

So again they are referring to they themselves being shot? --- Yes, and they suggested that they would be shot again.

Then he goes on to say this "That is why the people of Western Areas say continuously that we won't 5  
move, we have got the 2,000 armed police". Now surely that is a mistake? He is not suggesting that the non-Europeans have got the 2,000 armed police, he is suggesting that they won't move despite the presence of 2,000 South African Police? --- He was suggesting that the government 10  
had 2,000 police.

The way you have got it says "We have got the 2,000 armed police". Then he concludes in his speech, and he says "In conclusion I say o the millions of people you must look at the white man with eyes of peace."? --- 15  
Yes, I have that, My Lord.

And he suggests that the police and the whites should not interfere with their meetings and the wives in their houses? --- Yes, they said so.

And then Mashile is on page 3. At the end 20  
of his speech he says this : "Let us tell the government that we do not want his laws. We have shown him with boycott but it is not enough. We know that we are going to face many dangerous. There are deportations. We fight for children freedom and your freedom. We 25  
must be able to sacrifice our money, children and our life."? --- Yes.

And then I would refer you to just one sentence which you read out in answer to my learned friend, which I think was a misquotation, that is at 30  
the end of Malaoa's speech, "I say to that who is as sell out Hó! unto him." Now the way you read it was "We

are about to attack the fascist government. there are others amongst us who see the fire from the fascist government." My note reads the following : "When we are about to attack the fascist government there are others amongst us who see the fire from the fascist government". 5  
That is so, is it not? "When we are about to attack the fascist government"? --- Yes.

"There are others amongst us who see the fire from fascist government". That doesn't make any sense to you, does it? --- I have it here, but I don't know what 10  
is meant by it.

Now I want to refer you to the meeting of the 3rd July, 1955, reported in G. 145. This was an African National Congress meeting, and the speaker commences by saying that they are here to tell the people 15  
who were not at the Freedom of People Conference at Kliptown. In other words, this is a report back on the Conference? --- Yes.

And one thing that speaker after speaker or several speakers made clear at this meeting, was that 20  
although the conference was surrounded by armed police, and although they were surprised at the presence of armed police at this conference, they were grateful that the people had obeyed orders not to be provoked and not to use any violence? --- That is so. 25

And this is what the chairman said : "The Dutch people came at Kliptown carrying guns. We are surprised that who was going to fightthem". And then he goes on to talk about forming the Freedom Charter, and talking about the government being bad and the 30  
people being arrested for liquor and he says that the police were thieves, and then he says "Our guns is at

is our mouth"? --- Yes, that is so.

And then the speaker Khotsitsile also refers to the conference, and he also refers to Ngcai who is one of your fellow Special Branch detectives, is he not?

--- Yes.

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And again he is angry at the presence of detectives at their meetings? --- Yes.

And then referring to what happened at Klip-town, this is what he says "The Dutch people surrounded the people at Kliptown with guns that that is nothing. The A.N.C. organisation is not against any person but want the rights of this country. We do not want anything but we ask freedom"? --- Yes, I have it here.

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I refer you to the meeting of the 4th September, 1955, G. 147. First of all, before I go any further, I would like you to tell me whether a portion of what you read out in answer to my learned friend makes any sense. I am referring to Sampie Malupe's speech. "I warn you people work for this frightened government. Your days are numbered. Minister of Justice - Swarts has said openly that nobody will convince the Congress person". Does that make any sense to you? --- He suggested, My Lord, that there is nobody - something to the effect that there is nobody who is strong enough to break the power of the African National Congress.

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And you suggest that is what the speaker said the Honourable Minister said, that nobody is powerful enough to break the Congress movement? --- Yes, that is what it appears to me.

And then you read out a portion of what Karai had to say, and she again talks about dying, "We have seen what the Europeans are doing. They can do what

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they want but we shall die in the land of ours. We have got the children because of these Europeans."? --- Yes, I have it, and

Then she goes on and this part was omitted by my learned friend for the Crown, she goes on to elaborate it and says this : "The first Dutchman to land here was J. van Riebeeck. The Dutches of this country are sons of African women - just like coloureds, Indians are our nation"? --- Yes.

In other words, she is saying that the Dutch 10 as she calls them, are all part of the same nation? She goes on to say this : "The time will come when - the time will come when we speak will understand each other, we must love each other"? --- Yes, that is here.

Then I refer you to the meeting of the 25th 15 September, 1955, reported as G. 148. You will remember you read a portion of Chamile, amongst other things, and he suggested that the police and detectives and teachers are really members of the working class organisation, and it is now time that we request the government 20 to give back these people". And then Sampie Malupe speaks, and you remember that you read out a portion of what he had to say? --- Yes.

You read out that he said "I know Strijdom and his theory and his believe - belief that the Afrika- 25 ner should rule in this country. But I reply to Strijdom that God destroys those who become mad. Strijdom is afraid... because the wheel of freedom is no more in that Parliament house in Cape Town, but with the Freedom Charter. So my people that is why I talk like 30 this because we shall get our freedom. In conclusion I give warning to the South African Government that the time

is coming. Freedom in our lifetime." Now immediately before that Malupe had been talking about the poor police who have no organisation to talk for them, at the bottom of the page? --- Yes, he did say that. And he says that they should be told that Mr Swart is taking away their liberal rights? --- Yes. 5

And then he goes on to say, he speaks about his uncle who had been arrested for liquor, and he said the police said it was a fine of £1, and he gave his uncle 10/- cash. Then he came and complained that the police had taken the 10/-? --- Yes, I have it here. 10

And it is immediately following on that that he goes into the theme which was read out by you in answer to my learned friend for the Crown? --- Yes.

Now a meeting of the 2nd October, 1955, G. 158. This was a meeting largely in connection with the Congress of the People and the Freedom Charter, not so? --- Yes, that is so. 15

And Dr. Press referred to the fact that on the date - and also about - yes, Dr. Press referred to the fact that 2,000 police arrived at Kliptown? --- Yes, I have it here, but not that they arrived at Klip-town. 20

I'll read it out. "I appeal to every one to sign the Freedom Charter. You must know what freedom means. One million signatures we want. I remember on the date of removal and 2,000 Police arrived". I see, that was the Western Areas Removal? --- Yes. 25

He says every person must stay where he likes? --- Yes. 30

And then he goes on to say the following : "Do not expect God to give you freedom for yourselves"? --- Yes, I see it.

