Union containing a notice on
the front page, an inset, which reads as follows:- "Also a
special, supplement why the cult of the individual is alien
to the spirit of Marxism, apparently referring to TM. 37? --
This is correct.

TM. 39, a Bulletin of the World Peace Council, No. 22?
-- Yes.

TM. 40 a booklet called People's China, 1954? --Correct.

TM. 41, another issue of The People's China, April,
1956? -- Correct.

TM. 42, a circular called "Forward to Freedom"? -- Yes.

TM. 43, a pamphlet called "Stop the War in Egypt"? --
Correct.

TM. 44, a circular "We saw Our Banished Leaders"? --
Correct.

TM. 45, an issue of "Fighting Talk", Vol. 2, No. 7? --
Correct.

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TM. 46, a pamphlet called "International Gathering of Rural Youth"? -- Correct.

TM. 47, a pamphlet called "International Gathering of Rural Youth"? -- Correct.

TM. 48, a News Supplement, No. 6, of March, 1954?
-- Correct.

Issued by whom? -- No reply.

May I see it? -- Printed in U.S.S.R. - that is all it says.

TM. 48, is a News Supplement containing the results of the Berlin Conference, statement by Molotov, Minister of Foreign Affairs of the U.S.S.R., printed in the U.S.S.R.? -- Yes.

TM. 49, Lecture No. 3 - A Change is Needed? -- Correct.

TM. 50, a lecture called "The Country We Live In"? -- Correct.

TM. 51, is the A.N.C. Youth League Constitution? -- Correct.

TM. 52, is that a booklet or a pamphlet called "The Crime Against International Working Class Unity"? -- Correct.

TM. 53, is that a book called "The Role of the Missionaries in Conquest" by? -- Mothsethu Majeke.

TM. 54, is that a booklet called "Soviet Literature"? -- Correct.

TM. 55, is that a newspaper called "Soviet Review of World Events"? This is a pamphlet "Soviet Review of World Events of June, 1954? -- This is correct.

TM. 56, a circular "Should Our Women Carry Passes", a special National Conference of the A.N.C. at Orlando on the 31st March, to 1st April, 1956? -- Yes.

TM. 57, are the Minutes of the National Conference of the A.N.C. held at Bloemfontein on the 17, 18th December,

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1955, containing the following: - "The A.N.C.W.L. First Annual Conference took place at 8 a.m. and closed at 11 a.m. after electing National Executive Committee with Mrs. Lilian Ngoyi as the National President. The A.N.C. Conference opened at about 11.30 a.m. with devotions by the National Chaplain, the Rev. W.S. Gawe and Delegates were welcomed by the Speaker of the House, the Hon. Rev. Mr. J. Kalato." Further down:- "The Speaker announced that Dr. A? Letele would for a time act as President General as our President, Chief A.J. Lethuli, could not come as a result of his ban, nor would Professor Mathews, his Deputy, arrive on the day due to some preoccupation". Further down Mr. Robert Resha reported that Dr. Moosa, one of the Joint Secretaries of the Indian Congress who had been sent by his organisation to convey fraternal greetings, has been taken by the Bloemfontein Special Branch" - I don't know what that means. Then "The Conference agreed to the appointment of six Commissions - each with a convener appointed by the National Executive Committee as follows - Labour, Mr. L. Mesina as Convener; Mr. Chulungwa, Homes and Security; Mr. C. J. Maietso, Education and Culture; Mr. R. Resha, "Law as it affects the African People", with Mr. A. Hutchinson as convener" ? -- Yes.

TM. 58, is an article in Sesuto by O. Motsabe - in pencil - and attached there is the typewritten copy of this article; then another article in Sesuto by Moses M. Kotane, in ink - with the typed copy attached? -- Yes.

TM. issue of Fighting Talk, Vol. 11, No. 4? -- Yes.

TM. 60, a circular called "The Situation in Hungary"? -- Yes.

TM. 61, notes in ink dealing with the beerhalls and troubles that took place at the beerhalls and on the last

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page "We pledge our full support to the South Africa Aid for Egypt Fund which has been established to bring relief to the Egyptian victims of violence"? -- Correct.

TM. 62, a booklet "People's China" dated 10th May, 1956? -- Correct.

TM. 63, is that a booklet called "International Affairs"? -- That's right - 1956.

TM. 64 to TM. 66, are they three issues of "Fighting Talk", 2 copies of Vol. 12 and one of Vol. 11? -- Correct.

TM. 67, is an exercise book containing notes about the - it looks like "Donations" or "Subscription" with the heading A.N.C. Politics, Schools, Struggle, Class, the People"? -- Yes.

TM. 68, an exercise book containing Minutes of a Meeting held on 17/11/55 - where the following appears "The Secretary gave a brief report on the local activities reminding the members of the "M" Plan we have adopted. He also stressed the points of the continuation of the Freedom Charter Campaign through the signatures". Then the Minutes of a meeting held on 24/11/55 where Mr. Makiwane presided as Chairman; also the minutes of a meeting held on 19/1/56 where the Agenda - the lecture was given "On the History of Congress" was given by Mr. T. Makiwana and an announcement was made by J. Gadebe; and then also the Minutes of a meeting held on 26/1/56 where Mr. Makiwana was a speaker, also Mr. Nene? -- Correct.

TM. 68 A, is a letter addressed to the Presiding Chairman, Members Meeting, by the Convener of All Alexandra Branches of the African National Congress on the 9th February, 1956, and it is signed by John S.A. Mavuso? -- Correct.

TM. 69, is a booklet called the "Marxist Quarterly" of April, 1954? -- Correct.

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TM. 70, is an exercise book containing the Minutes of a Meeting held on 6/10/55 where Mavuso was Chairman and Makiwane was present; again the Minutes of a Delegates meeting on 7/10/55 where "The Boycott of Schools" was discussed; and again the Minutes of a Meeting held on 12/10/55; and the Minutes of a Meeting held on 26/10/55; and again on 9/11/55 where Mr. Mavuso and Mr. Makiwana and others were present; and then the Minutes of a Meeting held on 16/11/55, where Mavuso and Makiwana were again present; and the Minutes of a Meeting held on 30/11/55, where Mavuso was present - also Makiwana; then the Minutes of a meeting held on 4/1/56; and those of a meeting held on 18/1/56? -- That is correct.

TM. 71, is that the Constitution of the People's Republic of China? -- Yes.

TM. 72, a pamphlet called "China Reconstructs"? -- Yes.

TM. 73, a Bulletin called "Isizwe", issue of March, 1956? -- Yes.

TM. 74, a pamphlet called "Rural Youth", issued in January, 1956? -- Yes.

TM. 75, a Report of the A.N.C. 42nd Annual Conference, in Durban in 1954? -- That's correct.

TM. 76, Minutes of a meeting held on 10th June, 1955, in pencil? -- Correct.

TM. 77, a roneod document entitled "Programme For the Building of a Mass Youth League"? -- Correct.

TM. 78, is that a Bulletin called "Hungarian Review"? -- Yes.

That year? -- March, 1955.

TM. 79, is a report of the Continuation Conference held at Orlando on 6/11/55, where J. Mavuso, Makiwana, J. Gadebe and others were present? And where the following
- subjects -

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subjects were discussed, "Congress of the People", "Bantu Education", "Trade Unions", "Political Education", "Western Areas Removal", "Defiance Campaign", "The Evaton Bus Boycott"? Under "The Evaton Bus Boycott" the following was said:- "The Provincial Secretary gave a brief report of the boycott up to date and he further urged all branches to give whatever assistance possible to the boycott" and then the C.O.P. signature campaign was discussed; then the Minutes of a meeting - Your Worship - TM. 80, are the Minutes of a Meeting held on 29/11/55 in Alexandra Township? -- Yes.

TM. 81, is a circular issued by the Transvaal Committee of the A.N.C. TM. 82, is a letter from the A.N.C. Women's Section of Alexandra Township, dated 8. 11. 55., to the Secretary, Provincial Committee, Alexandra? -- Yes.

TM. 83, another circular letter addressed by the Transvaal Branch of the A.N.C. to all Branch Secretaries and dealing with the National Conference to be held in Bloemfontein in December, 1955, and it is signed by P. Mathole, Provincial Secretary, Transvaal? -- Yes.

TM. 84, a Meeting of the Anti-Permit Committee held on 23. 4. 56. where P. Nene was Chairman? -- Correct.

TM. 85, copy of a typewritten letter from the A.N.C. DATED 1st November, 1955, A.N.C. Alexandra Township, inviting that Branch to a meeting to be held on 12th November, 1955, for the purpose of discussing the campaign for "A Million signatures for the Freedom Charter" and it is signed by P. Mathole? -- That is correct.

