

having accepted the doctrine that there is a third way, degeneration sets in and the next thing is that every departure from the revolutionary programme, every step back to capitalism, every compromise, is pointed to as our special way and creed. That this illusion should be held by colonial people, who have suffered so much from the third way governments of Attlee, Spaak, Schumann, etc. is an interesting example of political blindness. In order to fight a struggle half-way, it is less dangerous, people evolve the most amazing rationalisations, of which this is one of the most subtle, because it can be made to rest on the national pride and desire of any group to contribute something especial to world progress and culture. It turns out that this third way is really a defensive capitalism under colonial system. Even more poignantly is this demonstrated in the case of Tito, who is now an apparent darling, blue-eyed baby of the Imperialists. We must distinguish this illusion of the third way from the genuine truth, that each people will fit the advanced outlook to its own particular peculiar conditions and objective situation. Every people will, in the course of the struggle, using the Marxist dialectic as a method of analysis, evolve the theory, leadership of its struggle, and be inspired to achieve a destiny in keeping with their conditions, background, historical antecedents. Communism is not national nihilism. On the contrary, it is only under socialism that the national cultures find their full bloom and flourish as a prelude to the eventual fusion of all cultures into

one mighty world culture. That is the inevitable destiny of mankind. In illustrating the different historical situations in which different parties in the world had been called upon to solve, we might refer sketchingly to pre-revolutionary Russia and 5 pre-revolutionary China. In Russia we had the situation in which the leaders of the struggle were the Russian Communist Party. That is the party formed from the working class of the then oppressor group. On seizing power, the Russian Party called 10 on the colonial peoples to free themselves and united with them on an equal basis to form the Union of Soviet Socialist Republics. The revolution was in the main a revolution taking place within the oppressor nation, that is, the Russians. In China we 15 had a semi-colonial country, consisting largely of peasants, dominated by the Chinese big bourgeois, together with the Comprador landlords and bureaucrats, assisted by international capitalists. Unlike Russia, where it was a revolution of the cities, 20 assisted by the country, led by Marxists, the party consisted largely of persons of peasant origin. It was a national democratic revolution, led by the working class, that left the towns to organise the peasants, and lead them to capture power in the 25 cities. Here in S.A. we have a situation in which part of the population belongs to different races, and the oppressor group is living in close juxtaposition with the oppressed in a closely integrated economy. There is no hope of a party in the op- 30 pressor group organising a revolution, apart from the oppressed, and then freeing them, as in Russia,

nor is the situation similar to that of China. The situation is different to such an extent that no justice can be done to this aspect in a superficial survey of this kind. Nor is that the intention here. We merely wish to point out that the solution of the problems here will call forth a great deal of original independent creative thinking. In order to be true Marxists (Communists) we must be truly Africanists (this is a term of convenience to describe Marxists today). The question for Communism challenges the attention of the entire world today. It is a problem which cannot be dismissed or postponed in the democratic movement in S.A., particularly for the leadership, world conditions, the cold war demand and attitude to be taken by every one. As far as the ^{national} democratic movement is concerned in S.A., it is true that the immediate task is to secure freedom from national oppression, but there is no such thing in social movements as freedom by the instalment plan. If we examine what is implied by the expression, 'national freedom', we will find that it must mean freedom from migratory labour, passes, plantations and land serfdom etc. All these would knock the bottom out of the capitalist system in S.A. In other words, national freedom, if it is not to be mere bluff, as the Liberals would have it, will mean the destruction of the entire political and economic set-up in the country, and the establishment of the most democratic system yet devised by man, namely People's Democracy. Whilst it is true that national democratic slogans are relevant, and of mass, they must

be given content as time goes on. In discussing the question of Communism, it is an essential for the democratic movement and its leaders, to have absolutely open minds and put all pre-conceived notions aside. The Communist manifesto, which is still the 5 clearest exposition of Marxism, was published in 1848. Almost all the classical works of Communism and its Revolutionary tactics were written before there was a single Communist state in the world. It is important to remember this. Furthermore, it must 10 be admitted that of all people the Africans have suffered most from the ravages of capitalism. First of all millions of our people were captured, transported as slaves to America, to work on the cotton and sugar plantations. The wealth from America with 15 African slave labour as its mainstay, was the basis of the industrial revolution which accompanied the rise of the modern capitalism. As slaves we suffered to lay the foundations of this system. Later on, Africa was the happy hunting ground of the 19th 20 century capitalist imperialist groups. Even now, we are still under the iron heel of the capitalists. We should be the last people in the world to hate any one who desires to destroy this evil system. Communism is not necessarily the antithesis to 25 nationalism. It is the antithesis to capitalism. But it must be remembered that the rise of capitalism is closely associated with nationalism, in as much as capitalism initially served as the basis for the national state which are intended feudal 30 barriers. What the Communists fight, is the use by capitalists, of nationalism, religion, racialism,

etc. to camouflage the true nature of capitalist dictatorship. To love ones country, languages, culture, characteristics, is not the privilege of the capitalists. On the contrary, only a man who believes in the equitable distribution of wealth and the right of all to a cultured existence, can be truly be said to love his people, but a man who loves the situation in which some of his people are fabulously wealthy, the majority struggle to get daily bread, such a man may call himself a nationalist, but he does not genuinely love his people. In fact, capitalists have used the word 'nationalist' so often as a cover for their dastardly crimes, that the most genuine democrats are shy of this word, and rather prefer the word 'patriotism'. There is another aspect of this problem which is of relevance to the Africans. There has been one standing suspicion of the former C.P. of S.A. that it was dominated by Communists. This charge which was never closely examined by the persons making it, was based on the fact that there were quite anumber of Marxists who were Europeans. This created suspicion from the African group. To some extent the suspicion was understandable, but there was a point at which it was the exhibition of sheer confused political thinking. If we counted the number of Africans who have been enemies of the freedom struggle, we would realise that in politics, it is not the colour of the skin, nor position of the person that counts, but the deeds and consistency in the struggle. Communist parties do not by their existence cause the disappearance of realities, such as racialism or Chauvinism.

Only the struggle wipes out from within the party those contradictions that impede the march to a new world. The foregoing is not a defensive Communism, nor is it a plea for its adoption as the guiding star of the national movement. Facts, hard facts, are 5 proclaiming more loudly than we can, the inevitability of the Communist victory over capitalism and colonialism. The aim here is to persuade the national leadership to cease observing towards Communism an automatic ill-informed outlook. As the last bastion 10 of colonialism, and through the inevitable diffusion of culture, we have come to accept the norms of capitalism as the only true one. We must fight hard to free our minds from dogmatism or the easy acceptance of apparently axiomatic view of the ruling circles. 15 Let us as a leadership, inform ourselves to study seriously, objectively and creatively the advanced ideas of our age. On the decision of Africa, may depend the future of the world clash between the forces of progress and reaction. We have attempted 20 as close a differentiation as possible of the forces heading for a clash in S.A. Those groups belonging to the democratic camp and those belonging to the fascist camp. Acceptance of these will lead to the following general line of development in the libera- 25 tion movement in the country and indeed in Africa as a whole : (a) The most reliable class in the freedom movement is the new urban industrial working class, the African, Indian, Coloured proletarians; (b) The best allies of the urban working class are firstly the 30 farm labourers from the farms and plantations, and secondly, the semi-peasants and landless elements

in the reserves; (c) the advanced European workers; (d) the revolutionary intelligentsia, the internationalists, or Africanists, who are the conscious vanguard of the freedom movement, which closely understands the laws of social development, the line of march and the probable general results of the struggle. The revolutionary intellegentsia is the leader, teacher and organiser of the freedom movement, guiding it through all its complex phases to final victory; (e) In S.A. the achievement of national liberation will simultaneously strike a blow at capitalism. There can be no liberation apart from class liberation; (f), in view of the carving up of Africa among all the major capitalist powers, national liberation in Africa, the second largest continent, will mean a struggle to smash world imperialism; (g) This makes it logical and essential for Africa to work out its salvation in alliance with all anti-imperialist forces in the world. Africa, the home of the most oppressed, perhaps the toughest and most virulent people in the world, has got to play a tremendous role in history. The African, after suffering the greatest damage through the forcible transportation of our best sons and daughters as slaves to America and the West Indies in the 17th and 18th centuries, has had the worst modern exploitation and racialist oppression brought to her. In spite of the studied indifference to the abilities and cultural heritage of the African, by Western science, literature, history, there can be no freedom for the world, unless Africa is free. Without bitterness, Africa and its peoples must lead

the world in the solution of the racial problem. It is not sufficient that we must struggle for the freedom of the African."