And he says Dr. Malan dominated from a black nation - I suppose you mean dominated a black nation - and today is a minister of religion. "God created everybody the same and at last we shall rule this country. Join the A.N.C. Do not think that the people of the Gold Coast do not know what they do. They fought for their freedom. It is not bloodshed that shall bring freedom, but Unity is strength"? --- That is so. 5

In this speech made by the chairman, portion of which was quoted by my learned friend for the Crown, you have got this shortly after that portion which you quoted : "The government has failed to remove people from Sophiatown and he says women must carry passes. Today this government wants high treason from our boots and pots." That is complete nonsense, isn't it? --- I have it down here. 10 15

I am asking you, do you agree that that is complete nonsense? --- Yes.

And then Matlou was also a speaker at this meeting, was he not? --- Yes, he was. 20

And after discussing Hitler and that Hitler had introduced legislation to the youth of Germany and he then invaded Poland and France, he said what is happening in South Africa is like Germany, and then he says what is treason? Treason is an offence in state committed to overthrow the government of the country. A second charge is sedition, and then he says something about a second charge, which he says is sedition, which is a plan by people to frame a strike against the government. And then he says "What is happening here, Swarts, Strijdom, Verwoerd have realised that by not going to beerhalls and gather here in square. You want freedom"? --- Yes, I 25 30

have it.

"They have realised that this weapon of non-violence to teach you here you at least gain the freedom"?  
 --- Yes, I have it.

"During the removal the police were prepared 5  
 to shoot Africans, but were warned by A.N.C. not to interfere with them"? --- Yes, I have it.

"They were standing like fowls in the streets of Sophiatown"? --- Yes.

Now I want to refer you also to Resha's 10  
 speech, a portion of which you read out in evidence in chief. You read out "They want to send Chief Luthuli and sentence him to death in gaol. We do not want China or Russia to rule this country. We want it ourselves"?  
 --- Yes. 15

And then he spoke about singing a song.  
 "We remember the bones of late Mosheoeshoe, Dingaan when the event of blood river took place". Immediately before that, this is what he had to say, after having spoken about "arks, Bopapi, Tloome, Mandela, Tambo, 20  
 Sisulu and Dadoo, he says "There are certain leaders here who are like those banned. Our great leaders were once arrested for suppression of Communism Act. If the African people are being misled by Russians, why they do not take their guns and shoot the Russians"? --- Yes, 25  
 it is here.

Is that what the speaker, Resha, said? ---  
 Well, I have got it down like that.

There is just one thing I would refer you to, this is also one of the meetings that - at which a 30  
 prayer was given by one of the speakers who said "Africans let us believe to God, this work needs religion. Ministers

as it is their work to lead nation, but because the truth needs people to die."

BY MR. JUSTICE BEKKER :

Do you mind repeating, "If they want to shoot the Russians..."

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BY MR. BERRANGE :

I'll read the whole so as to get it in context, My Lord. "Our great leaders were once arrested for suppression of Communism Act. If the African people are being misled by the Russians, why they do not take their guns and shoot Russians". Have you any idea what Russians were being referred to, Constable? Is it the Russians in overseas, or the Russians as the Basutos in Evaton? --- I have no idea, I don't know.

And then Lujiva says, - he finished up the meeting by making a prayer and saying, "Africans let us believe to God. This work needs religions. Ministers as it is their work to lead the nation, but because the truth needs people to die."? --- Yes.

He finishes up with "The Name of God the Father, God the Son and God the Holy Ghost be with you all and lead our leaders with strength of Christianity"? --- Yes.

Now I refer you to the meeting of the 27th November, 1955, Exhibit G. 161. This meeting was entirely taken up with the question of a rise in busfares, was it not? --- Yes, My Lord.

And it was a discussion centering around Putco, the Public Utilities Corporation? --- Yes.

And although there were many other things discussed, that was the object of the meeting. There was some discussion about Africans joining as soldiers in

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the war, being promised land, and when they got back they didn't get land but they were given pedal cycles and things of that sort? --- Yes.

But the meeting was called in connection with the rise in bus fares? --- Yes. 5

And then, having discussed the busfares, the speaker S. Malupe is reported to have said this, "You have heard Mr. Fritz.." - Mr. Fritz I take it is the manager of the Public Utilities Corporation? --- Yes.

"Saying that those who do not want to pay this penny will - he will call Swarts and his armed police"? --- Yes. 10

And it was the threat of Mr. Fritz calling Swart and his armed police, which caused the speaker immediately after that to go on and say, "It is one thing I say to Dutch people that when we take over our land they will themselves run into the sea with their guns"? --- Yes. 15

And immediately thereafter he referred to what he alleges was an order given by the then Minister of Justice to the police that they should shoot first and then ask questions? --- Yes. 20

And I only want to refer to Exhibit G. 152, a meeting of the 18th March, 1956. This was a meeting which was also opened by a Minister, an African Minister with a prayer, correct? --- Yes, that is so. 25

And Matlou was one of the speakers? --- Yes.

He spoke about the Bantu Authorities Act? --- That is right.

And then he said "When Europeans see us on this platform talking about our freedom, they become frightened. A.N.C. wants everybody to be free in this 30

country"? --- Yes.

Now I want to refer you to some meetings in regard to which you have not as yet given evidence. These, My Lords, are meetings testified to by the witness in the Preparatory Examination. I want to refer first 5 of all to a meeting held on the 11th April, 1955, Exhibit G. 116, I think that is the transcript, and the actual note is G. 115. Have you got it? --- I have it.

At this the chairman was Peter Nthite, and one of the speakers was Tshabalala? --- Yes. 10

And during the course of his speech, about halfway down, he says this : "We Africans must be used as tools for the dutch boys". I don't quite know what that means. "Sons and daughters of Africa, concentration camps are what we call in our lifetime, are farm schools. 15 I am not making a statement of high treason, I wish the police that they must record that correctly. If we youth come together to one word the Europeans will decide to leave this country. We the youth of Africa are arrested for nothing. We want to be arrested for committing 20 crimes. To the youth of South Africa I say there is nothing better weapon than unity. When I speak of action, I do not speak about action of blood for government sake information." Is that correct? --- Yes.

