

PREPARATORY EXAMINATION

IN THE MAGISTRATE'S COURT FOR THE DISTRICT OF JOHANNESBURG  
HELD IN JOHANNESBURG

IN DIE MAGISTRAATSHOF VIR DIE AFDELING VAN JOHANNESBURG GE-  
HOU TE JOHANNESBURG

BEFORE MR.:

VOOR MNR.: F.C.A. WESSELS.

REGINA VERSUS:

KONINGING TEEN. FARRID ADAMS AND OTHERS.

CHARGE:

HIGH TREASON

AANKLAG:

FOR THE CROWN:

MR. J.C. VAN NIEKERK.

VIR DIE KRON:

MR. LIEBENBERG

FOR THE DEFENCE:

Mr. V.C. BERRANGE

VIR DIE VERDEDIGING:

MR. COAKER

MR. WEINBERG

MR. ROSENBERG Q.C.

MR. WESSELS Q.C.

MR. ZWARENSTEIN

INTERPRETER:

TOLK:

-----  
-----  
VOLUME — 33.

PAGES:

6401 — 6600.

Kan u net terugkom na Andries Chamile. Weet u wie hom arresteer het? --- Daar was n skraal polisieman - ek dink die naam is Britz van Newlands Polisiestasie.

Het hy hom arresteer? --- Hy het hom gearresteer.

GEEN VERDERE VRAE NIE.

CROSS-EXAMINED BY MR. COAKER :

You patrolled these three districts every day? --- Ek het.

And you went round them by car, I take it? --- Ek het.

So we may assume that you visited the schools, the Bantu Education Schools in Newclare, Sophiatown and Western Native Townships, every day from the 18th to the 22nd April? --- Ons het.

Who was with you? --- Speurder Sersant Roelvert.

Were there any non-European personnel with you? --- Ons het hulle gepos by verskillende plekke in die lokasie. Party dae het ons hulle saangery. Ek kan nie presies sê watter dae hulle saangery het nie want party dae het ek om-trent agt Naturelle gehad en ek kon hulle nie almal oplaai nie, en ek het party gepos. So nou en dan het iemand saam met ons gery, maar nie altyd nie.

How many of these African and other non-European Detectives were posted during that period in these three areas? --- Nie baie seker nie, maar ek dink daar was ses.

NO FURTHER QUESTIONS.

NO RE-EXAMINATION.

(Int. E, Mazwai - Zulu/Eng.)

JOEL CAMANE, duly sworn;

EXAMINED BY THE P.P. :

You have already given evidence? --- Yes.

On the 18th April, 1955 were you at Newlands Police Station? --- I was.

Under arrest, in the Police Station, did you see a Native woman, Emily Ramaokana? --- Yes.

That was mentioned by Detective Head Constable Geldenhuis. Do you know her? --- Yes, I do.

On that date was she connected in any way with the African National Congress? --- She was a member of the Congress.

Of what Congress? --- African National Congress Women's League.

Why do you say that? --- I say that because she had addressed a meeting of the African National Congress.

Only one meeting? --- Several of them.

Did she - is there any other reason for saying so? --- And further she attended a Conference in Durban somewhere in 1954. She was a delegate.

What sort of Conference? --- African National Congress.

Anything else? --- No, those are the reasons.

Did you make notes in respect of a meeting held on the 25th and 26th June, 1955? --- I wrote down the names.

But you attended that meeting, is that correct? --- Where was the meeting held?

That is what I want to know from you. Go to the 25th and 26th June, 1955? --- I was at the Congress of the People in Kliptown.

That is correct. And were you there on observation duties? --- Yes.

Did you write down the names of persons whom you saw at the meeting? --- I did.

You wrote the names in a pocket book, is that correct? --- Yes.

Will you refer to page 73 of your pocket book? --- Yes.

You have there a name there Bokale? --- Yes, I have the name Isaac Bokale.