The next two lines are too blurred to be able to be read,
My Lords. 5

"The role of the Africans is to struggle for and with the national minorities in Africa for the freedom of all. The African, to live up to the demands of history, must take the hard and difficult path of true leadership, by rallying under his leadership and protection all national minorities in his domain. It is this quality, the quality of 'u'buntu', that will enable Africa to take its proper and honoured place among the nations of the world. With its people and tremendous resources, and with an outlook similar to which transformed Russia in 25 years into the most powerful state in the world, the multi-national Soviet Union. The end of oppression in Africa will mark the end of imperialism in the world. It is up to the Africans to speed up the process whereby mankind in the latter part of the 20th century, is destined to take the final qualitative leap to a new world. 15 20

IMMEDIATE TASKS :

The above is largely an indication of the general aptitude and line towards which the freedom movement is likely to develop. It must be said at once that at present it is correct for all democrats to struggle in the national liberation movement of the masses. Again in the national liberation struggle which unites all in a general programme of fighting for rights, the Africanists must be produced through 25 30

study circles etc., who will be the nuclei of a future strong party. Without recklessness, the Africanists must ensure that leadership of the various national movements is in their hands. This will prevent wastage and sell-out later on. Today a 5 potentially powerful, but relatively weak democratic camp faces a powerful group of enemies. The racialistic fascists with complete monopoly of power, supported by reactionary imperialist powers of the West. [A revolutionary offensive at this stage is 10 probably out of the question, although we cannot be dogmatic even about that. The headlong collision is not to be yet. The strategy for the advanced elements now, is to work for the rapid build-up of the forces of the democratic camp, as represented at pre- 15 sent by the A.N.C., S.A.I.C., C.O.D. etc. A shifting wall to harass the enemy, hamper him, spoil his laws and plans, disturb his time-tables, pin him down, and tax his resources as much as possible,] these tactics will lead to the building up of a wide base of 20 leadership, of cadres and the highly conscious people will be ready when the time comes. A great deal of this survey is statement unsupported by statistics and other elements. In view of the fact that this is not a treatise, but a kind of memorandum placed 25 before those who can easily find the evidence, this is not necessary. Also the intention was to start serious thinking, and the writing of theoretical works by those qualified to do so. If this can, by its imperfections force this to be done, it will 30 have achieved its purpose."

The next is A.M.K.34, My Lords. This is a

2560.

(J.S. MOMBERG)
(A.M.K.34 - 46)

typewritten circular by the N.A.C.C.O.P., undated, and it is the same as exhibit C.56.

The next, My Lords, is A.M.K. 36. It is a roneoed document entitled "Speakers' Notes on the Congress of the People", and it is the same as B.33. 5

The next, My Lords, is A.M.K.38. This is a roneoed bulletin "New Youth. November 1954", and it is the same as exhibit B.A.78.

The next, My Lords, is A.M.K.39. It is a roneoed bulletin "New Youth. June, 1955". The same as 10 B.45.

The next, My Lords, is A.M.K.40. I hand this document in merely, My Lords. It is a roneoed document. It will be read at a later stage. I hand it in for possession merely, at this stage. 15

The next is A.M.K.41, My Lords. A typewritten document entitled "Draft of the Immediate programme of action. J. Hodgson " It has already been read. It is the same as C.281, My Lords.

The next A.M.K.42 - "Liberation", a booklet, 20 November, 1956. This will be dealt with under G.1150, My Lords.

The next, My Lords, A.M.K.44 - "The Agenda of the 22nd Conference of the S.A.I.C. 1956" - the same as P.J.92. The reference to the Policy Schedule has 25 already been given, My Lords.

The next, My Lords, is A.M.K.45. "Bulletin of the South African Society for Peace and Friendship with the Soviet Union " This will be dealt with at a later stage I hand it in for possession merely. 30

A.M.K.46. Booklet "Liberation". September, 1955. It will be dealt with under G.1114. The next

is A.M.K.63, My Lords This is a typewritten document, apparently a speech delivered by Dr. G.M. Naicker, and the Crown alleges that it is the same speech as is contained in B.99, already read in.

The next, My Lords, is A.M.K.64. "Journal of the A.N.C. Youth League, 'Afrika'". The same as B.18. The next My Lords, is A.M.K.65. This is the Agenda Book of the Natal Indian Congress, made out in the name of delegate A.M. Kathrada, "7th Annual Provincial Conference, Durban, 5th to 7th February, 1954, opened by Mr. Walter Sisulu, Secretary-General of the African National Congress." This is reflected in the Policy Schedule, My Lords, on pages 49, item 1, page 57, item 2, and page 64, item 1, My Lords, and some reference to this document will be necessary, My Lords. I read from page 1, My Lords, headed :-

"OFFICIALS AND COMMITTEE MEMBERS.

President : Dr. G.M. Naicker. Vice-President: (the only name I read under Vice-President is G. Hurbans, My Lords). (General Secretary I omit). "Joint Hon.-Treasurers: Dr. M.M. Padyachee."

Next "Executive Committee Members", I refer to the names of Dr. A.H. Sada and Billy Nair, also D.A. Seedat and M.P. Naicker.

The last paragraph, under heading "Secretariat" -"Dr. G.M. Naicker and M.P. Naicker "

Page 2, My Lords, is headed "Agenda". I read items 2 and 3 :-

"2. OFFICIAL OPENING.

Mr. Walter Sisulu, Secretary-General, African National Congress.

3. PRESIDENTIAL ADDRESS:

Dr. G.M. Naicker (Delivered by Mr. ¹.C. Meer)."

I refer next to page 8, My Lords. The heading here, is:
"Address of Welcome by Mr. S.M. Mayet, Chairman, Reception
Committee." I read the opening words :-

"Mr. Chairman, Mr. Sisulu, Ladies and Gentlemen", 5
and the third paragraph reads :-

"In this crisis South Africa is most fortunate
in having men of honesty, courage and vision at the
head of the national liberation movement. Natural-
ly the most significant national movement in the 10
country is the African National Congress. The voice
of the 9 million sons and daughters of the soil,
and we are proud that ~~at~~ the head of this body men
of the calibre of Chief A.J. Luthuli and Mr. Walter
Sisulu." 15

I read next from page 10, My Lords. It is headed "Ope-
ning Address of Mr. W.M. Sisulu, Secretary-General
of the African National Congress on the occasion
of the 7th Annual Conference of the Natal Indian
Congress, held ~~at~~ the Mahatma Gandhi Hall, Durban 20
on the 5th February, 1954 :

"Permit me first to bring to this very important
conference of the Natal Indian Congress the warmest
and friendliest greeting of the African National
Congress and the National Action Committee. I 25
gladly accepted the invitation to open the confe-
rence, because I regarded it as a great honour to
me, coming as it did at a time when I had just re-
turned from a very interesting educational and
inspiring trip overseas. I shall not be expected 30
to deal with my experiences abroad. Suffice it to
say, that all the countries I visited, enthusiasti-

cally welcomed me and took a very great interest in the almost unbelievable racial situation in South Africa. I took advantage of this trip to put our point of view across. I did this in Israel, I did it in England, in Rumania, in Poland, in the U.S.S. 5 R. and China. Unfortunately circumstances did not permit me to go to India, though the facilities were available to me. My presence was demanded at home. I must mention in passing, that on the three national celebrations that I attended on the 23rd of 10 August in Rumania, the 1st of October in China and the 7th November in the U.S.S.R., I was also convinced that peace was necessary for the construction of their respective countries. I was also impressed by the Youth Festival which is promoting 15 the friendliest relations between the youth of different countries. The International Union of Student Congress dealt with the student problems bringing them to the realities of life in a very impressive manner. I had much to learn in China. 20 This vast country with a very large population had just emerged from a semi-colonial status to great a power. There were many educative problems which were very much identical to ours, the difference being that they were solving them. I was parti- 25 cularly happy to notice the growing relations between India and China and the manner in which the national and local papers were commending Pandit Nehru and his government for the great role that they were playing in promoting world peace. These 30 two great nations were not only a plea to peace in Asia, as leading Asiatic countries, but they are a