Can you tell Their Lordships what is meant 25 by that last statement? --- I don't know what he meant by it, My Lord.

Surely he meant by that that when he speaks of the sort of action that he has in mind, he doesn't mean any action which would shed blood of the government 30 or government members? --- It may be, I don't knw what he meant there, My Lord.

And then Mashile was one of the speakers?

--- Yes.

And he speaks about the Bantu Education being a bad poison, it will poison their children. And then he says "That will poison our children that will be taught in school in Sabie A.B. and Std. 1 and he will not write his examination". I don't know what it means, do you? --- It means the beginners classes, My Lord. 5

And then towards the end of his speech he says this : "I do not say you must go about and break the doors. I speak about unity. You must love each other". What doors is he referring to? "Let us organise ourselves"? --- I don't know which doors he meant. 10

Didn't he mean the doors of the schools?

--- I don't know. 15

There is very little that you understand about your notes, isn't there? --- I couldn't go and explain what they meant when they said things, so that is why I can't answer the questions.

I suppose, if that is what they said, I don't suppose anybody in the crowd could understand them either, could they? --- I don't know. 20

Let us get on to the next meeting. That is a meeting of the 29th June, 1955, G. 128. Quite shortly, this was a meeting which was held for the purpose of addressing the gathering on what had happened at the Conference at Kliptown? --- Yes. 25

And one of the speakers was Motlong, the chairman was P. Q. Vundhla, and the second speaker was Ida Mtwana? --- Yes. 30

And Motlong, in making a report on the Conference said the subject was about the Freedom Charter,

on Sunday again we went to Klaptown in the morning, the 25.6.55, the work was resumed and at about 3.45 p.m. Satan appeared? --- Yes, that is right.

"The Dutch people were all armed with guns, they surrounded us and we were searched there. What pleased me was that the delegates did not do any harm to the police"? --- Yes, that is so.

And then the second speaker, Ida Mtwana, also refers to the police - to the Conference and to the Police coming there and she says, "The armed police came and surrounded us with guns, but the same work went on"? --- That is so.

Now may I refer you to a meeting held on the 14th August, 1955, G. 146. Your note does not show who the chairman was, so could you perhaps find out from your report? --- I have no document that indicates who the chairman was.

Now amongst the speakers was Fish Katsing to whom you referred this morning and he refers to the fact that the Europeans are the same as they, they have got the same body organs, and he says the Coloured people today this government is kicking them now, - in other words the Coloured people are being assailed by the government people he says, and he says even in the churches the Minister shall say "kneel down and oppress you", and then he speaks about a truck bringing beer to the beerhall? --- Yes, I have it.

And he says the money is taken for the purpose of buying new flying squad cars, and then Sampie Malupe is the next speaker, and he was interpreted by A. Chamile from English into Sesotho? --- Yes.

On the fourth line I would like to read :

"A few weeks ago when C.O.P. the shapes surrounded the trembling government which attack the C.O.P." I don't know what that means, do you? --- No, I don't.

"The people at large who were representing the Freedom Charter agreed. Yes, these Dutches had to 5 change their minds because they representing the cliques of Dutches, because they were not voted by hation". I don't know what any of that means, do you? --- No, it is not recorded very clearly.

"But by destroying there shall be no destroying 10 of the millions but shall destroy those who vote for them". That is also quite unintelligible? --- Yes.

"We in Congress has decided to show out the length of Africa that we want to educate these Afrikaner the enough education. We want to show them that we live 15 in a modern polite way. Today we have messages from different nations that A.N.C. is really organisation"? --- Yes.

"India was not liberated by means of guns but by believing in Congress, when the time the bombs were 20 being manufactured, we people in Africa we have taken the very shape like India"? --- Yes, I have it.

And then he goes on to talk about conditions in the country and the way in which they are effected by them, and at the end of his speech he says "We shall 25 speak and speak until these guns are rotten in their hands, just as you did at Kliptown"? --- Yes.

And then James Kerelong had something to say? --- Yes.

And he says amongst other things, "The message 30 to the chairman that the people should not say that the A.N.C. is fighting them against the Europeans? --- Yes.

Now comes the speaker Tunzi. Now you have referred to him on a number of occasions in the evidence given this morning? --- Yes.

And you will remember that on two occasions he is reported as having - one of the things he is reported as having said is "I am not here inciting anybody. Verwoerd, Swart are they who incite. I am going to say to P. Grobler, he must go to Formosa with his guns, we do not want a man who sheds blood, because we do not believe in bloodshed". That was in Exhibit G. 77. And in G. 75 he expresses the same theme, he says "I do not see why Grobler wants to protect people, because the Congress did not speak about violence. Tell these Dutches that if they want to fight they must go to Formosa. We, the A.N.C. have no guns, but we know they have machine guns. The Europeans are uncultured, they carry guns to people who have not even an axe". You remember him saying those things at other meetings? --- Yes, I remember that.

Now you have got in here, and I would like you to read to their Lordships what it is he is alleged to have said. Start right at the beginning? --- Tunzi said "The first thing is that you heard the very same people saying we are only light."

May I perhaps read it out? "The first thing is that you heard the very same people saying we are only light"? --- Yes, that "light" doesn't seem to have any sense.

Go on? --- "The all white people in this country are scared of blood. They think we are afraid of gaols. But I want to warn them that we are not ready yet to fight them. Even Strydom leads Strauss with six."

What does that mean? --- It is not a complete sentence. "Even we to Africans we can win the vote".

Just stop a moment there. Having said as you have got him recorded, "We are not ready to fight them yet", he then goes on to speak about "We too can win the vote"? Is that what you mean? That "to" should be "too"? --- Yes. 5

So he speaks about winning the vote? --- Yes.

Go on? --- "Now Africans let us come back because I am not interested to these people. If you Africans can get together you can crush them away." 10

That is as far as you need go. Then on the next page he speaks again about organisation? And at the bottom of the page he stresses the theme of the struggle by saying "What shall happen if I tell my brother to stop work"? --- Yes. 15

He says, "It is just like a car when jammed, you can do anything just get in overall"? --- Yes.

"The machinery of this country is a black man. I am telling you my friend that you can go and tell your master that Tunzi is prepared to stand for this nation. What shall happen if I tell my brother to stop work"? --- Yes, that is what he said. 20

So he is envisaging a form of strike as part of the struggle? --- Yes, it was like suggesting something that may happen. 25

As a means of struggle? --- Yes, My Lord.