TM. 86, is a Minute Book containing the Minutes of a Meeting held on 26. 10. 55. where the C.O.P. "Million Signatures Campaign" was discussed, amongst others, and the Minutes are signed by J. Mavuso as Chairman on the 9th November, 1955. Then the Minutes of a Meeting held on 9/11/55 where

- J. Mavuso -

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J. Mavuso appeared as Chairman and where Makiwana was present and these Minutes are again signed by J. S. Mavuso on 16. 11. 55. Then the Minutes of 16. 11. 55 where J. Mavuso and Makiwana were both present and these are signed by Mavuso as Chairman on the 23rd November, 1955; then the Minutes of the last date where the Bus Boycott was discussed, and these are signed on the 30th November, 1955, by Mavuso; and the Minutes of the Meeting on this last date, and also the Minutes of the Meeting on the 4th January, 1956 and on the 18th January, 1956? -- That is correct.

TM. 87, is that a booklet called "Viewpoints and Perspectives"? -- Correct.

Where was it published? -- "Publication of the Johannesburg Discussion Club, February, 1954".

TM. 88, issue of "Liberation" No. 9 of 1954? -- That's right.

TM. 89, "Liberation" No. 12 of October, 1955? -- Correct.

TM. 90, "Liberation" No. 15, December, 1955? -- Yes.

TM. 91, "Liberation" No. 20, August, 1956? -- Yes.

TM. 92, is that a Bulletin for Friendship and Co-operation"? -- Yes.

TM. 93, are those notes referring to the bus boycott at Evaton? -- Yes.

TM. 94, is that a pamphlet entitled "Onward to Freedom"? -- Yes.

TM. 95, pamphlets called "Speaking Together"? -- Yes.

TM. 96, a letter dated 3rd August, 1956, addressed to all branches of the A.N.C.Y.L. and signed by whom? -- Y. Patini.

TM. 97, is that a notebook of the A.N.C.Y.L.? -- Yes.

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TM. 98, is that a Bulletin of the Transvaal Branch of the A.N.C.? -- Yes.

CROSS-EXAMINATION RESERVED:

BY MR. LIEBENBERG: I'm sorry, Your Worship, there is a document that is not added to the list:-

TM. 99, are the roneod Resolutions passed at the Transvaal Indian Congress, Johannesburg, in August, 1956?

-- That is correct.

COURT ADJOURNED TO MONDAY, 4th FEBRUARY, 1957.

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COURT RESUMES 4/2/1957:

APPEARANCES AS BEFORE:

MR. COAKER HANDS IN MEDICAL CERTIFICATE i.r.o. ACCUSED 83.

THEUNIS JACOBUS SERFONTEIN, duly sworn,

EXAMINED BY P.P.:

Were you a detective sergeant in the South African Police, stationed at Kimberley ?-- Yes.

What is your present address ?-- 9, Cohen Street, Kimberley.

On 26/6/1955, were on special duty at Kliptown, Johannesburg ?-- Yes.

Did you there approach a certain native who gave you his name and address ?-- Yes.

As Andrew Makone Chamile ?-- Yes.

And the address he gave you was that

MR. COAKER OBJECTS:

EXAMINATION BY P.P. CONTD.:

What is the address that this person gave you ?-- He gave me the address, I think, of 39-40 Newclare Avenue, Newclare.

Did you make a note of the particulars he gave you at the time ?-- I did.

Have you the particulars or the notes before you now ?-- Yes.

Are you going to refresh your memory from the notes that you made ?-- Yes.

What are the full names he gave you and the address ?-- Andrew Makone Chamile, 39-40, Meyer Avenue, Newclare.

And any further particulars ?-- His Pass No. was 315309.

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Did you then search him under the authority of a search warrant ?-- Yes.

Did you take possession of a number of documents which you found in your possession ?-- Yes.

Are you able to identify this person ?-- I think I will if he is in Court.

Will you have a look ?-- I think this is the man -- Accused No. 8.

The first document that you took possession of is that AAC.33, a lecture called "The Country We Live in" ?-- Correct.

AAC.34, a lecture called "The World We Live in"; AAC.35 a lecture entitled "Change is needed." ?-- Yes.

AAC.36, roneod instructions and duties for volunteers at the Congress of the People ?-- Yes.

AAC.37, draft resolution ?-- Yes, passed at Kliptown.

AAC.38, the agenda of this C.O.P. Conference held at Kliptown on 25/6/55, and also the agenda for the 26th ?-- Yes.

AAC.39, a bulletin called "The Africanist" of May 1955, issued by the Orlando A.N.C.Y.L. ?-- Yes.

AAC.40, roneod presidential address of the African National Congress, Transvaal, held at Western Native Township from 9th October, 1954, in Johannesburg ?-- Yes.

AAC.41, typewritten document containing songs, the first one entitled "The Congress of the People" and the second "The Call to the Congress of the People" ?-- Yes.

AAC.42, is a draft freedom charter in a native language ?-- Yes.

AAC.43, is a roneod document dealing with the political situation of the African National Congress and what

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is called "Extreme Nationalism" in the ranks of the A.N.C. signed by Nguni and two others, Albertynsville Section 1. ?-- Yes. I described it here as a political synopsis.

AAC.44, the Springbok Book-keeping book, with the name Andrew Chamile, 69 Meyer Avenue, Newclare, Johannesburg written inside the front page ?-- Yes.

(No further questions)

CROSS-EXAMINED BY MR. COAKER:

May I see the note from which you are refreshing your memory ?-- (Note handed to Mr. Coaker.)

I see that this is a typed statement which you made; have you got the original note ?-- I have not; I made that that same evening from the notes that I made, or the following morning.

BY THE COURT: You mean you typed that yourself ?-- Yes.

The same evening ?-- No, the following morning.

CROSS-EXAMINATION BY MR. COAKER CONTD.:

Did you type this yourself ?-- Yes, I typed it myself.

BY THE COURT: What has happened to the original notes ?-- I didn't keep them.

Did you destroy them ?-- Yes.

CROSS-EXAMINATION BY MR. COAKER CONTD.:

Were you in this Court this morning before the Session began ?-- Only before there was anybody in the Court. I stood in the door and I had a look round here, to see what it looked like inside.

Were you in here when the Accused were taking their seats ?-- No.

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MR. COAKER APPLIES FOR RIGHT TO RESERVE FURTHER CROSS-
EXAMINATION:

P.P. OBJECTS:

DISCUSSION:

DECISION DEFERRED: WITNESS TO STAND DOWN TEMPORARILY:

MR. COAKER ADDRESSES COURT:

(Crown witnesses in court before being called.)

DISCUSSION BETWEEN MAGISTRATE & MR. COAKER:

P.P. ADDRESSES COURT:

DISCUSSION BETWEEN MAGISTRATE & P.P.

DISCUSSION BETWEEN MAGISTRATE & MR. COAKER:

COURT RULES WITNESSES SHOULD NOT HAVE ACCESS TO COURT
UNTIL THEY ARE CALLED IN TO GIVE EVIDENCE:

OELOF ABRAHAM VAN DEN HEEVER, duly sworn,

EXAMINED BY P.P. (MR. LIEBENBERG:)

Are you a detective sergeant in the S.A. Police, sta-
tioned at Germiston ?-- Yes.

On 27/9/55, did you proceed to Germiston Location
?-- I did.

With a search warrant in your possession ?-- Yes.

To which place in Germiston Location did you go ?--
658, 8th Street, Germiston Location.

Do you know who lives at that place ?-- Yes. A
Native male by the name of Josua Makwe.

Do you know him well ?-- I do. I have known him
for the last three years .

Can you identify him ?-- I can. There he sits --
Accused No. 28.

Was he present when you arrived ?-- No.

Did you search his house ?-- I did.

Was anybody present at the time of the search ?--

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Yes.

Who ?-- There was a native female who to my knowledge resides on the property. She was present during the whole search.

Did you take possession of a number of documents ?-- I did.

Do you know whether this accused occupies any special position in any organisation ?-- Yes. At a certain stage he was the secretary of the African National Congress, of the Germiston Branch.

When you say "at a certain stage" what do you mean ?-- At that time, shortly before that search was carried out.

The first document that you took possession of, is ⁽¹⁾ JM.1/-- is that a notice of a public meeting to be held on 7/11/54, at Broadway Cinema, Johannesburg ?-- I marked all the documents I seized there.

JM.1(2), a printed circular addressed to the coloured people, issued by the S.A. Coloured Peoples Organisation, Johannesburg ?-- That is so.

JM.1(3), bulletin of the Transvaal Committee of the Congress of the People, headed "Forward to Freedom" ?-- Yes.

JM.1(4), a printed pamphlet in a native language dealing with the Congress of the People ?-- Yes.

JM.1(5), roneod notice of a meeting to be held on 7/11/___ to celebrate the 37th Anniversary of the Soviet Union, issued by Kachalia, Robert Resha, A.M. Kathrada, and Elias Motsalele ?-- That is correct.

JM.1(6), booklet entitled "G.M. Malenkov Speaks to the Supreme Soviet of the U.S.S.R." 8th August, 1953 ?-- Yes.