plea to world peace, and to us they are a guide as people who had recently overthrown the shackles of imperialism. The people of Asia have taken a very great interest in the struggle carried on by the peoples of Africa. They are naturally opposed to the policies of imperialism. They also believe that in the brotherhood of mankind they are keenly interested in peace. That is why Pandit Nehru vigorously opposes the racial policies of South Africa. That is why he opposes oppression in other parts of Africa. No other interest which prompts him to do this, other than the fact that he has had to suffer terms of imprisonment under the yoke of imperialism. All people who have suffered oppression, exploitation, cannot but be opposed to the continuation of such a system. They also know too well the usual stunt of oppressors, and the arch-imperialists ridiculous theory that the people are backward, illiterate and that freedom will be dangerous to the Western civilisation, and that they are fulfilling these countries in the best interests of the colonial people. The so-called guardians of Western civilisation and christian principles are themselves guilty of crimes for destroying humanity, using most barbarous methods, these are the people who are now conducting war against the peoples of Vietnam, Malaya and Kenya. Being aware of the fact that our fate is bound together with these colonial people and mankind as a whole, we therefore take profound interest in the present session of the four great powers, hoping that the foreign ministers of Great Britain, U.S.S.R., and France

will use their influence in convincing the Secretary of State of the U.S.A. to see wisdom, by not only agreeing to a Big Five Meeting, but also actually bringing about conditions for the admittance of China to the United Nations in the interests of 5 world peace. I assume that the two former Secretaries will be guided by the broad will of their people in their respective countries. Your conference also meets at a time when the second session of the 11th Parliament of the Union of South 10 Africa assembles as usual, not to deal with national economy of the country, nor to consider the welfare of the people of South Africa, but meet to consider legislation, to impose more hardship and to intensify their notorious policies of apartheid. 15 This time they will go further than tightening up oppressive machinery against the non-Europeans. They are introducing a Bill which will place the Trade Union movement in the hands of the fascist Nationalists. They are amending the Suppression 20 of Communism Act to give power to the Minister of Justice to do what he likes without interference by Courts of Law. They are going to amend Group Areas Act, they will continue with the removal of the Coloured voters from the common Roll. They are 25 preparing to introduce a law prohibiting people from travelling abroad without their approval. Four of the above have been incorporated in our plan of action, the Defiance Campaign was based on them and our unity was forged to fight for their 30 repeal. We shall not only oppose every amendment on it, but we shall fight until they, and others,

are removed from the Statute Book. The people who believe that these oppressive laws are designed against the Trade Unions and for the non-European only, will realise it only too late that they are also in fact designed against the financial houses 5 to give control to the Nationalists. The Jewish Control of Deputies will then begin to see the danger of their opportunistic tendencies, when they praise Malan's administration. The South African Indian Organisation and the United Party will not 10 escape it, but they shall have to answer to the people for their treacherous role. Many things which are now taking place were predicted by us long ago. The A.N.C. in the face of this situation, has called upon the nation for an historic 15 people's convention, which has been welcomed by the national organisation of Indians, Coloureds and Europeans."

Then follows an analysis of what the national convention will represent, My Lords, and then I read from the concluding portion on page 12 : 20

"The people in Natal will be once more in this year expected to take up their usual militancy and be proud of their past in the struggle they have conducted in the beginning of the 20th century, 25 when men like King Solomon, Cardini Zulu refused to turn against his people and suffered imprisonment, people like Bombata and others, who firmly stood for the rights of their people. It is in Natal during the same period, that the known 30 Mahatma Gandhi led the masses of persecuted Indians and forces the authorities to abandon their

stand. The militant Natal people must be rallied
 in their millions and workers must be mobilised -
 the women must be mobilised, the intellectuals must 5
 be mobilised, the business people who are in full
 agreement with our struggle must be mobilised a-
 gainst the oppressor. Chief Luthuli, in opening
 the Conference of the Natal Indian Congress last
 year, said, 'Let us march together to freedom.' 10
 He further said that this formidable alliance is
 not a marriage of convenience, but a political al-
 liance based on a common and genuine regard for
 true democracy. In conclusion we believe in the
 brotherhood of mankind. We believe in peace and 15
 freedom. To this end it is our duty to use all our
 methods to bring about an end to the hostilities in
 Kenya. We shall oppose vigorously the plans of the
 Kenya settlers and the Union Government to send
 South African troops to crush the defenseless peo- 20
 ple in Kenya. Having chosen the right course to
 freedom, we are quite confident and certain that
 no power in the world can permanently resist the
 march of freedom forces. I now take pleasure in
 declaring this Conference open, and wishing you 25
 a very successful deliberation. Mayebuye, Afrika."

I read next on page 13, My Lords. This is headed Pre-
 sidential Address. Speech delivered by Dr. G.M. Nai-
 cker, President of the Natal Indian Congress at the
 opening of the 7th Conference, held at Gandhi Hall, 30
 Lawn Street, Durban, on Friday the 5th February, 1954,
 at 7 p.m. :-

"We are most thankful to Mr. Walter Sisulu,
 the Secretary-General of the African National

Congress for declaring open the 7th Annual Conference of the Natal Indian Congress. Mr. Sisulu is a person whose name has come to be respected throughout the length and breadth of this country, because of the positive role he has played in the cause of freedom and democracy. Only recently Mr. Sisulu returned from an interesting visit overseas, where he was a true ambassador of the people, for he voiced the hopes and aspirations of the oppressed people of South Africa. Unlike the official representatives of the Union Government, who encountered serious difficulties in gaining support overseas, Mr. Sisulu was warmly received by the people of the different countries he visited, because he was not faced with the task of justifying the policy of oppression. He advocated a policy of equality and preached the gospel of the brotherhood of men. We, the Indian people of Natal, welcome back in our midst Mr. Sisulu, as a true South African, as a man who stands for freedom and justice for all, irrespective of race, colour and creed. My comrade, Chief Luthuli and I are indeed unhappy that we cannot be present to hear the opening address of Mr. Sisulu, but although we have been banned and cannot be with you on this occasion, let me say that despite the banning orders of Minister Swart, no matter how many persons he may ban, the noble work of liberation undertaken by the African and Indian Congresses, will go on unflinchingly until this country becomes free and takes her rightful place in the family of democratic nations. Mr. Sisulu's presence today has yet

another very significant aspect. It symbolises the spirit of the united action for democracy on the part of African and Indian peoples, who are working in conjunction with the Coloured community and European democrats. Despite all the attempts to sow 5 seeds of division in the ranks of the people of South Africa and despite the preaching of apartheid and segregation, steady progress is being made in the field of inter-racial co-operation."

I conclude the last paragraph on page 13. I read from 10 page 14, the first paragraph :-

"When we met in conference last year, we were on the eve of the general election. In my presidential address I stressed the fact that both the major Parliamentary Parties in the country were unani- 15 mous in their resolve to maintain white supremacy, and the perpetual subjection of the masses of the non-white people, to preserve the social and economic pattern of domination and subordination, hatred and fear." 20

Paragraph 3 :-

"As we meet in conference to review our past year of work and to plan for the year that lies ahead, a new session of Parliament is meeting in Cape Town. The last session of Parliament was one 25 during which the Government of Dr. Malan, passed measure after measure curtailing the meagre rights of the people of this country. Through administrative action the Government continues to carry its full-fledged attack on civil liberties." 30

And then follows a detailing of certain laws that had been passed. I read next from page 15 of the speech,

My Lords, the third paragraph :-

"Throughout the world great forces are at work for the liberation of mankind. Imperialism is on the retreat; except for vestiges of imperialist rule which have been gallantly eradicated, the Con- 5
tinent of Asiachas rid herself of this evil force. With the great awakening in Africa, the last stronghold of imperialism must inevitably be shattered. The common people of the world are against exploi-
tation of man by man. They stand for peace and 10
equality - ideals which have arisen in response to the fundamental needs of the human race. It is because of this that we find such tremendous world-
wide opposition to colonialism and racial discrimi-
nation. People who were once subjugated and who 15
suffered the humiliation of race discrimination, are today smashing the shackles which bind them, and are engaged in the task of building a new so-
ciety. It is only natural that the Arab-Asian
bloc should at the United Nations and elsewhere 20
speak out against colonialism and racial discrimi-
nation. Today mankind is yearning for lasting
peace and progress. Since we met last the fight-
ing in Korea has come to an end. A great feeling
of relief passed through the world when hostili- 25
ties ended there."