The last meeting I want to refer you to is G: 157. This was a meeting held on the 10th July, 1955. At this meeting the Chairman was Frank Madiba? --- Yes, My Lord. 30

And the first speaker was Bokala? --- Yes.

Keitsing interpreted? --- Yes.

This was a meeting of the African National Congress, as were all the other meetings that I have referred to? --- That is so. 5

And the second speaker was S. Malupe? --- Yes.

And Bokala interpreted for him? --- Yes.

Where you have got "Man like Luthuli who is banned by Government and we are not prepared to follow Luthuli", I suppose that is a mistake? What it should mean is "we are prepared to follow Luthuli", but that is not the point. The chairman spoke again? --- Yes, this must be a mistake about Luthuli. 10

And this speaker then urged people to join the African National Congress, and this is what he said "You will hear the police say they are communists. What are they? You young brothers, throw away your knives and come into this organisation". Is that correct? --- Yes, My Lord. 15 20

Now over and above the meetings to which you testified at both this trial and at the Preparatory Examination, I take it that you attended many other meetings of the African National Congress and the African National Congress Youth League? --- Yes, My Lord. 25

The meetings which e to which you have testified only constitute a small per cent of the meetings which you so attended? --- I believe that that is so, because I went to many meetings.

My Lords, in regard to the meetings which - to which the witness has testified, both here and at the Preparatory Examination, we have once again 30



prepared a schedule. These meetings do not all indicate the hour of commencement and the hour of their termination. But so far as we have been able to work it out, and I am going to ask leave to hand this in, subject to the Crown checking or contradicting the accuracy thereof, it would appear that in the lower and at this Court, the witness testified to twenty-seven meetings, which lasted fifty-four hours fifty-five minutes, but at seven of these meetings the length of the meetings could not be determined, and that there were a hundred and seventy-eight speeches at these meetings. For Your Lordships' information and for the Crown, I would like to hand this schedule in.

NO FURTHER QUESTIONS BY MR. BERRANGE.

RE-EXAMINED BY MR. HOEXTER :

Just one question. My learned friend put it to you that you gained the impression at meetings that the audience at the African National Congress meetings resented the presence of police, and more particularly the presence of armed police, is that correct? --- Yes, that is so.

Were you yourself armed at any of these meetings you attended? --- No, never.

What was the attitude of the people present at these meetings to you, or the person taking notes? --- Well, they considered me also as unwanted or as a bad person.

Did they ever do anything to you? --- Yes, at Newclare at one meeting I was assaulted, I was hit.

What happened to your notes? --- When they

9000.

(J. CAMANE)

hit me the notes got lost.

Was there any other armed policeman present on that occasion? --- No, as far as I remember there were not on that day.

Did you require hospital treatment? --- Yes.

NO FURTHER QUESTIONS.

(CONTINUED ON PAGE 9001).

JACOBUS MARTHINUS BESTER, duly sworn;

EXAMINED BY MR. VAN DER WALT :

You are a Detective Sergeant, South African Police stationed at Cape Town? --- I am, My Lord.

And are you attached to the Security Branch? 5

--- Yes.

Will you look at Exhibit G. 379? --- Yes.

Do you recognise the document? --- I do.

Are they notes taken by you? --- They are.

And did you take them at a meeting? --- I did. 10

Which meeting? --- A meeting of the South African Coloured People's Organisation.

Where was it held? --- On the Grand Parade, Cape Town, on the 13th March, 1956.

Do you have an independent recollection of 15 the meeting apart from the notes? --- No, My Lord.

If you refer to your notes, would you be able to refresh your memory? --- Yes.

My Lord, may the witness refer to his notes? Who was the Chairman? --- Alex Laguma. 20

And did he speak? --- Yes, he delivered a speech.

When he spoke the first time, is it correct to say that he mentioned the fact that the rights of the Coloured people were taken away? --- Yes. 25

And he called on all the Coloured people to fight in future with the Africans? --- Yes.

And will you refer to page 12 of your notes. Did A. Laguma speak again? --- He spoke again.

And will you refer to page 17 of your notes, 30 and that relates to a speech of the same speaker? --- Correct.

And you have the sentence "Non-Europeans must organise"? --- Yes.

Will you read that small paragraph? ---  
 "Non-Europeans must organise a struggle for liberation, outside parliament. Time is drawing near for us to  
 5  
 get up on our hind legs and bring about changes that is desired, but it is - that is desired with their over-  
 night strength. Join Congresses on the road to freedom. The path is open since the great Congress of the People,  
 was held and the Freedom Charter accepted. That is the  
 10  
 way to freedom. We say there is no such thing as wait and see".

That is enough. Will you refer to page 25 of your notes. Was there a speaker Reginald September? ---  
 There was, My Lord. 15

Will you refer to page 31 of your notes, relating to the speech of the same speaker, Reginald September? --- Yes.

Did he ask the audience at the meeting to join the South African Coloured People's Organisation? 20  
 --- He did.

And did he also ask them to unite with the African National Congress? --- Yes.

The Indian Congress? --- Yes.

The Congress of Democrats? --- Yes. 25

And the Trade Union movement? --- Yes.

Do you know A. Laguma and R. September?  
 --- I know them both, My Lord.

Were they Accused at the Preparatory Examination? --- Yes. 30

NO FURTHER QUESTIONS BY MR. VAN DER WALT.

CROSS-EXAMINED BY MR. PLEWMAN :

The subject under discussion at this meeting, if you look at your resolution, was that it was a mass meeting of the citizens of Cape Town, who wanted to object to the changing of the Municipal voters' roll? 5

--- Quite correct.

And that was the subject that was discussed?

--- Amongst other things, that was also discussed.

That was the main subject. Other things may also have been discussed. When Alex Laguma spoke 10 for the first time, it was summarised by my learned friend as saying, as I understood him, that the Coloured people must fight with the Indians and the Africans. Now what Laguma was saying, if you refer to your notes, where he spoke for the first time, was that the Coloured 15 people have always stressed their rights for democracy, and that what is happening is that the Natives - presumably this is the meaning - the Natives are the first people to lose their democratic rights, that the Coloureds are next and then the Indians. It was in 20 that context that he was talking about joining with them to protect the parliamentary rights of the Coloureds? --- The Municipal rights.