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JM.1(7) a booklet entitled "Freedom of Religion in the U.S.S.R." by G. Spasov ?-- Yes.

JM.1(8) a booklet entitled "New Life in China" by Ruth First ?-- Yes.

JM.1(9) bulletin entitled "Workers Unity of August 1955", bulletin of the S.A. Congress of Trade Unions ?--Yes.

JM.1(10), another issue of Workers Unity of June 1955 ?-- Yes.

JM.1(11), recorded presidential address delivered by A.J. Luthuli President-General, African National Congress at the 41st Annual Conference of the A.N.C., held at Queens-town in December, 1953 ?-- Yes.

JM.1(12), circular letter addressed to branches, dealing with Congress matters, signed by O.R. Tambo, and also making reference to the preparation for the great Congress of the People, and addressed -- on the envelope attached -- to the Secretary, African National Congress, 658, 8th Street, Germiston Location, Germiston ?-- Correct.

JM.1(13), printed pamphlet called "Listen Young Friends" issued by the S.A. Indian Youth Congress, dealing with the calling of volunteers ?-- That's correct.

JM.1(14), printed pamphlet entitled "This Call to the Congress of the People" ?-- Correct.

JM.1(15) invitation to a meeting to be held on 17th October to discuss Bantu Education Act, increase in rents, removal of Western Areas, issued by the A.N.C. ?-- Correct.

JM.1(16), copy of the Freedom Charter, attached also is a circular entitled "Your Signature for the Freedom Charter", as well as an envelope addressed to "J.F. Makwe" 658 8th Street, Germiston Location. ?-- Yes.

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JM.1.(17) a roneod circular issued by the World Youth Day Committee, dated 19/10/55, and referring to the celebration of the World Youth Day, signed by F. Adams ?-- Yes.

JM.1(18) application for enrolment as a volunteer form ?-- Yes.

JM.1(19) lecture entitled "The World We Live In" ?-- Yes.

JM.1(20) Youth Festival Poster of the World Federation of Democratic Students ?-- Correct.

JM.1(21) roneod letter issued by the Provincial Volunteer in Chief, signed R.M. Resha on 26/10/54, calling on each branch to appoint a local volunteer chief, addressed -- envelope attached -- Secretary, A.N.C., 658 8th Street, Germiston ?-- Correct.

JM.1(22) resolution passed by the A.N.C. Germiston Branch demanding immediate action after this Conference -- demands that there should be a national stoppage of work because time and again resolutions have been passed and no action has been taken..... "when the Government decides on some vicious action it puts it to practice. The same should apply to the A.N.C. as the only opposing party to the Government..... The will of the people counts, let the majority rule the minority; we condemn white superiority and colonialism" ?-- Correct.

JM.1(23) roneod circular letter issued by the Transvaal Branch of the A.N.C. on 9/2/54, dealing with the annual national conference, 1954, to be held in Durban in December ?-- Yes.

JM.1(24) a copy of "Fighting Talk" of September 1955

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and JM.1(25) a booklet called South Africans in the Soviet Union ?-- Yes.

JM.1(26) roneod circular letter issued by the A.N.C. Transvaal on 7/6/55, addressed to all branches, reading: "You are called upon to boycott forthwith the election of school committees and school boards, signed by R. Resha, secretary ?-- Correct.

JM.1(27) list of signatures for the Freedom Charter ?-- Yes.

(No further questions)

CROSS-EXAMINATION RESERVED:

PATRICK OWEN HARRIS, duly sworn,

EXAMINED BY P.P. (MR. LIEBENBERG)

Are you a detective sergeant in the S.A. Police ?--
Yes.

Stationed where ?-- Germiston.

On 5/12/56, did you proceed to the Germiston Location with a search warrant ?-- I did.

And to which address in this location did you go ?--
No. 658, 8th Street, Germiston Location.

Do you know who the occupier of this house is ?-- Yes.

What is his name ?-- Josua Makwe.

Do you know this person ?-- I know him.

Will you be able to identify him ?-- I will. Accused
No. 28.

Did you there take possession of a number of documents ?-- I did.

Is that the house of J. Makwe ?-- Yes.

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JM.1(28), a number of A.N.C. membership cards ?--Yes.

JM.1(29), booklet entitled "World Assembly for Peace" ?-- Yes.

JM.1(30), a booklet called "European Security and the German Problem" ?-- Yes.

JM.1(31), a booklet called "Disarmament and the Atomic Weapons" ?-- That is correct.

JM.1(32) is omitted and JM.1(33). JM.1(34) is that 2 lectures called "The Country we Live In" ?-- Yes.

JM.1(35) is that a photograph showing a group of people being addressed by somebody ?-- Yes.

JM.1(36) is omitted; JM.1(37), JM.1(38) are also omitted. JM.1(39) copy of a typewritten circular letter issued by the African National Congress Youth League, Transvaal, dated 4th May, 1956, addressed to "Cultural Clubs" branches, containing an invitation to a mass youth conference, to be held at Kimberley on 30th June and 1st July, 1956 ?-- Yes.

JM.1(40) is omitted. JM.1(41) roneod circular entitled "Africa for Peace, A Call to the People" ?-- Correct.

JM.1(42) is omitted; JM.1(43) is a notice of a member's meeting to be held by the Germiston Branch of the A.N.C. on 29/11/56 ?-- That is correct.

Jm.1(44) -(45) and -(46) are omitted. JM.1(47) a roneod letter dated 16/3/55, no addressee stated, beginning as follows: "As you probably know people will be congregating in their thousands at Johannesburg to attend the Congress of the People where our delegates will be able to express the grievances we have and also plan the sort of life

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we would like to live. This plan will be known as the Freedom Charter,"and it is signed by Ebrahim Moolla ?-- Correct.

JM.1(48) is omitted. JM.1(49) is a list of names with the heading "Consultative Committee" -- first name Mr. Josua Makwe ?-- That is correct.

(No further questions)

CROSS-EXAMINATION RESERVED:

ROELOF ADRIAAN VAN RENSBURG, duly sworn,

EXAMINED BY P.P. (MR. VAN NIEKERK):

Are you a detective sergeant, S.A.Police, stationed at Rosebank ?-- I am.

Johannesburg ?-- Yes.

On 27/9/55, did you under the authority of a search warrant search the premises at 8115 Orlando, Johannesburg ?-- That is correct.

Who is the occupier of these premises ?-- Mr. N.R. Mandela.

Do you know him ?-- I do.

Can you identify him ?-- Yes. Accused No. 32.

Was he present ?-- He was not present.

Did you there seize certain documents ?-- That is correct.

NRM.1 is that a booklet, "Lenin and Stalin on the State" ?-- Yes.

NRM.2, a booklet "Council of the World Federation of Democratic Youth" Peking, August 1954 ?-- Correct.

NRM.3, a book "Nehru on Africa", printed New Delhi ?--

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Yes.

NRM.4, a book "Nicolai Barkescu, a Fighter for Freedom" published by the Publishing House of the Rumanian Institute for Cultural Relations with foreign countries, Bucharest, 1953 ?-- Correct.

NRM.5, a foolscap, loose-leaf book, with a manuscript article "manifesto of the Communist Party ?-- Yes.

NRM.6, a booklet "New Life in China" by Ruth First ?-- Correct.

NRM.7, a booklet "South Africa's Way Forward" by Moses Kotane ?-- Correct.

NRM.8, is that a roneod form "The Removal of Western Areas of Johannesburg" with some pencil and ink notes on the first and second pages ?-- Correct.

NRM.9, a publication "Fighting Talk" for July 1955 ?-- Yes.

NRM.10, a manuscript document "Comments on the Draft Constitution of the A.N.C." and on the first page: "Section 2, 4(a) (b) and (c) Section 2(iv) to be deleted as being unsuitable for a national movement. Congress is not a political body but a people's national liberation organisation." Attached thereto is a letter from Lincoln University, Pennsylvania, by a person E.M. Getzen ?-- Yes.

NRM.11, a roneod document, the presidential address delivered by A.J. Luthuli, President-General, African National Congress, at the 41st Annual Conference of the African National Congress held at Queenstown, December 18th - 20th, 1953 ?-- Yes.

NRM.12, a document roneod "Constitution and Programme of the African National Congress", attached thereto NRM.12a,

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African National Congress Cape Province report of the Executive Committee to the Annual Provincial Conference held at the O'Dean. Hall Sophiatown, October 1953 -- 10 pages; NRM.12(b) another constitution of the African National Congress ?-- Yes.

NRM.12(c) African National Congress Cape, Presidential Address to the Provincial Conference held at Cradock on 15/8/53 ?-- Yes.

NRM.12(d) constitution of the South African Congress of Democrats ?-- Yes.

NRM.12(e) resolutions adopted by the 41st Annual Conference of the African National Congress held at Queens-town on the 18th-20th December, 1953 ?-- Correct.