I omit the balance of that paragraph, My Lords, and I read next from 16 of this same speech, the second paragraph from the top :-

"We have on all occasions welcomed the support 30
we have received for our democratic struggle from peoples abroad, but we have on all occasions o

emphasised that our liberation can only and must
come from forces within the country. We have un-
equivocally chosen the path of direct opposition
to all that is unjust, and inhuman in the body po-
litic of the country. It is in keeping with this 5
approach that Mahatma Gandhi launched out the histo-
ric passive resistance campaign on this soil of
South Africa, a campaign which was a forerunner to
even greater campaigns, in giving a new status to
the 400 million subjugated peoples of India After 10
the departure of Mahatma Gandhi, there followed a
long period of inactivity, but in 1946 South Afri-
cans citizens of Indian origin again employed pas-
sive resistance against injustice and oppression
and during this campaign over 2000 people went to 15
jail as a mark of concrete protest. The struggle
for liberation was launched on a higher plane in
1952, when in the defiance campaign for the first
time in the history of this country, under the
leadership of the African National Congress, peoples 20
of all races took part in the united joint action
against unjust laws. During this campaign over
8000 volunteers suffered imprisonment. The sacri-
fices our people have made in the cause of freedom
are great, but we should be called upon to make 25
even greater sacrifices before we can make our
country a true democracy. The road to freedom
will be hard and difficult, but we draw strength
from the fact that our cause is just and that a
just cause must triumph. We solemnly believe that 30
equality of opportunities is the birth-right of
all sections of the South African people. We

believe that universal adult franchise is a pre-requisite to the enjoyment of that equality. It is for that reason that we reject all other forms of franchise. The African and Indian Congresses, I am positive, will not deviate from this just demand. 5 We welcome the emergence of the South African Congress of Democrats in which European democrats are also pledged to the common ideal. In September, the African National Congress when it met at Queenstown, took vital decisions which must affect our 10 future course of action. I am sure that in the very near future the South African Indian Congress will meet to give serious consideration to the Queenstown resolutions."

And then attention is devoted to the Resolution at 15 Queenstown, in connection with the holding of the Congress of the People. I read the concluding portion on page 17 :-

"The year that lies ahead of us will require all our resources and strength to meet the challenge 20 that faces our country. I am more than satisfied that the Indian people of this province will not be found wanting when that call comes. My appeal to the delegates to this 7th Annual conference of the Natal Indian Congress, is that they must advance 25 the cause of freedom, that their activities against reaction and for liberation must not cease until democracy for all has been won. Let this be the only guiding factor in our discussions and deliberations. Let us move forward unitedly with 30 ever-increasing speed and strength towards a South Africa in which justice and equality will triumph

over the forces of oppression and tyranny. Afrika." I read next from page 21, My Lords. These are messages to the conference. I read one only, from Messrs. Yusuf Cachalia and D.U. Mistry, Joint Secretaries of the South African Indian Congress, Johannesburg. Another one, 5 from Mr. M. Matji, Secretary, Cape African National Congress, Port Elizabeth. I read next from page 22, My Lords. This is a message from Mr. A.M. Kathrada, General-Secretary, South African Indian Youth Congress, Johannesburg :- 10

"The South African Youth Congress sends you its heartiest greetings and best wishes on the occasion of your 7th Provincial Conference. You are meeting at a time when the attacks on the meagre rights we still enjoy are being intensified and becoming mere 15 wishes. Some of the best and most loved leaders of the Natal Indian Congress are no longer able to be with you at Conference because of the bannings. In every aspect of our lives we are faced with greater oppression and new threats to our existence. 20 But oppression is greater only because our movement for freedom is gaining strength day by day. Repression is greater, because our oppressors are weak. This is the time, dear friends, to intensify our organisation, to consolidate our unity and 25 to forge ahead towards greater progress. We are confident that the N.I.C. will emerge from this Conference a stronger organisation."

The rest of the message can be omitted, My Lords. The next message is from Mrs. Rika Hodgson, National Organiser S.A. Congress of Democrats, Johannesburg. I read next from page 23, My Lords :- 30

"General Secretary's Annual Report.

1. Political. Delivered by Mr. J.M. Singh, at the 7th Annual Conference on the 5th, 6th and 7th February, 1954.

The 7th Annual Conference of the Natal Indian Congress meets at a time when the world and our country are in a great turmoil. Despite the fact that the Axis Powers were defeated on the battle fields years ago, humanity is still faced with the difficult task of bringing about peace on earth. 5 10

While it is true to say that in every country on all continents the forces of peace are making important strides, those who stand to benefit by war, are continuing to make efforts to drown humanity in yet another blood bath, notwithstanding the threat of extinction which the world faces as a result of the existence of the atom and hydrogen bombs. The Indian, indeed all people of South Africa, must realise that they too have a part to play in the present international situation. As a part of the oppressed people, they naturally stand for peace and against all those which go to present a threat of another world war. We cannot be and are not neutral on the question of war and peace. 15 20

When we met in conference last year, the war in Korea was still waging, but today we report with gratitude the end of hostilities there, the peace-loving peoples of the world still have the major task before them of maintaining world peace. The most poignant contribution that we can make towards the peace of the world, is to aim towards the removal of the basic causes of war, among which are 25 30

imperial oppression, colonial exploitation and racial discrimination. Thus we unhesitatingly give support to all legitimate struggles of the oppressed peoples everywhere to free themselves from imperialist bondage." 5

I omit the next paragraph, and continue to read the penultimate paragraph :-

"Since the end of the last world war the peoples of Asia have made tremendous advancement in their march towards the achievement of freedom and human rights. On that continent have emerged independent governments, who are playing a vital role in the international affairs for the cause of world peace and human freedom." 10

I omit the rest - the balance of first section, and proceed with the next section on page 24, headed :- 15

"SOUTH AFRICA.

Since our last conference, the country once again experienced another general election, in which, in keeping with the caste structure of the country, only the privileged White minority participated. 20
The results only confirmed what the democrats had expected, the return of the Nationalists with even a bigger majority. Our country today stands nearer to fascism than ever before in its history of White domination. 25
There has been a systematic attack on the democratic rights of all sections of the people, and civil liberties face extinction. We have repeatedly declared from our platforms that fascism is making headway in this country, because 30
the people who have the greatest interest in the promotion of the democratic ideals are denied the

franchise. The privileged White caste regards the extension of the democratic rights to the non-white people as a threat to their 300 year old domination and in their efforts to retain their privileges, they are either directly or indirectly 5 destroying all vestiges of democracy. It is most encouraging, however, that despite the privileges enjoyed by the White minority, there are men and women among them who had given the democratic cause their unstinted support. During the year 10 under review, the South African Congress of Democrats came into being as an organised body, essentially representing Europeans who believe in the extension of full democratic rights to all sections of the South African people, and their support for 15 the policy and programmes of the African and Indian Congresses is welcome. As far as the Liberal Party is concerned, its policy is open to strong criticism by the national liberation organisation. Last year our president laid great stress on the 20 stand of the Congress on the question of the franchise and condemned any suggestion that non-Europeans should have any special qualifications placed on them, and he added : 'Let me say most categorical- 25 ly that only those Europeans belong to the democratic camp who without reservation, accept the inherent and fundamental right of all the oppressed people in South Africa to exercise equal franchise with those those who enjoy it at present. Any person who denies the right of 30 a non-European to have equal franchise and speaks of a qualified franchise from them, by his very