He says "Now that the parliamentary rights have been taken away" - mainly the municipal rights, 25 but also the parliamentary rights. And after him there was another speaker, the second speaker about whom you have given no evidence, then there was a third speaker about whom you have given no evidence. Then you come to the passage where Laguma spoke again, and it is for 30 the second time. Can I summarise it by putting it this way,

that the bulk of his address and the burden of his message related to the municipal franchise of the coloured people and the Indians? Is that a fair summary? "The Provincial Council has passed a law that local authorities could deal with..." - he referred to the probable ejection of Mrs. Z. Gool (?) and others from the City Council if the ordinance is passed. That was the burden of his speech? --- Yes.

And he then went on, as you rightly point out, to a wider subject, and he talks about the Coloured people possibly being given - and he attributed this thought to the then Prime Minister Mr. Strijdom - a thousand morgen on the banks of the Orange River as a reserve. Have you got that? --- Yes.

And it was to oppose that move that he said the Europeans must - the non-Europeans must organise for a struggle outside parliament. After he spoke, Mrs. Katy White spoke, and then Laguma spoke again, and then you get the speech of September, and again the principal subject I suggest to you was to defend the municipal rights, presumably of the Coloureds? --- Yes, more or less.

And after him there was one further speaker, and then a resolution was passed? --- Yes.

NO FURTHER QUESTIONS BY MR. PLEWMAN.

NO RE-EXAMINATION BY MR. VAN DER WALT.

CASE REMANDED TO WEDNESDAY, 10TH FEBRUARY, 1960.

COURT ADJOURNS.

(ACCUSED NO.11 PRESENT).

1

SOLOMON ESIAS OOSTHUIZEN B.V.

XD. BY MR. v.d. WALT: You are a Detective Sergeant in the S.A.P. stationed at Pretoria?-- Correct.

During 1956 were you stationed at Cape Town?-- I was.

5

And were you attached to the Security Branch?--I was.

I hand you document G.737, do you see it?-- I see it, my lord.

10

Are they notes taken by you at a meeting?-- Yes.

Which meeting?-- It was a meeting of - a conference rather, that was held in the Library Hall in Cape Town on the 14th October, 1956; this was held by the Cape Town Peace Council.

15

And did you write down the names of persons who attended that conference?-- I did.

And have you an independent recollection of the conference? Apart from your notes?-- No, I cannot.

If you refer to your notes will you be able to refresh your memory?-- I will.

20

May he do so, my lords?

RUMPF J: Yes.

MR. v.d. WALT: Did you write down the name of Lionel Forman?-- Yes, I did.

25

BEKKER J: Was he there?-- He was there.

MR. v.d. WALT: Also I. Horwitz?-- He was also there.

Did he attend the conference?-- He did.

That is all, my lords.

30

MR. FERRANGE: My lords, we were not prepared  
for this witness because we thought another witness was  
going to be called before this witness. I wonder whether  
I might ask if this witness could stand down for a short  
time until later in the morning.

RUMPF J: Yes.

P.P: I have no objection, my lord. My learned  
friend Mr. Hoexter, will now take over, my lords.

(WITNESS STOOD DOWN)

---

SAMUEL HENDRICK WHITE S.S:

XD. BY MR. HOEXTER: You are a retired policeman present-  
ly working in a temporary capacity as a special constable  
?-- I am.

Stationed at Cape Town?-- Yes.

You joined the S.A.P. in 1926?-- I did.

And retired in 1958?-- I did.

And is it correct that from the end of 1929 un-  
til the date of your retirement you were engaged - making  
allowance for odd breaks - all the time on Suspect work  
?-- That is correct.

And can you tell their lordships briefly what  
type of work you were engaged on?-- Amongst other things  
I had to attend meetings of the Communist Party and other  
organisations, take notes, shorthand notes, at these  
meetings and report thereon.

Before you joined the police force did you  
qualify as a shorthand writer?-- I did.

And I understand that for a period you worked  
in an attorney's office in that capacity?-- I did.



Generally speaking at all the meetings 1  
attended by you, meetings at which you took notes, did  
you find yourself able to take down verbatim the speeches  
made at such meetings?-- Yes, at most of these meetings  
the speeches were interpreted; then I was able to take  
them all down, but at other meetings again there were fast 5  
speakers; I could not at all times take down everything.

I see. In your notes, when you were unable to  
take down a speech in full, did you indicate the fact?--  
Yes, blanks would be left.

Now, Mr. White, I understand that you know no 10  
native languages?-- No.

But you are fully bilingual, you know English  
and Afrikaans well?-- I do.

In the years 1954 and 1955 and 1956 did you  
attend various meetings in Cape Town and make notes at 15  
such meetings?-- Yes.

You have before you now a series of "G" ex-  
hibits. These "G" exhibits were checked by you last week,  
is that correct?-- Yes.

I think you have, with reference to each meet- 20  
ing, before you, firstly your shorthand notes and then  
also a typewritten transcript which has been checked by  
you; is that correct?-- That is correct.

Now, Mr. White, generally with regard to the 25  
notes before you, I take it that you are unable to re-  
member the speeches made at these meetings independently  
of your notes; it will be necessary for you to refer to  
your notes to refresh your memory?-- Yes.

And if you do refer to your notes will you 30  
be able to refresh your memory?-- Yes, I will.

My lords, I ask that the witness be allowed to refer to his notes. 1

RUMPF J: Yes.

MR. HOEXTER: Now, Mr. White - - my lords may the witness leave the witness stand for a moment?

RUMPF J: Yes. 5

MR. HOEXTER: Mr. White, I want you to see whether you are able to identify any or all of the following people referred to. L. Levy, R. Resha and H. Joseph; will you leave the witness stand and try first to identify L. Levy?-- (Witness identifies accused No.4) 10

Will you next try to identify R. Resha?-- Witness identifies accused No.18.

And now will you try to identify H. Joseph?-- Witness identifies accused No.2.

Will you return to the witness stand please. 15

RUMPF J: Did the witness say when he pointed out accused No.18 that he was not sure?