Do you know him? --- Yes.

Is he one of the Accused? --- Yes (7).

And you also have Mnusi? --- Yes.

How did you - just tell the Court what you wrote down?

--- I have got Theophilus Mnusi.

Is he one of the Accused? --- Yes (40).

BY THE COURT :

You referred the witness to page 73 of his pocket book and you have referred him to two names. What is the connection, Mr. Prosecutor? I am not quite clear. You have at one stage asked him whether he wrote down names of persons who attended. Are these the names of persons who attended the meeting? --- Yes.

NO FURTHER QUESTIONS.

CROSS-EXAMINATION RESERVED.

(Int. E. Mazwai - Sesothe/Eng.)

MACDONALD MORAKILE, duly sworn;

EXAMINED BY THE P.P. :

You are a Native Detective Constable, South African Police, stationed at Germiston? --- Correct.

Did you make a statement in connection with the events which took place on the 17th April, 1955? --- I did.

When did you make that statement? How long after the 17th? --- I do not remember.

You don't remember how long after the 17th? --- Not long after.

What do you mean by not long? A day, a week, months? --- Could be about three days afterwards.

And you now have your statement before you? --- Yes.

There is no date on the statement, but the date is ascertainable from other information, from the person who actually took the statement.

You are referring to your statement? --- Yes.

On the 17th April, 1955, were you on observation duty?

--- Yes.

Where? --- I was standing at the main gate leading into the location.

Germiston location? --- Yes.

And what did you see? --- I saw a van coming in.

Did you see a motor van going into the location? --- Yes.

Was it followed by any other motor vehicle? --- Yes, there was a private car following this van.

Where did the van and the car go to? --- Got into the location and then went down Fourth Street.

And where did they go? --- There was a loudspeaker attached to the van.

And were announcements made? --- Yes, they announced that people should go <sup>to</sup> the Square.

Did you then go to the Square in the location? --- I did.

The two vehicles, were they at the Square? --- Yes.

And were there then some speakers at the Square? --- Yes.

And were there other people there? --- There were many people standing at the Square.

Who was the first speaker? --- Joshua Moagi.

Did you write down what he said? --- I did not write down at the time he was speaking, but after that I did.

You put it in your statement? --- Yes.

Now read what you wrote down? --- My eyesight is weak.

May I read it? Any objection? (No objection). "The first speaker, one Joshua Moagi who spoke in Sesotho and which was interpreted into Zulu by an unknown Native. He spoke about the new Bantu Education Act of Dr. Verwoerd. He said that they had just arrived from Natalspruit where they had addressed a big gathering in connection with the Youth League of the

African National Congress and that they had now come to address the Natives of Germiston Location. He spoke about the Bantu Education Act and asked the youth to join up to the Congress and he asked the parents not to send their children to the schools on Monday morning. That the African National Congress is not going to adhere to the new Bantu Education Act which is poisonous to the children and they are going to build their own schools and appoint their own teachers. He said that they will advise the parents when the time is ready to send the children to the school. He asked the parents to keep on with the boycott of the schools and let Dr. Verwoerd close his schools on the 25th April, 1955. The schools are not needed by the African National Congress. He then spoke about apartheid. He said that apartheid is not applied to by this Government and it should be. He wanted to know what the Europeans are doing in the location. He said that the members of the African National Congress would come together tomorrow and approach Mr. Miller and the White policemen and demand from them to vacate their offices in the location, failing their offices would be burnt. He then referred to the informers who alleged were present. He asked them to convey the message to their Government." Just have a look at your statement? Was the second speaker an unknown Native female? Is that correct? --- Yes.

And the third speaker was one Bertha Mashaba? Is that correct? --- Yes.

Do you know whether she is one of the Accused? --- That is what I heard.

Do you know her well? --- Yes, I know her well.