stand places himself outside the democratic camp, whether such persons happens to be white or non-white.' These words of Dr. Naicker are important in our appraisal of the policy of the liberal party. This party advocates a qualified franchise on the 5 common role. The effect of this policy is that while Europeans will automatically qualify for the vote, non-Europeans will have to strive for and succeed in attaining certain qualifications before they can exercise the vote. In a multi-racial 10 community this policy leads to discrimination in practice and one cannot be blamed for condemning the liberal party on its policy, particularly in relation to the franchise, for in effect, the liberals are saying that White dominance must re- 15 main for many years to come. Both on the question of the franchise and the method of the struggle, for the achievement of democratic rights, the liberal party is being strongly condemned. Their motives have been questioned, for is not their poli- 20 cy a deviation from the road chosen by the national liberation movement. We want to stress that on fundamental issues we differ with the liberal party, and therefore Congressmen must realise that they have a duty only to the policy which they have 25 adopted and a further duty of exposing the weaknesses in the policy of the liberals. This does not mean, however, that we will not co-operate with the liberal party on issues on which we agree. As far as the Parliamentary parties are concerned, 30 the only true new factor there is the formation of the liberal party and with the policy of this

party we have already dealt. It is, however, correct to say that on the Parliamentary front, there is no voice to express the real aspirations of the oppressed people of the Union. The United Party, the Independent United Party Group, the Federal Party and the Labour Party are all agreed on maintaining White supremacy. All of them accept segregation and their stand in Parliament against the Nationalists have amply proved to the non-European people, if any proof was necessary, that they cannot look to Parliamentary struggle for the achievement of their objective, for Parliament is presently constituted as merely a battleground to determine which of the existing White dominating groups shall rule South Africa. Our struggle is essentially an extra-parliamentary struggle. On that front we believe in united action on the part of all South Africans, of all colours who advance the cause of democracy and freedom. The defiance of unjust laws campaign has been the most concrete forms of implementing this policy."

I read next from page 26, My Lords, part of the same article :-

"Every thinking South African must realise that today South Africa is at the cross-roads. Either the country is driven further on the path of fascism or the people themselves boldly strike out on the only road which leads ultimately to the freedom for all sections of our population. The time has arrived for the people of South Africa to make a vital decision, and once that decision is made, then to pursue unrelentlessly the road

they chose. In order to react that decision and to get the maximum results from it, the whole population has to be galvanized into action. There should be no doubt left in the minds of any people in the Union or abroad, as to what the people of the 5 Country want. The will of the people must find an urgent expression in the crisis which faces the Union."

I omit the rest of that portion. I read next, My Lords, from page 29, the concluding paragraph entitled :- 10

"OUR TASK :

We must continue our efforts to expose the weaknesses and neglect in the field of education. We must mobilise our people for the objective of free compulsory education and must link up this campaign 15 with the demands for the franchise. For without the vote, we cannot hope to get justice and fair-play in the requirements of our children for full education. At the same time it is our duty in every branch, to take energetic steps to pinpoint 20 the needs of our people and bring pressure on the authorities for their implementation. We cannot isolate ourselves from the day to day difficulties of our people in the educational field."

I read next from page 44, My Lords, the concluding paragraph on this page, headed :- 25

"BULLETIN:

Bulletins, N.I.C. News, were issued dealing with various organisational matters. Apart from these bulletins, a short series of cyclostyled 30 lectures on subjects, such as 'How South Africa is governed', 'The struggle of the non-European

people', 'Economics and Politics', etc. were issued to those branches that had organised classes in their areas."

That concludes that document, My Lords. The next is A.M.K.66. My Lords, this is the 'African Lodestar. 5
Organ of the A.N.C. Youth League, Transvaal. October 1954 issue.' I refer first to page 2 - there is an article "Facing Kenya", by H. Makgothi. It begins with the quotation by Yoma Kenyetta, as follows :

"What we object to and what we shall continue to 10
object to, is discrimination in the Government of this country. We shall not accept that in jail or out of it. What we have done and shall continue to do is to demand rights for the African people as human beings. Yoma Kenyetta, leader Kenya African 15
Union."

Then follows the article :-

"It is now two years since a state of emergency was proclaimed in Kenya. It is fitting that we should once more draw attention - the attention of 20
the youth to events in that country. During that two years the British public have been paying at the rate of one million pounds a month to carry through a policy of naked terrorism that has disgusted the civilised peoples of the entire world. 25
For in these two years, in particular the Africans of Kenya, have been herded into concentration camps, bombed from aeroplanes and armoured cars, hunted like wild hares with police dogs and shot by blood-drunk British soldiers for sport. And 30
yet this ordeal of barbarism and terrorism has not been unleashed on the African people of Kenya

because the British public had suddenly gone stark mad. The truth is that the average British taxpayer, as well as the murderous British tommy with the blood of innocent Africans on his hands, believes that he is engaged in a sacred crusade against heathenism and for the protection of European civilisation. This belief has been kept alive and nurtured by the spate of reactionary literature that has been concocted since the word 'Mau-Mau' was first uttered. We need only refer to a publication 10 by one arrogant, L.S.B. Leeky, 'Mau-Mau'. This pseudo-Kikujū in a desperate attempt to white-wash the crimes of British imperialism, declares that the so-called 'Mau-Maus' is openly anti-White and also anti-Christian. It aims to drive the European 15 and all other foreigners out of the country, and intends to use murder, intimidation and finally a general uprising to bring this about. Then he openly associates this Mau-Mau with Yomo Kenyetta and the other leaders of the Kikujū people. It 20 will be the easiest thing to expose this superficial and pseudo-scientific book, but rather than do that, we quote from Yomo Kenyetta's 'Facing Mount Kenya', a book that was published long before the Mau-Mau myth was invented." 25

Then he quotes from Kenyetta's book, and the article resumes, two paragraphs from the end of the page :-

"If we leave the arrogant Leeky and turn to one Michael Blundell, leader of the Kenya Settlers, we have a better idea of what is taking 30 place in Kenya, for Blundell is a true fascist, and these are some of his thoughts concerning

the heritage of Western civilization. 'Don't
 clothe yourself too much in phrases about democracy"
 he warned the British people in 1953 against all
 this nonsense of talking too much about democracy.
 Fortunately the world is not deceived by the 5
 smokescreen of 'Mau-Mau', and the advice of fascists.
 The world knows that there is a democratic libera-
 tion movement of the people of Kenya. We know
 enough of fascists to understand that to put for-
 ward demands such as those of the Kenya African 10
 Union and the Kikuyu people will invite the wrath
 of the Western civilisations. These are the de-
 mands of a people...."

and then the demands are set forth, relating to freedom
 of expression, abolition of racial discrimination, mi- 15
 nimum wage, and so on, and the article continues :-

"What is the significance of the struggle of
 the people of Kenya for the youth and the libera-
 tion movement of South Africa?

1. The struggle of the Kikuyu is our struggle. 20
 Every one of the demands of the Kenya African
 Union is the demand of the democratic people of our
 own country. This correct analysis was made by
 W.M. Sisulu, who was instrumental in the creation
 of the Kenya Committee to arouse public opinion 25
 in Britain against the crimes being committed in
 Kenya against innocent Africans.

2. A national liberation movement is a long and
 protracted struggle, for in the age of imperialism
 murder and violence become the order of the day, 30
 and the people must wage this struggle in methods
 which the oppressor forces upon them. This is

the fundamental precis in the correct message of N. Mandela 'No Easy Walk to Freedom' (A.N.C.Y.L. Publication).

3. The youth should increase their vigilance and raise their political understanding, and should not 5 fall into the easy trap set by the oppressor of associating the sacred struggle of the people for freedom, with propaganda about secret societies."

The next is A.M.K.70, My Lords. This is a roneed pamphlet, inviting attendance at the celebra- 10 tion of the 37th Anniversary of the Soviet Union, on Sunday, the 7th November, and serving as a reminder that the Soviet Union persistently champions the cause of the oppressed people. It is issued by Yusuf Cachalia, Robert Resha, A.M. Kathrada, and another person. It 15 also bears on the question of world peace. I omit A.M.K.71 and 71A, although they appear on the list, My Lords. Then the next one is A.M.K.75. My Lords, this is a somewhat tattered typewritten sheet, undated. The address is 27 Market Street, and it is very short. It 20 says :

"Mr. A.M. Kathrada thanks very much for the kind invitation extended to him for the cocktail party in the honour of the 37th anniversary of the Soviet Union. He regrets that owing to the ban imposed 25 upon him under the Suppression of Communism Act, prohibiting him from attending any gatherings, he is unable to be present."