MR. HOEXTER: Yes, my lord, he was not sure. Now, Mr. White, I am going to read to you a list of names; with reference to each name I want you to tell the Court firstly whether or not you know the person, and if you do know the person whether or not that person was to your knowledge an accused in the Preparatory Examination in this case. Do you understand?-- Yes. 20

J. Morolom, do you know such a person?-- I know him. 25

Was he an accused at the Preparatory Examination?-- He was.

G.Ngotyana, do you know such a person?-- I know him. 30

Was he an accused at the Preparatory Examination 1  
?-- He was.

Benturok?-- I know him; he was an accused at the  
Preparatory Examination.

George Peake?-- I know him and he was an accused  
at the Preparatory Examination. 5

J. Nkene?-- I know him; he was an accused at the  
Preparatory Examination.

Sonya Bunting?-- I know her; she was an accused in  
the Preparatory Examination.

P. Manana?-- I have seen him at one meeting I 10  
think; he was to my knowledge an accused in the Prepara-  
tory Examination.

P. Beyleveld?-- I know him and he was an accused  
at the Preparatory Examination.

Lionel Morrison?-- I know him; he was also an 15  
accused at the Preparatory Examination.

R. September?-- I know him; he was also an accused  
at the Preparatory Examination.

D.Ngogenyete?-- I know him, he was an accused  
at the Preparatory Examination. 20

Alex Laguma?-- I know him; he was an accused  
at the Preparatory Examination.

B. Mashaba?-- I have seen her on two occasions,  
and I know she was an accused in the Preparatory Examina-  
tion. 25

My lords, this witness deals with fourteen  
meetings, but again, the Crown will attempt to summarise  
as far as possible, and the portions to be summarised  
have been marked in the transcript before me, and in  
the witness' transcript, so that he is able to refer to 30

them very quickly. The first meeting, my lords, is a meeting of the 27th June, 1954. Mr. White, G.316, does that comprise original shorthand notes taken by you at a meeting?-- At a meeting held on the Grand Parade, Cape Town, on the 27th June, 1954. 1

And a meeting of what organisation?-- The African National Congress. 5

Who was the chairman?-- Thomas Ngwenya.

My lords, I regret this is the only copy of the original notes. I don't think it will be proper to give that to your lordships. 10

RUMPF J: Yes.

Did the chairman say that on June 26th 1952, the A.N.C. and its Allies took important decisions, a decision to sacrifice for the cause of South Africa, and this day has been chosen as Hero Day?-- Yes. 15

And the people who were not criminals in the right sense of the word were convicted at that time?--Yes.

Now would you read a short portion marked 2 in his speech?-- "Now as you know this is not the first time that the people of this country have decided to sacrifice for human rights. It is today when we must think of men like Nkosi...." 20

MR. FISCHER: May I interrupt, my lords. My learned friend must really give me the page, I haven't got No.2. 25

MR. HOEXTER: What do you want?

MR. FISCHER: I must have the page, my lords, from which the witness is reading.

MR. HOEXTER: Oh, this is on page 1 of the transcript, in the first speech of Thomas Ngwenya. 30

Yes, carry on?-- "It is today when we must think of men like Nkosi"... the name I queried...."who was shot dead in Durban under the pass laws. This is the day when you must think who started the struggle against these unjust laws. You will remember in Johannesburg on that first day among men that were first locked up was Moses Kotane, a Central Executive member of the A.N.C. Now these people were not making a personal sacrifice friends, they were not doing so as individuals - they were fighting so that we may live in peace."

Thank you. Now, Mr. White, will you turn to the concluding portion of the speech of Thomas Ngwenya, the chairman, and read that?-- "If Malan and company gives you the sjambok the Africans must give him a hundred sjamboks. That may look like a daydream but it is coming. The people of the East are on the march and will get their freedom. Anything that will happen in South Africa we lay entirely at the door of the Nationalists. Any blame must be laid at their doors. I am not a speaker and will call on other speakers. I call on Mr. Lee Warden, who is the Chairman of the South African Congress of Democrats, Cape Western Division."

And did Lee Warden then speak?-- Yes.

And in the opening portion of his address did he say that Heroes Day, the 26th June marks the awakening of the non-white people?-- Yes.

Did he criticise the Pass Laws, Labour Service Contracts, Stock Limitation, the Native Labour Settlement of Disputes Act, and the Industrial Conciliation Bill?-- He did.

Would you turn to the foot of page 2 about the

middle of Lee Warden's speech and would you read a brief 1  
portion, about nine or ten lines?-- "For the voter this  
is very easy - they can change the legislators who make.."

The sentence before that please?-- "The point  
is - what can we do to remedy that? For the voter this  
is very easy - they can change the legislators who make 5  
these laws. But for the voteless - what? The Government  
knows that this position cannot go on indefinitely. More  
than half of the time it spends in the House today is to  
devise ways and means of keeping the Africans subjected.  
To them there is no future - there is darkness. But 10  
to those of us who disagree with these laws there is a  
future. The very people who took part in the Defiance  
Campaign knew of that future and they started what we  
are carrying on today. It was against these injustices  
that the Campaign took place in 1952. It was a hard 15  
decision to make. They knew it would entail sacrifice  
and courage. They knew that it would take rigid disci-  
pline to avoid clashes with the Police and Nationalist  
hooligans They knew that it meant flogging, and even  
death." 20

Thank you. Now will you turn to the concluding  
paragraph of the speech by Lee Warden, and Mr. White, I  
think my transcript differs from yours; will you just  
indicate in each case, for the benefit of the Defence,  
from what page you are reading. I am going to summa- 25  
rise the last paragraph of Lee Warden's speech, where  
is that on your transcript?-- On page 5.

And is it right to say that he called on the  
meeting to honour the martyrs of the Defiance Campaign  
?-- He did. 30

Who was the next speaker?-- Wiseman Dungelo. 1

From twelve lines from the top of his speech did he say that when they take over they would make June 26th a Public Holiday?-- That is so.