She is not here today. Her number is 36. Just give me the statement again. The note reads as follows : "The third speaker, Native female Bertha Mashaba, she also spoke of the Bantu Education Act and reminded the parents that the

boycott is still on. That they must not send their children to school on Monday. That Dr. Verwoerd can close his schools in the locations." Now can you say whether Bertha Mashaba was in the car or the van which you saw entering the location? --- When the car entered and the van passed me, I could not recognise the persons.

You hand in your statement, EXHIBIT G. 948? --- Yes.  
NO FURTHER QUESTIONS.

CROSS-EXAMINED BY MR. COAKER :

Who typed your statement? --- I do not know. I wrote in longhand. When I found it it was typed. I do not know who find it.

And do you now know whether ever word in this typed document is the same as what you wrote out in your longhand statement? --- Yes the words that are on that statement are the words that I wrote.

Can you remember when you signed this typed statement?

BY THE COURT :

Is that typewritten statement signed? Did you sign that? --- I signed it, but it was after some days and it had already been typed. But I do not know who the person was that typed it.

BY MR. COAKER :

Apart from what you have in this statement, I assume that you can't really remember anything about the occurrences? You can't for example remember anyone else who spoke or what anybody said, except for what you have written down here? --- I cannot, it is long ago.

Quite so.

NO FURTHER QUESTIONS.

CROSS-EXAMINED BY MR. SLOVO :

You said you signed your statement some days after it

was typed? --- Yes.

How many days? Is it many days or a few days? ---  
There was the docket and I think it was after the month when  
I was called to come and sign that statement. It was already  
typed then.

After a month? A month after what? --- It could have  
been a month after the docket had left when I was called to  
come and sign this statement.

After the docket had left where? --- Sergeant van den  
Heever had the docket.

And when was the docket opened? --- Short after they  
had taken the statement from me, it was with the docket.

Do you understand English? --- Not very well.

When you wrote this statement, you recall approximately  
how long it was after this meeting that you recorded here?  
How long after the meeting did you first write out the state-  
ment? --- Could be three or four days.

And I understand that you did not take notes at the  
time of the meeting? --- No, I did not.

Could you tell me what the word 'adhere' means? --- I  
have already said that I do not understand English well.

Don't you know what it means? --- No, I do not.

Do you know how to spell the word 'convoy'? --- No.

Do you know what the word means? --- No.

So I take it you could never have, during the course  
of your duties, used such a word yourself? --- No, because I  
do not know what those words mean.

Nor could you have spelt them? --- That is correct.

Do you know how to spell the word 'boycott'? --- No.

How would you spell 'boycott' if you were asked to  
write it? --- I do not know English. I would rather try in  
Afrikaans.

You don't know how to spell it in English? --- No.



How would you spell it in Afrikaans? --- I only know how to speak Afrikaans, but I do not know how to write it.

You don't know how to write the word 'boycott' in Afrikaans? --- No.

Can you write English or Afrikaans at all? --- I can write a little bit of English, not much.

And you yourself when you were handed this statement - you said you had bad eyesight?

BY THE COURT :

I - did he say that he wrote the statement out? He said that the statement was taken by the Sergeant.

BY MR. SLOVO :

I just want to check this. You yourself - I think you did say to the Court that you couldn't read this statement which is before the Court because you had bad eyesight? --- Yes, I did say that, that my eyesight was bad.

Is it also possible that you would find difficulty in reading the statement because of the fact that you experience difficulty in understanding the English language? --- Yes.

Now, you did say in answer to Mr. Coaker that the words of this statement which is before the Court, is the same as the words that you wrote in your original statement. That is how I understood it? --- When they read the statement over to me, I found out that the words used in the statement are the words that I had used.

Did you originally write a statement before this one was typed? --- No, I did not. I spoke and the Sergeant took a statement from me.

So three days after this meeting, you spoke and the Sergeant took a note? --- That is correct.

And a month later, approximately a month later, you were asked to sign this typed statement? --- He read it over to me and then I found that it was my words, the words that I

had used and then I signed it.