It is addressed, apparently, to the Acting Consul- General of the U.S.S.R. and his wife, Government Ave- 30 nue, Pretoria. The next is A.M.K.43, My Lords. I now deal with eight documents mentioned in column 2

2584. (J.S. MOMBERG)
(A.M.K.43, 48,49,50,52,
57,61,54,55,59,60,68)

Schedule 4. The first is the Soviet publication, entitled "News"; the second, A.M.K.48 is an edition of "The Communist". So is A.M.K.49, and so is A.M.K.50. A.M.K.52 is a booklet entitled "Thirty years of Communist Party of China". A.M.K.57 is a booklet, "Suez - the Soviet View" It is a Soviet News booklet. A.M.K.61 is a publication of the Central Council of Polish Trade Unions. And then, My Lords, I turn to a few publications mentioned in column 3 of Schedule 4. A.M.K.54, which is a "World Festival of Youth and Students" publication. A.M.K.55, which is "The Young Worker Bulletin". A.M.K.59, which is a "World Youth Monthly". A.M.K.60, which is a "W.I.F.D." publication, and A.M.K.68, which is a "World Council of Peace" publication, dated the 15th October, 1954. 15

NO FURTHER QUESTIONS.

MR. PLEWMAN ADDRESSES COURT AND ASKS PERMISSION TO DEAL WITH CROSS-EXAMINATION OF WITNESS TOMORROW MORNING.

20

THE COURT ADJOURNS UNTIL THE 9TH SEPTEMBER, 1959.

25

30

COURT RESUMES 9/9/1959.

APPEARANCES AS BEFORE:

MR. PLEWMAN ADDRESSES COURT:

All Accused present.
No Affidavit available concerning Accused No. 11 -- (5)
to be handed in.

JOHANNES STEFANUS MOMBERG, duly sworn,

NO FURTHER QUESTIONS BY MR. VAN DER WALT:

CROSS-EXAMINED BY MR. PLEWMAN: Sergeant Momberg, one of the documents you handed in was the agenda book, Seventh Annual Provincial Conference of the Natal Indian Congress. Now, (10 I haven't got a copy for you, but I want to formally put parts of it which were not read by the Crown, the Exh. No. is AMK.65. The first portion of the document I wish to read is the address of welcome by Mr. S.M. Mei, I don't propose reading the whole document. I just want to put to (15 you that in his opening he says that the address should have been delivered by Mr. Lawrence, and he describes Mr. Lawrence as one of the founders of the Natal Indian Congress. And he says that Mr. Lawrence "has been a tower of strength to us all from the days when he founded the present Congress (20 with Mahatma Gandhi he has consistently worked for the cause of the Indian people. His example inspires us to greater efforts in the cause of the freedom of our people." The end of his message he has the following passages which I will read shortly. He says that, referring to the speaker who (25 made the opening address -

You will find that from the messages given that our cause is a universal cause, and that no man-made barriers can prevent men of goodwill and of all races coming together for the purpose of advancing the cause of justice (30 and fairplay

He then ends his address with the following -

You as delegates have an important part to play and my prayer is that May the Almighty Guide You along the path of wisdom for our deliberations and decisions are of great significance to the Indian people.

Now, on page 11 of the address, the opening address by (5
W.M. Sisulu, there is a portion which was summarised by the Crown, dealing with the Congress of the People. There is just one extract of that I would like to read. It appears at the bottom of page 11 -

"It is the fundamental principle of our struggle to work (10
for the creation of the united democratic nation of South Africa, drawn from all sections of our racial groups, irrespective of colour of their skins, or of their religion. The only problem we are referring to is not the racial, which does not exist, but the problem of raising the living stan-(15
dards of our people, the standards of our national economy and the material and cultural standards of all people."

There was also read by the Crown portion of the presiden-
tial address of Dr. G.M. Naicker, and I only want to put that
included in his address is a criticism on page 14 of various(20
legislative measures, including the immigrant regulations amendment Act, which he says is a measure which violates the basic human rights of marriage and the sanctity of the family, and then there is a further criticism of the Representation of Voters Act. Then I want to come to the messages portion (25
of which, or some of which, were put in by the Crown. I want to put to you that on page 18, there appears the first message, a message from A.J. Luthuli, President-General of the African National Congress, and while it occupies a page, I will only put portions of it. The second paragraph reads - (30

The way before us may be long and dusty, but the ultimate

success must be ours, as confirmed by progressive world opinion. Our cause is just, but as a sine qua non to the successful prosecution of our task, we must work in a spirit of sincere and unreserved devotion, sacrifice and service to bring into play virtuous human (5 qualities such as patience, tact, forbearance, courage, vigilance, foresight, honesty, loyalty and love.....

And then one paragraph lower down he says -

We must fight on on all fronts along the path of non-violence, and when at times the human weakness of des- (10 pondency assails us, let us gain courage and inspiration not only in the justice of our cause, but its universality in all ages. We should be stirred to greater efforts by the knowledge that it is our own deserved honour and privilege to be numbered among the followers (15 of heroes and freedom in all lands and all ages, and in that context.....

he then ends his message by saying that -

As you leave the Conference room to translate your resolutions into action, I assure you that the African (20 National Congress leadership is determined as never before to spare no effort to count no sacrifice too great in our joint effort to mobilise the masses and the progressive forces in our land to fight for freedom.

And there are various other messages from the Indian leaders (25 from a member of Parliament in London and a certain number of other people. Now, as regards the balance of the document, I don't want to go through it fully, the secretarial report, parts of it were read. I just want to put it to you that there are expressions in that report of gratitude to the (30 United Nations for their support in the struggle which the Indian Congress is waging, and there are three and a half

pages devoted to education in all its aspects, primary, secondary, university education, and that particular part of the document dealing with education comes just before the passage read by the Crown under the heading "our task." They read the last paragraph out, but before that, the re- (5
port has been dealing with education. Then it goes on to deal with housing. I think that summary is correct. As regards the Exhibit AMK.32, which you handed in, if you will just have a look at it (handed to witness) -- I think if you examine it you will find that it has obviously been (10
folded in half and folded again. Would you just look at the fold marks, I think they are fairly obvious?-- Possibly, yes.

Have you any recollection of exactly what state you found the document in?-- No, I can't say in what state I (15
found it. I did find it in the possession of the Accused, that is all I can say.

It seems as though the fold marks were to fit it into an envelope. But that I suppose you can't say?-- Possibly, I can't dispute that. (20

Now, coming back to the rest of your search,

BY MR. JUSTICE RUMPF: Give me A.32 please.

CROSS-EXAMINATION BY MR. PLEWMAN CONTD.: I take it, Sergeant, that on the occasion of your search on the 5th December, you didn't take all the documents, all the period- (25
icals, all the books, found in the Accused's house?-- No, I did not.

And I don't suppose you would care to dispute that there were many other books?-- There were, yes.

Including -- I don't know if you noticed them -- the (30
"New Statesman," "The Economist," "The Times," "The Hindustan Times," books on sociology, text books?-- Quite possible.

You also took - and this is a document which has not been put in by the Crown -- AMK.67. You also took, Sgt. Momberg, AMK.67, which is the first annual conference of the Basutoland African Congress, and it is an opening address by Dr. J.S. Moroko. The date is 1st January, (5 1954. There are just two paragraphs, extracts from that address, I would like to read to you, to have them in the record. -

The African National Congress movement in the Union of South Africa is an old movement. It was born in (10 the heart and bred in the soul of the African people. It is truly African in conception and truly national in its scope. You have no doubt read and heard of the Bechuanaland African National Congress. You know of the Rhodesian African National Congress. You are (15 aware I take it that the nationalism of the African National Congress is encompassed in the entire surface of the Continent of Africa, from the Cape to Egypt, from the African shores on the Indian Ocean in the east, and to the African shores of the Atlantic (20 Ocean in the west. The Basutoland African National Congress is a necessary and very welcome complement to the sum total of African Nationalism on the Continent of Africa. African Nationalism, the very corner stone of this Africa wide Congress, is founded upon (25 the fundamental and irreproachable principles. African Nationalism does not mean hatred for whites. African Nationalism as conceived and propagated by the African National Congress is the self-determination of the African people of this Continent. It aims at the creation (30 and evolution of those social, economic and political circumstances which make it possible for the African

people of this land to realise themselves to the highest possibilities in peace and amity, in concord with other nations of the world. Here in Basutoland the African National Congress should assist in bringing about peace, and mutual understanding between chiefs and (5 commoners, before Basutos and other national groups to be found in this land.