NRM.12(f) constitution of the African National Congress ?-- Yes.

NRM.13, is that a roneod publication "Workers Unity" bulletin of the S.A.Congress of Trade Unions, Vol. I No. 3, July, 1955, with a printed Freedom Charter as a supplement ?-- Yes.

NRM.14, a circular from the Federation of South African Women, Johannesburg, "Let Women Make the Laws" ?-- Yes.

NRM.15, a bulletin of the S.A.Society for Peace and Friendship with the Soviet Union, October 1955, "For Peace and Friendship" ?-- Yes.

NRM.16, a symposium on the nation question "What are the National groups of South Africa" L. Forman, K. Jordan, D. Ngwenya, Dr. H.J. Simons, published by the liaison committee of the South African Club and the Forum Club ?-- Yes.

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NRM.17, a roneod publication, "No Easy Walk to Freedom, Africa Our Beloved Motherland" by N.R. Mandela, and on first page: "Introduction by R.M.Resha, President, A.N.C.Y.L., to Polihala Mandela, the illustrious son of Africa, the gallant and courageous fighter for lasting peace and democracy. We say that no matter where he may find himself today, no matter what hardships he may suffer, the masses cannot be bluffed nor intimidated. Thus his sufferings are but temporary. What he has taught us is invaluable. The lead he has given us is enough to make us carry on the struggle and we shall not rest nor tire until oppression, exploitation of man by man and the domination of one group over another is completely abolished and eradicated in this our motherland, South Africa. Africa's cause must triumph.... (Page 5) The entire Continent is seething with discontent and already there are powerful revolutionary eruptions in the Gold Coast, Nigeria, Tunisia, Kenya, Rhodesias and South Africa. The oppressed people and the oppressors are at loggerheads; the day of reckoning between the forces of freedom and those of reaction is not very far off. I have not the slightest doubt that when that day comes truth and justice will prevail..... Today we talk of the struggle of the oppressed people which though it is waged through their respective autonomous organisations, is gravitating towards one central command. From now on the activity of Congressites must not be confined to speeches and resolutions. Their activities must find expression in wide-scale work among the masses, work which will enable them to make the greatest possible contact with the working

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people. You must protect and defend your trade unions. If you are not allowed to have your meetings publicly, then you must hold them over your machines in the factories, on the trains and buses as you travel home. You must have them in your villages and shanty towns; you must make every home, every shack and every mud structure wherever our people live a branch of the trade union movement and never surrender. (page 7): Here in South Africa as in many parts of the world a revolution is maturing. It is the profound desire, determination and urge of the overwhelming majority of the country to destroy forever the shackles of oppression that condemn them to servitude and slavery, to overthrow oppression has been sanctioned by humanity and is the highest aspiration of every free man. If elements in our organisation seek to impede the realisation of this lofty purpose, then these people have placed themselves outside the organisation and must be put out of action before they do more harm. To do otherwise should be a crime and a serious neglect of duty. We must rid ourselves of such elements and give our organisation the striking power of a real militant mass organisation. The massacre of the Kenya people by Britain has aroused world wide indignation and protest. Children are being burnt alive; women are tortured, whipped and boiling water poured on their breasts to force confessions from them that Jomo Kenyatta had administered the Mau Mau oath to them. Men are being castrated and shot dead. In the Kikuyu country there are some villages in which the population has been completely wiped out. We are prisoners in our own country, because we dare to raise our voices against

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the terrible atrocities and because we express our solidarity with the cause of the Kenya people. You can see that there is no easy walk to freedom anywhere, and many of us will have to pass through the valley of the shadow of death again and again before we reach the mountain tops of our desires." N.R.D. Mandela typed in, President, African National Congress, Transvaal, 21/9/53. Released by the African National Congress, Transvaal, and published and distributed by African National Congress Youth League, Transvaal, P.O. Box 9207, Johannesburg ?-- Yes. that is correct.

(No further questions)

CROSS-EXAMINATION RESERVED:

DANIEL JACOBUS ROSSOUW, duly sworn,

EXAMINED BY P.P. (MR. VAN NIEKERK)

Are you a detective head constable, S.A. Police, stationed at Marshall Square ?-- I am.

On 5/12/56, did you under the authority of a search warrant search the premises at 8115, Orlando West ?-- Yes.

Who is the occupier of those premises ?-- Nelson Mandela.

Can you identify him ?-- Yes. (Accused No. 32 identified.)

Was he present whilst you conducted the search ?-- Yes.

And on the same day did you also under the authority of a search warrant search the premises at 25 Fox Street, Johannesburg. ?-- Yes.

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Who is the occupier of those premises ?-- The Accused -- Nelson Mandela, No. 32.

Did you ~~seize~~ certain articles from 25 Fox Street, as well ?-- I did.

The articles that you seized in Fox Street, in what offices were they ?-- In the office of the Accused, Mandela.

Did you ask him whose articles these were ?-- Yes, I asked him which is his office; he pointed out his office to me and he said he was the sole occupier of the office.

And did he have any remark to make about the things in the office ?-- No.

Did you take the following articles from his office: NRM.18 and NRM.19 are being omitted. NRM.20, is that the annual report of the National Executive Committee, to the 42nd Annual Conference of the African National Congress, held at the Bantu Social Centre, Durban, on 16th - 19th December, 1954 ?-- Yes.

NRM.21, is that a loose-leaf foolscap book with an article "Dialectical Materialism" by (illegible) ?-- Yes.

NRM.22, a publication, "Indian Opinion" 29/6/56, printed at Phoenix Natal ?-- Yes.

NRM.23, is that a two-page roneod document "The African National Congress, Cape Province" "To All Branches of the Western Cape; Circular issued by T.E. Tshunungwa and also signed T. Tshunungwa, 29/6/55 ?-- Yes.

NRM.24, is that a letter directed to Mhikazi from Tchimkele ?-- Yes.

NRM.25, is omitted. NRM.26, is that a bulletin No. 1

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of the African National Congress, Natal, in a native language, and attached thereto is an English translation, which will be proved later on in evidence ?-- Yes.

NRM.27, is that a circular in the Bantu language from the African National Congress, Cape, dated 30/6/55, with the name of T.E. Tshunungwa, typed in at the bottom and Enoch Pst.... signed at the bottom ?-- Yes.

NRM.28, is that a publication "The Africanist" Vol. II No. 1, January-February 1956, the "African Warrior" issued by the Orlando A.N.C.Y.L. ?-- Yes.

NRM.28A, Congress Voice, Vol. II, December 1955 ?-- Yes.

NRM.29 is omitted. NRM.30 "Iziswa" publication, Vol. I No. 1, and Vol. I No. 3 ?-- Yes.

NRM.31 is omitted. NRM.32, is a carbon copy, 2 pages, address given by A.J. Luthuli, President-General, A.N.C., at the Peace Convention held under the auspices of the Peace Council of South Africa, Johannesburg, October 28th-29th, 1956 ?-- Yes.

NRM.33, is omitted. NRM.34, appears to be a carbon copy of a ten page document entitled "Fight for Democracy in South Africa" -- the last couple of pages are not in numerical order. I read from page 6: "Foremost in the freedom struggle in South Africa is the Congress Movement, comprising the African National Congress, S.A.Coloured People's Organisation, South African Indian Congress, and the S.A.Congress of Democrats, the Federation of South African Women and the S.A.Congress of Trade Unions. The Congress having realised that the majority of the people

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were very much concerned with the future of their country, and particularly the solution of racial problems convened a Congress of the people to which political, economic and cultural organisations of all races were invited to participate. At the Congress of the People which was held at Kliptown, Johannesburg, on June, 25th and 26th, 1955. Among the numerous organisations invited were the Government Nationalist Party and the official opposition, the United Party, both of which declined." ?-- Yes.

NRM.35, is being omitted. NRM.36, a typewritten document, 6 pages, presidential address, -- either typewritten or roneod -- delivered by Mrs. Lilian Ngoyi, the President of the African National Congress Women's League, Transvaal, at Jabavu, Johannesburg, on Sunday 11th November, 1956 ?-- Yes.

NRM.37, is that a roneod document, 5 pages, entitled "Political Organisation" commencing "Every political struggle is a long drawn-out war" ?-- Yes.

NRM.38, a typewritten document, 2 pages in original and 2 pages carbon copies -- the whole document is four pages -- Political Organisation, the same as document 37. ?-- Yes.

NRM.39, a roneod document, "Transvaal Provincial Executive has prepared a set of lectures notes 'What Every Congress member should know' " and then it deals with four lectures ?-- Yes.

NRM.40, a roneod document entitled "The 4th Annual Conference of the A.N.C.W.L. Transvaal held in the Mavis Isaacson Hall, Jabavu, on 11th November, 1956," and then "First Session, 10 a.m., official opening by Advocate D. Nokwe. ?-- Yes.