Is this the first time that you signed after he had typed the statement, is that the first time that you signed it? --- That is correct, though I had signed the one before this, the one that was written in longhand.

I don't want to be labouring under any mistake, you said a moment ago too that when he read the statement to you, you told him - you recalled that these were the words that you used and therefore you signed it? --- That is correct.

You still say that today? --- Yes.

Now tell me, how could you have used a word like 'convoy' which you don't understand, which you can't spell, you don't know the meaning of it? --- When he took the statement from me, the English that he employed was language that I could understand. I do not know then when he came to write it down what English he used.

But I am using the English which was used in the statement, which you say conforms to the words that you used in giving him the statement? --- I and him were talking in Afrikaans. I did not know that he had written down in English.

Let me put it to you simply. The English that is written here, can you say that what is written here in English are the words which you used when you gave this Sergeant - no, I am going to alter it. Can you say at this stage, whether the statement which is before the Court correctly reflects what you told the Sergeant? --- I have no knowledge of that except that what he told me conformed to what I had told him.

You have given evidence, and the Prosecutor has read extracts from the statement. Am I to understand your answer to be that you do not know whether this statement, G. 948, which is before the Court, that you do not know whether this statement is the same, as it stands today as the statement that you made to the Sergeant.

BY THE COURT :

I think that your question is now confusing. I understood the witness to say that he has no knowledge whether his statement correctly reflects what he told the Sergeant.

BY MR. SLOVO :

I am asking him whether he really means that. I don't really understand, because he added a qualifying sentence.

BY THE COURT :

Seeing that he can't read this, he can't be in a position to say whether it is so or not.

BY MR. SLOVO :

It is extremely difficult to see how the Crown can rely on this statement to enable the witness to refresh his memory from it.

BY THE COURT :

I can see that difficulty too. The Crown ought to have laid a foundation there in these exceptional circumstances. The Crown ought to indicate how it is going to overcome this difficulty. The witness apparently doesn't know what is typed in that statement.

BY THE P.P. :

I think the foundation was laid for the admissibility but cross-examination....

BY THE COURT :

How was that laid?

BY THE P.P. :

He said he made it three days afterwards.

BY THE COURT :

But he can't say he made this...

BY THE P.P. :

But he has said so and the foundation was laid, and that is my point. But under cross-examination the picture has changed and then it is now for the Crown...

BY THE COURT :

Actually, we now know that that is not the statement that he made originally.

BY THE P.P. :

May I continue? The position is now that the Crown will have to overcome the difficulty, and that I think may be overcome and further investigation will be conducted on those lines. I know for instance that that particular statement before the Court was taken on the 26th April, the typed statement and it was then - that is nine days after the meeting, but in what language he spoke and what transpired there I am not in a position to say. But this can be further investigated and if it cannot be proved that the statement is proper before the Court, then of course I'll concede that the Crown cannot rely on it. But further evidence is obviously necessary at this stage.

BY MR. SLOVO :

I take it, and I won't ask any further questions, on the understand at the present moment that the Crown concedes that the statement is not properly before the Court.

BY THE COURT :

At this stage they would have to lay a further foundation for the reception of the evidence. It is obvious that the witness doesn't know what the contents of that statement is and he also said that he made his statement to the Sergeant in Afrikaans, and this statement is in English.

BY MR. SLOVO :

It is in English, containing the words that I put to him which he obviously doesn't understand, and he cannot spell them, and he doesn't know what they mean.

BY MR. COAKER :

Arising out of this cross-examination, will Your Worship permit me to put one or two further questions to the

witness?

BY THE COURT :

Yes.

CROSS-EXAMINED BY MR. COAKER :

Do I understand that you cannot write or read English?

--- Yes. I can write English very little.

Can you write or read Afrikaans? --- I said I cannot write it, but I can speak it and understand it.

But you cannot write or read Afrikaans? --- That is correct.