Now, Dr. Moroka, do you know that he was one-time president of the African National Congress ?-- Yes.

Sgt. Momberg, were you in Pretoria, stationed in Pre- (10 toria in August of 1956 ?-- I was.

Have you any knowledge of a demonstration which was made at the Union Buildings by a large number of women ?-- I have, yes.

Were you present ?-- I wasn't present, but I happened (15 to go out to the Union Buildings on two or three occasions on that day.

Did you see any part of the proceedings there ?-- A bit of it. Not much of it, I had been sent there on two or three occasions. (20

Will you tell me how much of this you can agree with, and if you don't know, say so. What happened on that day is that there was a protest of women, that they marched up to the Union Buildings, they settled in the amphi-theatre, I think it is referred to ?-- That is correct. (25

And while they were there they sang some songs, and then presented a petition at the office of the then Prime Minister of the Union ?-- That is correct.

After having presented their petition, or attempted to do so, they stood in silence for half-an-hour, in the amphi-(30 theatre, and then dispersed; is that correct ?-- That is correct.

And that is all that happened ?-- I cannot say whether it is all that happened; I wasn't there all the time.

Is that all that you saw happen ?-- That is all that I saw.

I put it to you, you see, Sergeant, because that is (5 referred to in the documents you have seen in this case, as the outstanding example of extra-parliamentary militant action, and I just wanted some information about it. I hand in AMK.67.

(No further questions) (10

NO RE-EXAMINATION:

GORDON POLSON, duly sworn,

EXAMINED BY MR. VAN DER WALT: You are a detective sergeant South African Police ?-- I am a head constable. (15

Where are you stationed ?-- Marshall Square.

On the 5th December, 1956, did you conduct a search at a house in Evaton ?-- Yes, that is correct.

Whose house was it ?-- An Indian by the name of Nati.

Do you know his initials ?-- I think it is S.M.

And was he present ?-- He was present. (20

And did you take possession of documents from the house ?-- That is correct.

Will you now look at the exhibits before you -- are they marked SMN.4 ?-- Yes.

And the others SMN.5 ?-- Yes. (25

And SMN.7 ?-- Yes, that is correct.

Did you take them from his house, in his presence ?-- Yes.

BY MR. JUSTICE RUMPF: Did anybody claim these ?-- He claimed them as his.

EXAMINATION BY MR. VAN DER WALT CONTD.: SMN.4, is the 22nd (30 Conference of the S.A. Indian Congress held at Johannesburg from the 19th to 21st October, 1956. This document is the

same as CJ.92, and inside this exhibit there is an examination book, containing typed in "Executive and Councillors." "S.A.I.C." I am referring to page 2, where the names of Billy Nair appear, ^{and} / Dr. A.H. Sader, and D.A. Seedat. SMN.5, is a book "N.A. Bulganin, N.S. Kruchev, Visit of (5 Friendship to India, Burma and Pakistan. Speeches and Official Documents." And SMN.7, "The Truth about the U.S.S.R. by D.N. Pitts." These documents are mentioned in column 2 of Schedule 4.

(No further questions) (10

CROSS-EXAMINED BY MR. KENTRIDGE: Mr. Polson, you took certain other documents from S.M. Nati, apart from those you have handed in?-- Yes, that is correct.

Some of those you handed in at the Preparatory Examination?-- Yes, that is correct. (15

But you took others, did you, which you didn't hand in at the Preparatory Examination?-- Yes, that is correct.

Have you a list of those?-- I don't know whether the list is available.

You made a list of those?-- I made a list of those at (20 the time.

What did you do with the list?-- I handed it to the investigating officer, Det. Sgt. Wessels at the time.

And has he got this list?-- I believe so, yes.

Can it be produced; I take it the Crown has got it (25 now.....

BY MR. VAN DER WALT: It is in the possession of the police, as far as I know, Milord, in the strongroom; the police can look for it.

BY MR. JUSTICE RUMPF: Do you want the witness to stand (30 down.

BY MR. KENTRIDGE: Well, I understand there are a lot of

witness available this morning, Milord, if he could stand down; if Your Lordships have no objection.

BY MR. JUSTICE RUMPF: Do you want him to try and find this list?

BY MR. KENTRIDGE: Yes. (5)

BY MR. JUSTICE RUMPF: Will you try and find the list?--
I will, Milord.

You will be recalled later this afternoon.

(Witness stands down)

JAN LOURENS VERMAAK, duly sworn. (Interpreted.) (10)

EXAMINED BY P.P.: You are a detective head constable, S.A. Police, stationed at Pretoria?-- Yes.

On the 26th June, 1955, did you attend a meeting of the Congress of the People at Kliptown?-- Yes.

Did you there search a person, F. Madibe?-- Yes. (15)

And did you take certain documents from him?-- Yes.

Will you look at Exhibits FM.6, FM.9 and FM.10. Did you take them from Frank Madibe?-- Yes.

FM.6, is "Educating for Ignorance," issued by the S.A. Congress of Democrats. It is merely handed in for possession. FM.9, is a draft Freedom Charter, also handed in for possession; and FM.10 is agenda, C.O.P., Saturday 25th June, also handed in for possession. Do you know whether this person Frank Madibe appeared as an Accused at the Preparatory Examination in Johannesburg?-- Yes. (25)

(No further questions)

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KRUISVERHOOR DEUR MNR. KENTRIDGE: Mnr. Vermaak, het u enige ander dokumente van F. Madibe op daardie dag geneem?-- Ja.

Het u 'n lys daarvan?-- I made a list.

Is dit in u besit?-- I saw it this morning before I came in to give evidence.

(+ Replies interpreted)

Mag ek dit asseblief sien....

BY MR. JUSTICE RUMPF: I think the witness should see it first ?-- This is it.

KRUISVERHOOR DEUR MNR. KENTRIDGE VERV.: Mnr. Vermaak, sal u asseblief die tweede en die derde -- sal u asseblief B (5 en C uitlees?-- June 26th, 1955.

Is dit die koerant ?-- Ja. Golden City Post, June 26th, 1955.

En C. ?-- Umhelewati Umthethc Nikululeko

En wat is dit ?-- It is a pamphlet. (10

BY MR. JUSTICE RUMPF: We have got it here. ?-- This is it.

KRUISVERHOOR DEUR MNR. KENTRIDGE VERV.: Dit lyk asof dit 'n Zulu vertaling van die Freedom Charter is ?-- It may be so.

(No further questions) (15

NO RE-EXAMINATION:

HENDRIK PIENAAR, duly sworn.

EXAMINED BY MR. VAN DER WALT: You are a detective sergeant, S.A. Police, stationed at Johannesburg ?-- Yes.

On the 27th September, 1955, did you conduct a search (20 at a certain flat ?-- Yes.

Where ?-- Flat No. 1, corner of Bree Streets, and Lilian Road, Fordsburg, Johannesburg.

Who is the owner of the flat ?-- An Indian male by the name of Patel. (25

Do you know his initials ?-- G. Patel.

Who occupied the flat ?-- I was given to understand that he is the occupier of the flat.

Was he present ?-- He was present.

And were you alone ?-- No, I was accompanied by Det. (30 Constable Gemis.

And did you take possession of certain documents ?--

?-- I took possession of certain documents.

Inside the flat ?-- Inside the flat in a bookcase.

Did anybody claim those documents ?-- The owner of the flat claimed these documents.

And will you now look at the documents before you, (5
are they marked AEP.1 ?-- Yes.

AEP.2

BY MR. KENTRIDGE: Milord, if I may interrupt my learned friend, I don't think that G. Patel is a co-conspirator. There is an A.E. Patel, but I understood the witness to (10 say G. Patel.

EXAMINATION BY MR. VAN DER WALT CONTD.: I will correct that, Milord, through the second witness. Look at

BY MR. JUSTICE RUMPF: Who was the occupier of this flat ?-- An Indian by the name of Patel, but I'm not sure about his (15 initials any more.