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NRM.41, 16 pages about the pass laws ?-- Yes.

NRM.42, letter in the native language, from Uitenhage, dated 28th July, 1956, from Nduza ?-- Yes.

NRM.43, a roneod document "African National Congress Circular" dated 26/2/56 from Johannesburg, with the name of P. Mathole, Provincial Secretary, typed in at the bottom ?-- Yes.

NRM.44, is that a roneod document, 7 pages, special supplement "Why is the cult of individual Asian to the spirit of Marxism-Leninism?" ?-- Yes.

NRM.45, is that a publication, report compiled and issued by the Federation of South African Women on children of South Africa ?-- Yes.

NRM.46, is that a roneod publication "For Peace and Friendship" Information Bulletin April, 1956, issued by the S.A. Society for Peace and Friendship with the Soviet Union, Johannesburg ?-- Yes.

NRM.47, a roneod publication entitled "Modesa Omalusi" Vol. I ?-- Yes, relating to Congress and Removal of the Western Areas.

NRM.48, is provisionally omitted. NRM.49 is that a report of the South African delegation which has attended the fourth World Festival of Youth and Students in Bucharest Rumania, August 2nd to 16th, 1953 ?-- Yes.

On page 2 it states: "What is the W.F.D.Y. The World Federation of Trade Unions, the World Peace Council, the International of Students, the World Federation of Democratic Youth." Page 13: "Three of the South African delegates were invited to the People's Republic of Bulgaria. Amongst these was Mr. Hutchinson who has reported that from

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his two-week stay in Bulgaria they came in contact and discussed with peoples in various walks of life, and what impressed him most was the enthusiasm and concern for the maintenance of world peace so that they may construct their country, raise their standard of living and also their deep sympathy with the struggle for liberation of the non-European people in South Africa. Mr. Hutchinson wrote an article in which he describes the condition of the non-European people and their struggle. Mr. Ngosiyana made a broadcast to the Bulgarian people on South Africa. Mr. Nokwe made a broadcast statement on the condition of South Africa..... Mr. W.M. Sisulu, Secretary-General of the African National Congress, Mr. Ismail Bula, Mr. Duma Nokwe were invited to the Soviet Union and China. (Page 15): The keen interest shown by the people of the Soviet Union in the affairs of South Africa, manifested itself in a request for articles and broadcasting interviews which were given by Mr. W.M. Sisulu, Mr. Duma Nokwe and Mr. Ismail Bula. Since 1949 when the People's Republic of China was established, the creative abilities of the 600 million people of China has been unleashed, and they are all demanding world peace, in order that they may construct their country and raise their national prosperity to a new height. As a people who have been recently the victims of oppression and exploitation, they have deep sympathy with, and take a very keen interest in the struggle of the oppressed peoples against exploitation and imperialism. On their request Mr. Sisulu made a broadcast statement to the World and a detailed statement indicating the conditions of the oppressed peoples in South Africa(page 17)

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Mr. Speaker, Sir, Sons and Daughters of Africa, the South African Delegation is honoured to represent the struggling peoples of South Africa, and this report represents its efforts to serve the cause of the democracy loving people of South Africa." ?-- Yes.

NRM.50, a roneod document, 9 pages, revised draft constitution of the African National Congress, with some alterations, and on the front page there's a word "Twala" written on the right hand top corner ?-- Yes.

NRM.51, is the constitution of the African National Congress, and programme -- which is deleted -- of the African National Congress, with various amendments to it and the name of "Twala" written in the left-hand top corner ?-- Yes.

NRM.52, a draft constitution of the African National Congress, with some amendments to it, and the word "Yengwa, Draft" on the right hand top corner of the first page, and attached thereto is an original copy, first draft (a) constitution of the African National Congress, with some amendments to it and the word "Twala" written on the right-hand top corner ?-- Yes.

NRM.53, typewritten document, 10 pages, typed in original, "Meeting of the executive of the African National Congress held on 19th and 20th November, 1955, at Groutville" reading: "Opening the meeting: The meeting was opened at 7 p.m. on Saturday. Introduction: Mr. P. Mathole, Transvaal Provincial Secretary, Miss J.B. Mashiwe, national clerk, apologies Rev. Dawa, church duties; Present: Chief A.J. Luthuli, Professor Z.K. Matthews, Mrs. P. Simelane, E.P. Moretsele, R. Resha, A. Hutchinson, P. Mathole, T.E.

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Tshunungwa and Dr. A. Letele. Minutes Read. Motion for adoption of minutes, R. Resha..... (Page 6) The President was not officially informed of intended departure of N. to Bandoeng..... Professor: Warm connections with outside world should be kept, for instance Pan-African Conference in China. Amendment. Moses and Mawe were present as observers from South Africa, and acted as spokesmen for the oppressed peoples of South Africa" ?-- Yes.

NRM.54, publication "Fighting Talk" November 1956 -- a number of copies ?-- Yes.

NRM.55, is a booklet "Marx's Study Themes, Crises of Britain and the British Empire" ?-- Yes.

NRM.56, a booklet "Onward to Freedom -- Call to the People of South Africa," by Dr. Dadoo and Dr. Malemo ?-- Yes.

NRM.56A, an issue of "New Age", February 1954, published in Bombay, and 56b, is the publication referred to above "Onward to Freedom" ?-- That is so;

NRM.57, a publication "New Age," March 1954, published in Bombay ?-- Yes.

NRM.58, a publication "New Age" April, 1955, published in New Delhi ?-- Yes.

NRM.59, "Liberation" No. 16, February 1956, with an article on page 16 "Transkei Revisited by Nelson Mandela" ?-- Yes.

NRM.60, a publication "Liberation" No. 18, April 1956 ?-- Yes.

NRM.61, a publication "Liberation" No. 22, November, 1956, of which you found a number of copies ?-- Yes. 64 copies.

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NRM. 62, Liberation, February 1954, ?-- Yes.

NRM. 63, Liberation, No. 21, September 1956 ?-- Yes.

NRM.64, Liberation, No. 2, April 1953 ?-- Yes.

NRM. 65, Liberation, November 1953, No. 6, and on page 14, an article "Towards Democratic Unity" by Nelson Mandela ?-- Yes.

NRM. 66, Liberation No. 9 of 1954 ?-- Yes.

NRM. 67, Liberation No. 22, November 1956 ?-- Yes.

NRM. 68, Liberation No. 20, August 1956 ?-- Yes.

NRM. 69, Liberation No. 14, November 1955 ?-- Yes.

NRM.70, Liberation No. 17, March, 1956 ?-- Yes.

NRM. 71, Liberation No. 15, December, 1955 ?-- Yes.

NRM. 72, a booklet "Policy towards Nationality of the Peoples Republic of China" Foreign Languages Press, Peking, 1953 ?-- Yes.

NRM.73, a booklet "Mao Tse Tung, Report of an investigation into the peasant movement in Hoona," Foreign Languages Press, Peking, 1953 ?-- Yes.

NRM. 74, a booklet "Mao Tse Tung, Combat Liberalism" printed in the People's Republic of China, Foreign Languages Press, Peking, 1955 ?-- Yes.

NRM. 75, a booklet "Lenin and Stalin on the State," London Laurence & Wichardt Ltd., reprinted 1942 ?-- Yes.

NRM.76, a booklet, on Lenin "Speeches and Articles" J. Stalin, London Laurence & Wichardt Ltd., reprinted 1941 ?-- Yes.

NRM.77, a booklet "Lenin and Stalin on Propaganda" London Laurence & Wichardt Ltd., first published in the Little Lenin Library, 1942 ?-- Yes.

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NRM.78, booklet "On the National Question" J. Stalin, London Laurence & Wichardt Ltd., first published 1942 ?-- Yes.

NRM. 79, "G. Malenkov, Report to the 19th Party Congress of the Work of the Central Committee of the C.P.S.U.(B)" Foreign Languages Publishing House Moscow, 1952 ?-- Yes.

NRM. 80, "J. Stalin, Economic Problems of Socialism in the U.S.S.R." Foreign Languages Publishing House, Moscow, 1952 ?-- Yes.

NRM. 81, NRM. 82 are omitted. NRM. 83, booklet "The Threatened People" from the S.A. Congress of Democrats, Johannesburg ?-- Yes.

NRM. 84, "J. Stalin, Problems of Leninism" Foreign Languages Publishing House, Moscow, 1945 ?-- Yes.

NRM. 85, a book "Marx Against the Peasant, a Study in Social Dogmatism," George Widenfeld & Nicholson Ltd., London, first published 1951 ?-- Yes.

NRM. 86, booklet "We Are Many" issued by the S.A. Congress of Democrats, Johannesburg ?-- Yes.

NRM. 87, booklet "The Law and You" appearing on the back page: "This is a 'New Age' pamphlet, October 1956, published by Real Printing and Publishing Co. (Pty.) Ltd., Cape Town, Johannesburg, Durban and Port Elizabeth." ?-- Yes.