Now you made your statement to a certain Sergeant, in what language? --- That is correct.

In what language? --- Afrikaans.

And do you know whether he wrote down your words in Afrikaans or English or any other language? --- I do not know. I only spoke to him, and I spoke to him in Afrikaans. I do not know what language he wrote down.

After you had spoken to him in Afrikaans, do I understand you to say that you then signed what he had written down? --- After I had spoken to him in Afrikaans and he had written, he read that over to me and I then signed it. That which he read over to me in Afrikaans.

You signed the longhand statement? --- Yes.

And if that statement were in English or Afrikaans, you would not be able to read it? --- That is so.

NO FURTHER QUESTIONS.

RE-EXAMINED BY THE P.P. :

As a Detective, do you take statements? --- No.

NO FURTHER QUESTIONS.

BY THE COURT :

Do you know what happened to your original statement? The one taken down in longhand? --- I do not know where they sent it to, because it was in the docket.

You don't know what happened to it? --- I do not know.

Did the Sergeant read back to you what he had written down before you signed the statement? I am talking about the original statement? --- He read it over to me, just as I had told him and then I signed it.

Can you remember now whether he read in English or in Afrikaans? Can you remember? --- Afrikaans.

You say that you made your statement to him in Afrikaans, not in English? --- We were speaking in Afrikaans.

COURT ADJOURNS.

COURT RESUMES :

(Medical Certificate relating to Isaac Bokala handed in).

NICOLAAS JOHANNES VAN ZYL SCHOEMAN, duly sworn;

EXAMINED BY THE P.P. : (25.26-6-55)

You have already given evidence, is that correct? --- Yes.

Did you make shorthand notes at a meeting held on the 25th and 26th June, 1955? --- That is correct.

Did you make a transcript? --- Yes.

What meeting was it? --- The Congress of the People.

Where was it held? --- Kliptown, Johannesburg.

Did you know the speakers? --- No, I did not know the speakers.

And names of speakers appear in your transcript? --- They were identified to me by Coloured Detective Sergeant Sharp.

Do the names also appear on your shorthand notes? --- Yes.

Was Detective Sergeant Sharp the only person who identified speakers to you? --- Yes, as far as I can remember he identified some of the speakers to me.

Will you read from your transcript' --- "The meeting commenced with the singing of the National Anthem, Nkosi Sekelele Afrika. Chairman, Dr. Conco : Well, the time has come that we will commence our conference, and I ask you all to be seated. We have got a very long agenda and will have to start now if we want to get through our agenda before tomorrow. Our next item will be a short prayer by Reverend.." -nI don't know his name - "... There will be no interpretation. Prayer by Reverend. Chairman : Friends you will have a welcome by Mr. Moretsele who is the President of the Transvaal African National Congress. Moretsele : Mr. Chairman, honourable members, delegates to this Congress of the People, we welcome you. Delegates and friends, I welcome you all to this gathering here this afternoon. This gathering is open to all, people of all classes, people of all races, people of all languages, and with these short words I welcome you all. Chairman : Friends after the welcome, our agenda here shows that we have the opening address by our President General, Chief A. J. Luthuli. We are just getting that ready and we will skip that item and go on to the fourth - the explanation of the agenda. The agenda is very long and I ask you all to assist us so that we can finish in good time. We have got the first session which should take us up to about half past four, I hope we will get through. The second session starts immediately and ends at six o'clock. It starts with the reading of the Charter. The third session starts tomorrow at 9 o'clock, and I would be pleased if we all come here on time - the time is 9 o'clock. The last session, we will have a lunch hour break and that will take us one hour, and we will have our last session from 1.20 to 5.15. I want you all to appreciate that the time is against us. (Explanation of Agenda in Native). Friends, we have got a lot of messages here before us from people who felt that they should convey