BY MR. JUSTICE KENNEDY: You seized the documents, did you make any notes on them at the time ?-- Yes, I did.

Have you got some of the documents before you ?-- I have got the documents before me. (20

What are your notes ?-- They are all stamped with my name on it.

EXAMINATION BY MR. VAN DER WALT CONTD.: Would you read what you stamped on there ?-- AEP.1, is stamped.

BY MR. JUSTICE RUMPF: And where did you get "AEP" from ?-- (25 That was the serial number given to me at the Greys.

EXAMINATION BY MR. VAN DER WALT CONTD.: Will you look at your stamp at the back ?-- Yes.

What did you write down there, on AEP.1 ?-- A.E.Patel, seized by Pienar, at Fordsburg, Johannesburg, on 27/9/55. (30

BY MR. JUSTICE RUMPF: Yes, but then you say that the initials "A.E." were given to you afterwards ?-- Yes.

When you made the search of the flat, you did not know, or did you, the initials of Patel ?-- Yes, it was on the search warrant.

And can you remember what they were ?-- I'm not sure anymore. (5

Patel was there ?-- Yes.

Was he an Accused at the Preparatory ?-- Yes.

Did you see him there ?-- I saw him there.

Was there any other Patel ?-- No.

As far as you know ?-- As far as I know. (10

EXAMINATION BY MR. VAN DER WALT CONTD.: I am calling a second witness in connection with this point; he may clarify it. Now, the exhibits, are they marked AEP.1 ?-- Yes.

AEP.2 ?-- Yes. (15

AEP.3 ?-- Yes.

AEP.4 ?-- Yes.

I omit AEP.5 and 5A; AEP.6 ?-- Correct.

AEP.7 ?-- Yes. (20

AEP.8 ?-- Yes.

Where did you find these documents ?-- These documents were found in the flat of A.E. Patel.

I am omitting AEP. 9, 10 and 11. AEP.1, is a bulletin of the Transvaal Provincial Committee of the Congress of the People, Forward to Freedom; it is the same as A.150. (25
AEP.2, also a bulletin of the Transvaal Committee of the Congress of the People, Forward to Freedom; it is the same as A.116. AEP.3, booklet, "South Africa's Way Forward," by Moses Kotane, it is the same as B.79. AEP.4, "South Africans in the Soviet Union," the same as A.197. (30
AEP.6, Natal Indian Congress, Agenda Book, Eighth Annual Provincial Conference held at Durban on 21st - 27th March,

1955. It is the same as B.14. AEP.7, Agenda Book, Natal Indian Congress, Seventhannual Provincial Conference, Durban, 5th to 7th February, 1954, the same as AMK.65. AEP.8, 21st Conference of S.A.I.C., Durban, 9th to 11th July, 1954, the same as A.83. I am now proceeding to another (5 search. Now, on the 5th December, 1956, did you search a certain house in Moroka ?-- Yes, I did.

Whose house is it ?-- Philemon Mathole.

Was he present ?-- He was present.

Can you identify him ?-- No, I can't. (10

Did you take possession of certain documents ?-- I did.

Can you remember whether you identified the person, P. Mathole, at the Preparatory Examination ?-- I did identify him there.

And did anybody claim the documents which you took (15 there ?-- Yes, he claimed the documents.

Will you look at the documents now before you, are they marked PM.3 ?-- Yes.

PM.4 ?-- Yes.

PM.5 ?-- Yes. (20

PM.6 ?-- Yes.

PM.7 ?-- Yes.

PM.8 ?-- Yes.

PM.13 ?-- Yes.

PM.14 ?-- Yes. (25

PM.14A ?-- Yes.

And will you also look at document PM.1 and PM.2, right at the back ?-- Yes.

Where did you find these documents ?-- I found them in the house of Philemon Mathole. (Documents handed to P.P.)

PM.3, is "Liberation," and this will be dealt with under G.1150, dated November 1956; PM.4 is the Second

National Conference of the Federation of S.A. Women, 11th to 12th August, 1956, the same as C.1004. PM.5 is "Fighting Talk," November 1956, and this will be dealt with under G.1132. And PM.6, is a document "Banishment by Decree," and I am handing this in. It is issued by S.A.C.O.D. I am handing this in for possession only. (5

BY MR. JUSTICE KENNEDY: Possession by who?

EXAMINATION BY MR. VAN DER WALT CONTD.: Possession by this person Philemon Mathole.

BY MR. JUSTICE KENNEDY: Is the Crown going to link that with one of the Accused? (10

BY MR. VAN DER WALT: The fact that he was in possession of a document issued by S.A.C.O.D., merely to show that he had some interest in that.

BY MR. JUSTICE KENNEDY: Is the Crown going to link the possession of these documents with one of the Accused, if this witness can't identify him. (15

BY MR. VAN DER WALT: He saw P. Mathole at the address, Milord; he was able to prove who was the occupier or owner of that particular residence. (20

PM.7, is "Tshaba," bulletin of the Transvaal African National Congress, and dated August 1956. I am handing in for possession only. PM.8, is also bulletin of the Transvaal African National Congress, "Tshaba" dated November, 1956, No. 3, and on page 1 there appears an article "Don't Stifle the work of the Women's Federation," and this article is the same as was read under HJ.112. PM.13 is a typed document, and written on top in pencil "Resolutions," and I am reading from the first paragraph - (25

This mass meeting called by the African National Congress, Transvaal Indian Congress, Congress of Democrats, S.A. Coloured Peoples Organisation, S.A. (30

2599.

Congress of Trade Unions expresses its deep solidarity with the people of Egypt in their period of suffering. And at the bottom there appears, names: D. Nokwe. PM.14, is a presidential message and call on the eve of the 1956 Anniversary of June 26th, by Albert J. Luthuli, President- (5 General, African National Congress. I am reading page 1 -

It is my happy privilege to send out a presidential message and call on the eve of our observing this year the anniversary of June 26th, a date that has rightly assumed national importance in the history of the (10 Liberatory Movement, in the Union of South Africa.

I In the history of any people some dates assume national importance because of some significant national event associated with them. And so it is with June 26th in the history of our liberatory movement, a (15 movement whose beginnings date from the first time the white man came into contact with the black man, ostensibly to civilise him, but in reality to rob him of his all, including his land, his freedom and his manhood. To their everlasting glory and honour our forebears (20 who by and large .had shown goodwill towards the white foreigners . . defended heroically in some way or another, their land and their freedom.

Then I am omitting a paragraph, and then -

In recent years under the inspiration and guidance (25 of the African National Congress the urge for freedom among the people has been re-kindled and canalised and its flame has so grown brighter and brighter with the years since the founding of the African National Congress in 1912 that a liberatory movement that had its (30 birth in the hearts of black Africans now embraces fighters for freedom coming from all sections of our

our multi-racial nation: men and women of all races, who, realising that freedom is indivisible, are resolved not only to defend it, but to strive for its extension to those at present denied it."

HOW JUNE 26 GAINED FAME. What event in our history has (5 made June 26 a significant landmark -- a symbol of our struggle - in South Africa. June 26 has earned a place of honour in the history of our struggle because it has been the Operation Day in launching some important phase in the struggle such as June 26, 1950, Protest Day; June (10 26, 1952, Launching of the Great and Historic Defiance Campaign; June 26th, 1955, Meeting of the Great Assembly, the Congress of the People, that gave birth to the Freedom Charter. It is therefore proper and fitting that a date associated with such important events in our struggle (15 should be given a place of honour in the Calendar of our Struggle for Freedom and so, I, again this year as in the past, call upon all lovers of freedom in our land to join most solemnly in the observance of the 1956 Anniversary of June 26..... (15

THE INSPIRATION OF THIS OCCASION, June 26: Our celebration of this day.....

BY MR. JUSTICE BEKKER: Have you checked whether we have listened to this?

BY MR. VAN DER WALT: Yes, Milord, there are several messages (20 by this person, ranging from 1952 to 1956, I have checked.

BY MR. JUSTICE BEKKER: Yes, but has this one been read before or not, have you checked that?

BY MR. VAN DER WALT: Yes, Milord, I checked that.

BY MR. JUSTICE BEKKER: Has it been read?

BY MR. VAN DER WALT: I submit not

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