(No further questions)

CROSS-EXAMINATION RESERVED:

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(Nel)

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PIETER GABRIEL NEL, duly sworn,

EXAMINED BY P.P. (MR. LIEBENBERG):

Are you a detective sergeant in the S.A. Police, stationed at Wynberg ?-- Correct.

On 17/9/55 did you proceed to 88, 3rd Avenue, Alexandria Township ?-- Yes.

Were you in possession of a search warrant ?-- I was.

Did you know who occupies this place ?-- Yes.

Sam Masimula.

Do you know him ?-- Yes.

Can you identify him ?-- Yes. (Accused No. 33 identified.)

Was he present when you arrived ?-- He was.

Did you search his house ?-- Yes.

Did you take possession of a number of documents ?-- I did.

SAM.1 is omitted. SAM.2, is that a publication of the Johannesburg Discussion Club, published in March 1953, called "Viewpoints and Perspectives" ?-- Correct.

SAM.3, another publication of this discussion club, for June 1953, containing a loose-leaf which reads as follows: "Contributions and Correspondence to this journal will be welcomed. These should be sent to the Secretary, Viewpoints and Perspectives, 54 Victoria Avenue, Sandringham, Johannesburg" ?-- Correct.

On page 28 appears an article, the "Role of the Bourgeoisie in the Liberatory Struggle" a paper delivered to the Johannesburg Discussion Club, January 1953, by Mr. L. Bernstein ?-- Correct.

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(Nel)

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SAM.4 another publication of Viewpoints and Perspectives of February 1954 ?-- Correct.

SAM.5, is that a portion of a magazine entitled "China and Japan" issued in September, 1955 ?-- Correct.

SAM.6, copy of "Fighting Talk" of March 1956 ?-- Correct.

SAM.7, a pamphlet called "We Saw Korea" ?-- Correct.

SAM.8, a list for signatures for the Freedom Charter ?-- Correct.

SAM.9, a bulletin called "The African Lodestar" Vol. VI no. 2 ?-- Correct.

SAM.10, another issue of the "African Lodestar" Vol. VI No. 7, July 1954 ?-- Correct.

SAM.11, another issue of the "African Lodestar" of April 1953 ?-- Correct.

SAM.12 is omitted. SAM.13, Youth Festival Bulletin ?-- Correct.

SAM.14, is that a pamphlet, called "Peking Municipal People's Congress" ?-- Correct.

SAM.15, issue of the newspaper "New Age" of September 1955 ?-- Correct.

What is the front page article -- does it relate to the Freedom Charter ?-- Yes.

SAM.16, a number of copies of the Freedom Charter ?-- Correct.

SAM.17, a number of copies of the Freedom Charter in a native language ?-- Correct.

SAM.18, a notice issued by the Witwatersrand Local Committee of the S.A.C.T.U., 30 Progress Buildings, Commissioner Street, Johannesburg, reading as follows: "Twenty Years Ago in October 1945, representatives of workers

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(Nel)

from all countries of the world met to form an organisation which would unite the working people of the world into one powerful organisation. As a result of this great meeting, the World Federation of Trade Unions was born. During the ten years of the life of the W.F.T.U. millions of workers have received support and encouragement from it..... " Then it calls people to a mass meeting to celebrate the anniversary of the W.F.T.U. in Johannesburg on 15/10/55, with the notice "Workers of the World Unite, You have Nothing to Lose but you Chains" ?-- Correct.

SAM.19, a printed handbill entitled "Act Now to Save Peace." ?-- Correct.

SAM.20, a printed booklet, containing the speech by G.M. Malenkov" ?-- Correct.

SAM.21, "African Lodestar" Vol. VI No. 2 ?-- Correct.

SAM. 22, "African Lodestar" Vol. VI of May 1954 ?- Correct.

SAM.23, the "African Lodestar" Vol. VI of January 1954 ?-- Correct.

SAM.24, a pamphlet entitled "For Peace and Friendship" September-October 1955 ?-- Correct.

SAM.25, a pamphlet called "Why Friendship with Russia" ?-- Yes.

SAM. 26, a document in ink "Nationalism and Internationalism" ?-- Correct.

Containing amongst others the following: Page 4:
"But this new society, the capitalists' society, have not done away with exploitation but it has substituted new forms of exploitation and new classes. Many internal conflicts were shown to be inherent in the system. The unevenness between production and consumption caused by the system of

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(Nel)

production for sale on the market soon leads the capitalists to seek for markets foreign and new sources of raw materials. They decided to colonise other countries, but to justify this naked policy of aggression and to gain the support of their people at home, the bourgeoisie developed a propaganda of presenting their interests as national interests. People at home were given to believe that they as a people were the bearers of civilisation. Again in the scramble for markets the capitalists of one country were in conflict with capitalists of other countries, who were also making a bid for their same colonies. Nationalism was another way of protecting bourgeoisie interests in the name of national interests. But the oppressed colonial and conquered nations would never sit down and see their fatherlands raped, exploited by foreigners. The nationalists of those countries rallied the whole of the people, their nations, against the foreign invaders, the imperialists. This is what is happening today. This is the era in which we lead in, the era of anti-imperialists revolutions. This is movement against imperialism can either be led to the indigenous bourgeoisie who calls upon the nation to fight the foreign robbers so that the robbing must now be done by him. The profits which leapt into the pockets of the foreigner will then find their way into the pockets of the home robber. Such was the case with the liberation struggles in India, Gold Coast, and Egypt. Sometimes this move to overthrow imperialists is led by the working class in alliance with the people. Their motive is to crush once and for all the exploitation of man by man. This is true, genuine, patriotism, the love of one's country with the idea of seeing

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(Ne1)

one's country enjoy equality and mutual respect with other nations. To quote Paul Robeson's words: The People's Struggle against colonialism. A new powerful urge is sweeping, more men and women are becoming conscious of the need for freedom. There are emerging individuals who inspired by a burning love of their country and their people will have nothing to do with national and racial hatreds, pitfalls which often trap the unwary. But the crisis of capitalism has become so acute that the various capitalist powers will come together to rescue those amongst them who are faced with disaster. They unite to crush the workers and all enemies of capitalism. Hence when the workers of Russia overthrew feudalism, capitalism and exploitation in 1917, 14 nations, capitalists, all attacked the young socialist republic with a view of re-establishing the former order. As we all know they failed. The same was seen in the case of Korea. 16 nations fought that war, but the heroic Koreans aided by the Chinese People's Volunteers beat the imperialists back. This united front presented by the capitalists and imperialists to crush the struggles of the workers and colonial peoples has led oppressed people to form their united front based on mutual aid and equality between the various nations. This is what we call "Internationalism," the recognition of the fact that the interests of the oppressed peoples, irrespective of colour or nationality are brothers, in the struggle for peace and freedom." ?-- Correct.

SAM.27, a handbill issued by the S.A. Peace Council entitled "Act Now to Save Peace, Demand that all Invading Troops Must Leave Egyptian Soil, Stop the War in Egypt,

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(Nel)

(Strachan)

On Guard for Peace ?-- Yes.

(No further questions)

CROSS-EXAMINATION RESERVED:

CORNELIUS JACOBUS STRACHAN, duly sworn,

EXAMINED BY P.P. (MR. LIEBENBERG.)

You have already given evidence in this case ?--

Yes.

On 26/6/55, were you on duty at Kliptown where the
People
Congress of the/Conference was held ?-- I was.

Did you there search anybody ?-- Yes, I searched
Sam Masimula.

Do you know this person ?-- Yes, I do.

Will you be able to identify him ?-- Yes. Accused
No. 33.

Did you take possession of a booklet that you found
in his possession ?-- Yes.

Which you hand in now as SAM.28, entitled "South
Africans in the Soviet Union" ?-- Yes.

(No further questions)

CROSS-EXAMINATION RESERVED:

JOSIEL MAKOENA, duly sworn,

EXAMINED BY P.P. (MR. LIEBENBERG):

Are you a native detective constable in the S.A.
Police, stationed in Johannesburg ?-- Yes.

Did you accompany detective sergeant White to 508
Dube Township, Johannesburg on 27/9/55 ?-- Yes.

Do you know who occupies this house ?-- Yes.

Who is that ?-- Leslie Masina.

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(Mokoena)

Do you know Leslie Masina well ?-- Yes, I know him.

Will you be able to identify him ?-- I will.

Will you do so now. ?-- Accused No. 34.

Did Sergeant White then search the house in your presence ?-- Yes.

Did he take possession of a number of documents there ?-- Yes.

(No further questions)

CROSS-EXAMINED BY MR. COAKER:

Did you come into this room during the tea adjournment today, at about 11 o'clock ?-- Yes, I was in here.

Did you stay here for about ten minutes ?-- Not ten minutes.

How many minutes ?-- About three minutes together.