Now I want you to read a short portion which occurred approximately in the middle of the speech of Wiseman Dungelo marked 2 in your transcript?-- "That is on page 6, my lords. The speaker said this: "Now, friends, in my appeal to the youth to join the A.N.C. I want to emphasise the fact that you are not coming into the Congress to pay. We must be determined to do our part and die for this country if it becomes necessary." 5 10

Lastly, in his speech will you read the concluding portion of it, the last paragraph marked 3 in your transcript; just give the Defence the page number?-- The page is 7. He said "The struggle in South Africa is part of a big movement to free the oppressed people throughout the world. I don't need to tell you what goes on in a place like Kenya, China and Egypt. There's a struggle on. Why is there a struggle on? It is because people don't have their freedom. The only way in which we can change this situation is that we must all come together into one mass organisation for liberation. The whole situation can be won without one life being lost. But this is not going to come about, friends, unless you are all prepared to see it in your lifetime. And again, friends, in conclusion, I say whatever you do please don't forget the 26th June. Long live the 26th June. Afrika, Afrika!" 15 20 25

Now next there was a speaker Deane. Omit his speech and tell us who the next speaker was after Deane 30

?-- Ngwenya spoke next. He asked for donations, and the next speaker was Nkatlo. 1

On what page in your transcript does his speech begin?-- It begins on page 9.

And in the opening part of his speech did he also stress the historical significance of June 26th?-- That is so. 5

Now I want you to read a short portion marked 2 on your transcript and tell us on what page it occurs?-- This is on page 10 and it reads: "Any man who cannot get along with his fellow human beings are not civilised - they are not Christians. Friends, these men who are fear-bound are doing their best to keep the people from fighting for freedom. The kind of legislation that they are passing session after session is a sign of their weakness, friends. Their consciences are not clear. They are passing sleepless nights. Before they go to bed they must look under the bed to see if there is no one there. (Laughter). They live in constant fear. It cannot be otherwise. Yes, the spectre of the people is haunting them - they have sleepless nights. They know before long their Sun is going to set. There were men like that before, but you know how the lives of tyrants end up. In our time we have had Mussolini and Hitler - how did they end up? And this small man here will end up that way. And the end of Hitler and Mussolini is the inevitable end of all tyrants. No tyrant will escape the anger of the people." 10 15 20 25

About ten lines further on will you read the portion marked 3 in your transcript; what page is it on?-- On page 11, my lords. 30



S.H. WHITE

Yes?-- "As far as we are concerned apartheid is synonymous with oppression, and we are going to fight to the death without counting the cost. You know we have got millions and millions of fighters for the cause we spouse. So no matter what they do we won't stop the fight." 1  
5

And lastly, will you read the concluding words of his speech marked 4 on your transcript?-- It is on page 11. "The oppressed people all over the world are on the march to crush tyranny - to crush oppression. And any oppressor who thinks he will frighten the people is mistaken. 10  
And, friends, in conclusion I want to salute the 10,000 men and women who suffered in the campaign to oppose the unjust laws. When Dr. Malan's bones are bleached white the names of these people will be green and their names will be written in golden letters. I thank you." (Applause). 15

Now, Mr. White, the person Deane to whom you referred as having been a speaker, do you know this person?-- Yes.

Did he occupy at this time any position in any organisation to your knowledge?-- As far as I know he was a member of the South African Coloured Peoples Organisation. 20

The next meeting, my lords, was one of the 23rd September, 1954. Mr. White, what is G.320 now before you?-- The original shorthand notes taken by me at a meeting of the African National Congress held on the Parade on the 23rd September, 1954. 25

And G.321, is that the transcript?-- That is the transcript of my notes.

Who was the first speaker?-- Joseph Morolong. 30

In what language did he speak?-- He spoke in English and it was interpreted into a native language by Ngotyana. 1

And did he say that the meeting was held under the auspices of the African National Congress?-- Yes.

And that the Nationalist Party were not satisfied with banning the Congress Party, they were now sucking the life blood of the people that is to say they were attacking the Trade Unions?-- That is so. 5

Who was the next speaker?-- Hudson Gila.

And what language did he speak in?-- He started off in English and then switched over to a native language. 10

I see. Will you read the first portion of his speech marked 1 on your transcript?--"My speech to-day is going to be based on the way to liberation, but it will be delivered in my own language. When you hold any meeting here on the Parade you must always have weather like this..." 15

Pausing there, that first part was delivered in English?-- In English, my lords.

Then the portion that follows?-- This was interpreted by Ngotyana. "My fellowmen the message I want to bring to you today is one of freedom. There is nothing else that you want but liberation. I will say God be with you in all your affairs for freedom. Freedom has not yet been won because of your attitude. There has been a lack of unity amongst yourselves. You must conduct a struggle for freedom. During the Defiance Campaign of 52 you were giving your blood for freedom." 20 25

Thank you. Now, about eight lines lower down in the middle of Hudson Gila's speech, will you read that 30

brief portion?-- "Today all the soldiers who are im- 1  
ported to come and murder your people in Kenya are dying  
like flies. These are the things that you must take  
notice of because you are no different from other people."

Thank you. The next meeting, my lords, is 5  
one of the 31st October, 1954. Tell us what Exhibit  
G.326 is please?-- These are original shorthand notes  
taken by me at a meeting held on the Parade, Cape Town,  
on the 31st October, 1954.

And G.327, what is that?-- A transcript of 10  
my notes.

Checked by you?-- That is correct.

Did you mention the organisation holding this  
meeting?-- The meeting was called by the Cape Western  
Action Council of the Congress of the People.

And who was the chairman?-- Greenwood Ngotyana. 15

Did he say that the meeting was called by the  
Cape Western Action Council of the C. O.P?-- He did.

And did he criticise the Suppression of Com-  
munism Act and describe it as a cloak for the creation  
of a Police State?-- He did. 20

Will you read the concluding words of his  
speech?-- That is on page 3 of the transcript, "Through-  
out the world the people are asking for freedom. The  
Imperialists have embarked on a fullscale assault on  
the freedom og the people. Those people who were 25  
swimming in the blood of the people in the Colonies  
can no longer do so today. They have got out of China,  
and they are getting out all over the world. The Bri-  
tish Imperialists in Kenya no longer have any say.

Everybody in the Colonies today is fighting for freedom and independence. The reaction of some powers is to resort to war measures and so on. This can be seen in the measure to re-arm Germany, and let us make no mistake, friends. Our country is a target because it produces Uranium. I am now going to call on my first speaker - I have a number here." 1 5

Pausing there, Mr. White, throughout your evidence when you refer to people we assume that you are referring to the people identified by you this morning, or are they the people who you said you knew and who were accused at the Preparatory Examination? If you find any similar name but not being one of those persons you must tell us please, else we will assume it is the same person?-- Yes, my lords. 10

Now, for example G. Ngotyana, is that the person you referred to this morning?-- Yes. 15

Who was the next speaker?-- Benjamin Turok.