Did you spend that time looking at the Accused as they came in and out ?-- No, I was not looking at the Accused, I just went to the sergeant there and went back.

To which sergeant ?-- Sgt. Kruger was there.

But were you not standing at that door watching the accused coming in and out of the Court, that door behind you, i.e. the northern door ?-- No.

You deny that ?-- No.

BY THE COURT: Did you stand at that door (indicates) ?-- No, I was there -- it was before the Court started.

Why did you stand there ?-- The Court was not yet...

You say you were not watching the accused ?-- No, I was not watching the accused.

CROSS-EXAMINATION BY MR. COAKER CONTD.:

Did this gentleman next to me, Advocate Slovo, and ask you whether you were giving evidence ?-- When?

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(Mokoena)

At the tea-break today ?-- No, I went outside I was just going to the lavatory, and he asked me whether I was coming to give evidence today, and I said yes, I am coming to give evidence.

Did he ask you not to stay in the Court, ?-- No, I was not in the Court you see; I was just going to the lavatory.

I haven't understood your last answer; could you please say it again ?-- I went to the lavatory, and then he called me and asked me whether I was coming to give evidence.

BY THE COURT: Who asked you that ?-- The other gentleman there. (Indicates.)

One of the Accused ?-- No, one of these two here -- (indicates.)

BY MR. COAKER: I think the witness means either myself or Advocate Slovo, Your Worship.

CROSS-EXAMINATION BY MR. COAKER CONTD.:

You are not certain which of us ?-- (No reply)

Do you say you are not sure that it was I who spoke to you, or this gentleman sitting next to me ?-- No, I'm not sure, because I was just going to the lavatory. I didn't take any notice.

Where were you when you were asked this question ?-- I was just going.....

At the door of the Court ?-- I was at the door.

I want to put it to you that you were inside the floor of the Court, and that you were approached because you had been standing there for some time, apparently examining the Accused -- do you agree or do you not agree?--

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(Mokoena)

BY THE COURT: One question at a time -- where were you standing, inside or outside the door?-- Just there (indicates.)

Yes, but where did you stand, inside or outside the door?-- I was just there outside the door.

You mean you have been inside and then you were outside?-- Yes.

BY THE P.P. (THROUGH THE COURT):

Were you sitting in the exhibit room all morning?-- The whole morning I've been sitting in the exhibit room.

And you say by 11 o'clock you went out to the back?-- Yes.

Did you come through that door from the exhibit room to the back?-- Yes.

Did you delay for any length of time while you were in the Court-room?-- Yes, I spent the whole morning....

What was the object of your delaying there?-- Sir?

Why did you stand in the Court-room?-- I didn't stand in the court-room; you see, I was just going to the lavatory.

Yes, but it was put to you by my learned friend that you stood apparently examining the accused -- did you do so?-- No, I didn't do so.

Tell me, for how long have you known this person Leslie Masina?-- I know him since 1954.

Are you attached to the special branch of the police in Johannesburg?-- I am.

And is it part of your duties to attend meetings addressed by various people?-- Yes.

Can you give the Court an idea of how many times

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you have seen Leslie Masina since 1954 ?-- I saw him several times.

Can you say ten times, or more ?-- No, it is more than that. I see him nearly every week.

Do you know his house ?-- I know his house.

How well would you say ?-- Since 1954.

Have you been going to his house since 1954 ?-- I am also living there.

Do you also live in Dube Township ?-- Yes.

(No further questions)

BY MR. COAKER: Apart from the few questions I have asked I don't think there will be any cross-examination, but should the need arise, I will make an application to Your Worship again at a later date.

BY THE COURT: I should like again to refer to the point raised earlier. There has been quite a lot of unpleasantness about witnesses coming into Court; there have been several requests by the Defence that they should be kept out of Court. Now there is some point in that request. I don't have to repeat the reasons for the request, but I think greater control could be exercised over the witnesses. I don't intend that you should do it personally, Mr. Prosecutor, but somebody in Court, maybe the Court Orderly, should be instructed not to allow people to come inside this Court unless they have permission to do so. The question of identification is important. It may mean nothing in this particular case because the Accused obviously has been known to the witness for a long time, so there can't be much point in it, but it is a matter that affects the Accused generally.

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BY THE P.P.: With respect, Your Worship, there must be limits to this type of objection. The witness has every right to go to the rear as the Accused have been doing, and if this objection is raised he will be prevented from going there, and if they go further they might object to the witnesses seeing them outside the Court.

BY THE COURT: There is another entry to the rear part of this building.

BY THE P.P.: Yes, but these accused are all out on bail, so the next objection will be that the witness has seen them outside in the street.

BY THE COURT: I don't think we need speculate about other objections. The objection taken is that the witnesses should not come into Court so that they can study the faces of the accused. I do feel that there is point in that objection. I think we should avoid a recurrence of this.

BY THE P.P.: I do not want to be difficult, that is one thing I would like to stress, but we have the trouble here with the people doing duty in the exhibit room, that the authorities of the drill hall object to the constables making use of the back entrance. Now, the witness, like the native constable, according to them, to enter or leave by the back door.....

BY THE COURT: Then I think those difficulties must be thrashed out. I'm sure the military people will co-operate if you make a request to them.

BY THE P.P.: Well, I wouldn't like to go further with this point. I shall certainly see that every effort is made to try and keep these people out of Court.

BY THE COURT: Perhaps you will approach the military and

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tell them what our difficulties are. I don't want to have to deal with this point every now and again.

THOMAS WILLIAM WHITE, duly sworn.

EXAMINED BY P.P. (MR. LIEBENBERG)

Are you a detective sergeant in the S.A. Police, stationed at Springs ?-- I am.

On 27/9/1955, did you proceed to 508 Dube Township, Johannesburg, accompanied by the last witness nat. det. const. Josiel ?-- I did.

Did he point out this address to you ?-- Yes, he did.

On your arrival did you find anybody there ?-- A native female.

Who were you looking for ?-- I was looking for Leslie Masina.

Did you then search the house under the authority of a search warrant ?-- I did.

Did you take possession of a number of documents ?-- I did;

LLM.1, a membership card, made out to L. Masina, 508 Dube, Johannesburg -- membership card of the A.N.C. ?-- Correct.

LLM.2, an envelope containing blank membership cards, signed by B. Ngwendu, for Treasurer-General ?-- Yes.

LLM.3, an envelope containing booklets, the first one "The British Road to Socialism" New Edition, 1952, the second "People's Democracy for Britain" by John Gollan; "Marx's Study Themes" and "When the Whistle Blows" and "Socialism for Trade Unionists," another "J. Stalin's Speech at the 19th Party Congress," and the envelope is addressed to Mrs. Marietjie Schoeman, 63 Progress Buildings,

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156 Commissioner Street, Johannesburg ?-- Correct.

LLM.4, Voks Bulletin 1955 ?-- Yes.

LLM.5, is that a booklet called "Reader's Guide to the Marxist Classics" ?-- Yes.

LLM.6, an envelope containing a circular entitled "General Information About the Soviet Union" ?-- It is.

LLM.7, is that a booklet called "Mao Tse Tung" ?-- Yes.

"Introductory Remarks to the Communists" ?-- Correct.

LLM.8, a pamphlet called "37th Anniversary of the Great October Socialist Revolution" "Report by M.Z. Saburov, Moscow 6th, November 1954" ?-- Yes.

LLM. 9, a booklet called "Soviet Women" ?-- Yes.

LLM.10, another booklet called "Housing in the U.S.S.R." ?-- Yes.

LLM.11, booklet called "South Africans in the Soviet Union" ?-- It is.

LLM.12, a booklet called "Co-operative Farming in China" ?-- Yes.

LLM.13, "Liberation No. 12" of September 1955 ?-- Yes.

LLM.14, a booklet called "Left-Wing Communism and Infantile Disorder" ?-- Yes.

LLM.15, a book called "Karl Marx Capital" ?-- Yes.

LLM.16, a book called "Learning to Live" by Makarenkov ?-- Yes.

LLM.17, bulletin, special bulletin of "The Call" of the Congress of the People ?-- Yes.

LLM.18, "Fighting Talk" of June 1955 ?-- Yes.

LLM.19, "Fighting Talk" of August 1955 ?-- Yes.

LLM.20, copy of a typewritten letter by L. Masina

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63, Progress Buildings, Johannesburg, 7/7/1955, addressed to the Secretary, A.N.C., Transvaal, reading as follows: "It is with great triumph that one can review the results of the Congress of the People. The people have clearly demonstrated their solidarity for freedom. They have mandated the Congresses to work for the implementation of the Freedom Charter, and now as we solemnly pledge ourselves to fight at the Congress of the People, to fight side by side throughout our lives until we have won our liberty, it is our duty to intensify our activities..... The reason for this is partly due to the intensification of fascist oppression in South Africa which has caused the banning of many of our active workers. It is my opinion that our comrades in the S.A.National Congress, who live in the South-West Region, must once again rally to the defence of freedom..... I have taken it upon myself to convene a special meeting of all branch executive committee members on Sunday 17th July." ?-- Yes.

LLM.21, bulletin of the S.A.Society for Peace and Friendship of September-October 1955, and LLM.22, another copy of the same bulletin of March-April, 1955 ?-- Yes.

(No further questions)

CROSS-EXAMINATION RESERVED:

THEUNIS JACOBUS SERFONTEIN, duly sworn,

BY MR. P.P. Perhaps my learned friend could indicate what decision they have arrived at as far as cross-examination is concerned.

BY MR. COAKER: At this stage the Defence does not know how

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this witness' evidence or the documents produced by him fit into the Crown case as a whole. I am therefore at this stage not going to put any questions to this witness. Should it happen at a later stage that anything is brought to our attention which necessitates cross-examination, I will make an application.

BY THE COURT: Shall we put it this way, so far as the Accused who is identified with the documents is concerned, have you no further questions?

BY MR. COAKER: I am not making any admissions or any statements in that regard; I am simply saying that should I require to cross-examine him I will make an application to Your Worship at a later stage. I don't think it is going to be necessary to put any questions to this witness.

BY THE COURT: You are making things difficult by being so non-committal. After all, I have to make a decision on a specific application before me, and unless I know what your difficulties are, it is impossible for me to come to a decision in the matter.

BY MR. COAKER: There is no application before Your Worship at this stage.

THOMAS FREDERIK COERTZE, duly sworn.

EXAMINED BY P.P. (MR. LIEBENBERG.)

Are you a detective sergeant in the South African Police stationed at Marshall Square ?-- I am.

On 5/12/56, did you proceed to 63 Progress Buildings ?-- I did.

Were you accompanied by any member of the police force ?-- Yes.

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By whom ?-- By Det. Sgt. Van Zyl and a native detective, Matsege.

Who were you looking for ?-- For a man called Leslie Masina.

Did you know this person ?-- Yes, I knew him by that time.

Did you find him ?-- Yes.

Are you able to identify him ?-- I think so.

Did you search the offices of 63, Progress Buildings ?-- I did.

Under the authority of a search warrant ?-- Yes.

Did you take possession of a number of documents ?-- Yes.

Where was the Accused when you searched the office ?-- He was present.

The first document you took possession of, LLM.23, a bulletin of the Transvaal Peace Council called "South Africans for Peace" issued in October, 1952 ?-- Yes.

LLM.24, roneod circular letter of the Transvaal Peace Council, with the name Leon Levy, Secretary, typed at the bottom, dealing with the threat of nuclear weapons ?-- Yes.

LLM.25, roneod document entitled "New Evidence on German Warfare" ?-- Yes.

LLM.26, draft resolution of the Transvaal Peace Council for discussion on 22/11/__, referring to the cessation of hostilities in Korea, the withdrawal of South African troops from Korea, the withdrawal of the South African Government from the middle east pact, and so on ?-- Yes.

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LLM.27, roneod circular dated 10/11/52, issued by the Transvaal Peace Council, and signed by for D.C. Thompson, Chairman ?-- Yes.

LLM.28 and 29 are omitted; LLM.30, roneod circular letter issued by the Council of Non-European Trade Unions, Transvaal, on 8/7/53, to all trade unions, in connection with a special conference to be held on 25/7/53, signed by M.J. Williams Shope, attached to it is a summary of the native labour Settlement of Disputes Act ?-- Yes.

LLM.31 is omitted. LLM.32, a pamphlet headed "Congress of the People" ?-- Yes.

LLM.33, booklet called "Ourselves and Russia, for Peace and Friendship" ?-- Yes.

LLM.34, another booklet called "The Soviet Union and Hungary" dated 17/11/56 ?-- Yes.

LLM.35, booklet called "Hungary, Poland, U.S.S.R." dated December 1955 ?-- Yes.

LLM.36, a lecture entitled "Our Modern Society and How it Arose" ?-- Yes.

LLM.37, lecture No. 2, entitled "What are Trade Unions" ?-- Yes.

LLM.38, lectures entitled "Short History of the International Trade Union Movement" ?-- Yes.

LLM.39, lecture entitled "Trade Union as a Weapon in the Struggle of Workers" ?-- Yes.

LLM.40, lecture entitled "Trade Unions in the Struggle for Liberation in South Africa" ?-- Yes.

LLM.41, lecture entitled "How to Organise Unorganised Workers" ?-- Yes.

LLM.42, lecture entitled "The Problems of the S.A. Trade Union Movement" ?-- Yes.

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LLM.43, a lecture entitled "Workers Solidarity" ?--
Yes.

LLM.44, lecture called "Relationship Between Workers
and their Union" ?-- Yes.

LLM.45, a lecture entitled "Relationship
Between Workers and their Union" ?-- Yes.

LLM.46, a booklet entitled "The Stalin Cult" ?--
Yes.

LLM.47, is omitted. LLM.48, is that the minutes
of the First Inaugural Conference of the African Laundry,
dated 2/7/55 ?-- Yes.

LLM. 49, is omitted, as also, 50 and 51. LLM.52,
the Constitution of the S.A.Congress of Trade Unions ?--
Yes.

LLM.53, a typewritten document, starting off "Read
letter from Mickey, point out what the letter shows, that
the Union reduced its demands to a very minimum,"and so on
It is not signed or dated ?-- That is correct.

LLM.54 is omitted. LLM.55, roneod minutes of a
meeting of the National Executive Council of the National
Union of African Laundering, Cleaning and Dyeing Workers
held in Port Elizabeth on 12/11/55, showing the following
persons present: Mr. M. Shope, national president, Jo-
hannesburg; and representatives from Johannesburg, Mr.
L. Masina, Mr. L. Levy and others ?-- Yes.

LLM.56, typewritten minutes of a meeting of the
Laundering Workers in Port Elizabeth, held on 12/11/55,
showing the following persons present ? Mr. Leon Levy,
Miss Damons, and observers Mr. L. Masina and M. Shope ?--
Yes.

LLM. 57, minutes of a general meeting of the

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Laundry Workers, held in Johannesburg on 23/6/56, showing the following present: "M. Shope, Chairman; L. Masina, Secretary." ?-- Yes.

LLM.58, minutes of the laundry workers meeting held in Johannesburg on 27/8/56, where the chairman was M.J. Williams Shope and L. Masina the secretary ?-- Yes.

LLM.59, to LLM.71, the minutes of various meetings held from 19th March 1956 to 22nd October, 1956, in Johannesburg, where the chairman was M.J. Williams Shope and the Secretary L. Masina ?-- Yes.

LLM.72, to LLM.74, are three issues of "Workers Unity" of June 1955, September 1955, and the last one November ?-- Yes.

LLM.75, a pamphlet entitled "An African Reviews Freedom Charter" issued by Ezekiel Ndaba, Moroka Camp containing the following passages: With reference to the Freedom Charter, it says "Its adoption will definitely mark a turning point in the history of South Africa. Therein lies the implication and the political significance of this Charter as it stands. The Charter says South Africa belongs to all who live in it, black and white. Naturally South Africa belongs to the Africans, but it now it has been practically made safe for the whites alone, through conquest and victory. It is exclusively preserved for them by force. As matters stand today we have no share in its wealth, and play no part in its ownership. We have long been deprived of all that belonged to us. "The Fallacy of the Charter: When the Charter says 'We the People of South Africa, black and white together, equals, countrymen and brothers, adopt this Charter' it merely expresses an objective desire on

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the part of its drafters. We stand for equality and brotherhood of man, but we cannot be bluffed. We are certainly not equals in South Africa and we must say so. Let the good Charter express the aims of which the few progressives support, and not to put it as a reality, because it is misleading..... When the Charter says 'Our people have been robbed of their birthright to the land' it is perfectly correct only so far as the blacks are concerned. Therefore not until there will be the same laws for black and white South Africans, and equal opportunities for all will there be any right for anybody to claim that there is equality between the races of this country..... At this critical period in the history of our country, the most immediate issue facing our national organisation, the African National Congress, in particular and the right-minded people of other races in general, is the liberation of the non-whites. It is on this question of the liberation of the oppressed and discriminated non-Whites, where our ranks should be closed. It is also on this very issue where the sincerity of our other friends should be tested. Until the question of liberation is decided, all the talk and promises of heaven on earth are merely an academic and scholastic nonsense..... Without the liberation of the non-whites there can be no other form of freedom. Those white people who look forward to the emancipation of mankind can do better by seriously throwing in their efforts to the liberation struggle, or alternatively give up hope. There are no short cuts to their destination. For us Africans and other groups on this side of the South African colour line, at this difficult hour of our lives, the most important answer to oppression

Collection: 1956 Treason Trial
Collection number: AD1812

PUBLISHER:

Publisher:- Historical Papers, The Library, University of the Witwatersrand

Location:- Johannesburg

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