Where did his speech begin?-- On page 3 of my transcript.

I am going to summarise a passage marked 1 in your transcript; where does that occur?-- On page 4. 20

Didn't he say on page 4 that the C.O.P. the Congress of the People will campaign to which all the oppressed people could rally?-- That is so.

And about fifteen lines lower down did he say - did he discuss the formulation of the Freedom Charter?-- He did. 25

And lastly, in Turok's speech, will you read his concluding words?-- This is on page 5, my lords.

"Once we have our Charter we will reach our goal. 30

Democracy is thrown about by many facists people in 1  
this country, but we will realise the true aims of de-  
mocracy. As we see it, democracy means rule by the  
people. Even if you cannot read or write, so long as  
you produce food for the country you must have a say in  
the affairs of the country. If you are a delivery boy 5  
you have the right to run this country. If you are a  
rich man and all you do is play golf and drink whisky,  
you have no right to sit in Parliament and run the coun-  
try. That, friends, is democracy - rule by the producers,  
and above all by the working classes. Now, friends, we 10  
talk of the Congress of the People. The C.O.P. is the  
greatest campaign South Africa has ever seen. It will  
grow like something good and beautiful in this country -  
it will draw the people together. And so I say all of  
you, join in the C.O.P. campaign. Let us speak together 15  
of freedom - let us work together for freedom. Forward  
to the Congress of the People. Afrika, Afrika!"

Thank you. Now, will you turn to the speech  
of George Peake. Did George Peake speak at this meeting  
?-- He did. 20

Where does his speech begin?-- On page 6 of  
my transcript.

Now I want to summarise the portion marked  
1 on your transcript; on what page does that occur?--  
This is on page 6. 25

Did he say that with the object of achieving  
freedom in their life time the South African Peoples  
Coloured Organisation had joined forces with the A.N.C.  
C.O.P and S.A.I.C in convening the Congress of the  
people?-- That is so. 30

And turn now to the end of his speech which I also wish to summarise. It's marked 2 in your transcript, what page is that on?-- That's on page 8. 1

Did he advise those present not to delay; did he tell them that the Government was not wasting time in oppressing them and that they should waste no time in fighting back?-- That is so. 5

Did he say that the Coloureds would become the main target after the Africans?-- Yes.

And that they would throw in their lot with the Congress Movement?-- That is so. 10

Turn now to the speech of Hudson Gila; did he speak?-- Yes.

Turn to the portion marked 1 in your transcript, where does that occur?-- On page 8.

Did he support the idea of the Congress of the people and did he ask for volunteers to come forward?-- Yes, he spoke in Afrikaans. 15

BEKKER J: Mr. Hoexter, this speaker hasn't been identified at all.

MR. HOEXTER: No, my lord, he hasn't. In the speech of Gila will you turn to portion marked 2 in your transcript and read it please?-- "Vandag vra ons vir 'volunteers'....." 20

Before you do so just turn to the beginning of his speech again and read what your note is in connection with the language he spoke and the interpreter?-- This is on page 8 of my transcript, my lords. I made the note In Xosa - vertolk in Afrikaans deur ene KIKKA van Paarl". 25

Yes, and how did you get this English version. 30

did you yourself translate it from Afrikaans into English?-- No, this wasn't taken down in shorthand, I took it in longhand in Afrikaans. 1

Just read the concluding portion of his speech marked 2, give us the page number?-- It is on page 8, my lords. "Vandag vra ons vir 'volunteers'. Ons roep nie net swartes nie maar ook wittes. Ons het vandag met die kleurlinge te doen. Die 'volunteers' wil nie die wet oortree nie. Hulle gaan net tussen die mense om te sê wat om te doen vir hulle vryheid. Die verdrukking het gekom omdat die mense nie bymekaar staan nie. Die 'volunteers' moet rondgaan en spreek met die mense dat hulle moet kyk na die verlossing. Hulle moet van plek tot plek gaan en met die mense praat en vir die mense sê wat om te doen en nie die wette te breek nie. Die witmense grawe grafte vir hulle eie kinders want hulle sal nie weet hoe om met ons saam te lewe nie. Ons moet dink aan ons geslag. Ons moet die witmense sê dat ons wil hand in hand vorentoe gaan. Ons wil al die mense bymekaar hê. Ons wil hê 'volunteers' moet na vore kom. Die mense roenie buk en skrik vir die poliesman nie. Aikona. As die poliesman met jou praat slaan hom (gelag en applous). Daar is plekke waar die 'volunteers' moet gaan om in die boeke ingeskryf te word en waar hulle gesê sal word wat om te doen. Afrika! Afrika! Afrika!" 5 10 15 20

The next speaker?-- Ngotyana, my lords. 25

And did he read certain resolutions to the meeting?-- He did.

And put them to the meeting?-- Yes.

Was one resolution a protest against the banning of the newspaper "Advance"?-- Yes.

Read the last resolution?-- This is on page 30

Of my transcript and it reads . . . . 1

Well, I can summarise for you; did he protest against the re-armament of Germany by the Western Powers as part of their preparation for the Third World War?-- That is correct.

The next meeting, my lord, is the 4th November, 1954. What is G.328?-- My shorthand notes, taken at a meeting held in Kaya Mandi Location, Stellenbosch, on the 4th November, 1954. 5

Organisation?-- I have no note here of the organisation. 10

And G.330, is that a transcript checked by you?-- Of the shorthand notes, yes.

My lords, the nature of this meeting appears from the proceedings. Who was the chairman?-- Benjamin Turok. 15

Will you read the first part of his speech?-- Yes.....

In what language did he speak?-- In English.

Yes, just read the opening portion of his speech?-- "Mr. Chairman, Comrades in the struggle, and Friends, what a wonderful strong spirit you have here. I feel that this is the spirit - the spirit that encouraged Sam Kahn, the spirit that encouraged Brian Bunting, Fred Carneson and Ray Alexander, and so lately Mr. Lee-Warden. I feel the warmth of your humanity here." 20 25

Turn to a portion marked 2 in your transcript; tell me on what page that appears?-- On the first page.

Did he pose the question "What is this organisation, the Congress of Democrats"?-- That is so. 30



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