messages to this great gathering, the Congress of the People, and I will now ask Dr. Press to read the messages that we have here. Dr. Press : It is interesting to know, by the world-wide nature of these messages that we have friends all over the world. I have a message here from Mr. Chou-en-Lai and it reads as follows : (Reading of messages). Chairman : Friends, our next item is coming, before we get the Chief's message read to you, that is getting ready and you will have it shortly after this ceremonial that will be held now. This is a new feature in the liberatory struggle of the people of South Africa. It is Isitwalandwe. There will be here presentations made to individuals who have distinguished themselves in the struggle of the people of South Africa. These individuals are, our national leader of the African National Congress, Chief A. J. Luthuli; Father Huddleton; and Dr. Y. M. Dadoo, who will get the presentations today. I might as well friends, make an explanation of what Isitwalandwe is. This is an honour which was given in African society to a great man in our society who has distinguished himself either on the national service or in war - in war time. Isitwalandwe is a man and he used to lead the impis, the warriors to success in any battle, and therefore every man who was given this honour got the highest distinction in African society. Friends, the first presentation will be made by Mr. Beyleveld, to Chief Luthul's daughter who is here amongst us. P. Beyleveld : We of the African National Congress, South African Indian Congress, South African Congress of Democrats, South African Coloured People's Organisation, have the great honour to present this honour to Chief Luthuli for his great services that he has rendered to the people of South Africa, for his wonderful and selfless services which he has given, and the amount of esteem affection in which he is held amongst the Africans, Indians and Coloureds alike. He stands for



democracy and equality. The African National Congress, the South African Indian Congress, the South African Congress of Democrats and the South African Coloured People's Organisation, confer upon Chief Luthuli the title of Isitwalandwe, the highest honour that the people can award. Chief Luthuli has sacrificed his position himself for the cause of leading our people on the road of liberation. Chief Luthuli's encouraging leadership are our own liberation. His leadership has opened up a new feature to make our country free and prosperous, not only for us but for the world. On this occasion of the Congress of the People meeting in Johannesburg on the 25th and 26th of June, 1955, on behalf of the African National Congress, the South African Indian Congress, the South African Congress of Democrats and the South African Coloured People's Organisation. Speaker : On behalf of Chief Luthuli, Mr. Chairman, I take this occasion of being highly honoured to take the presentation to a great man, a great leader of the African people, of the people of South Africa. I am sure when Chief Luthuli asked me to express his wish, he did so on behalf of the four movements with no .." - I omitted something - "... at the liberatory struggle of the people. Despite that Chief Luthuli has been handicapped at this time and cannot be present, the spirit of the man lives as that of a great leader of his people which he wants to see liberated in our lifetime. Mr. Chairman, I thank you on behalf of Chief Luthuli, it is Chief Luthuli's wish that after this we sing one verse of 'Mayebuye Afrika'. (Singing). Speaker : Friends I have the pleasure of presenting this great honour of Isitwalandwe which is the highest distinction of the liberatory struggle of the African people, to the Reverend Father Huddleston, who is here on my left - on my right. In recognition of his many years of honourable and selfless service is the cause of the nation, and as a man of experience and affection in which he

is held by both men and women, African, Indian, Coloured and Whites, who seeks to build a better life for our country on the basis of equality. The African National Congress, South African Indian Congress, South African Coloured People's Organisation, South African Congress of Democrats confer upon Father Huddleston the title of Isitwalandwe. Friends, the title of Isitwalandwe which is the highest honour that the people can award, I am now going to present on behalf of the people of all colours to this man, because he has given to us without fear, his courage and services. He has refused to compromise whether in the field of education or freedom of speech. Father Huddleston : Mr. Chairman and friends, I find it very difficult to express my gratitude for the honour which I was awarded this afternoon. It is a great pleasure to receive the title of Isitwalandwe on an occasion like this. I cannot help feeling said that of the three people to whom this honour is given, I am the only one who is present to receive it, and I don't know whether it is to be blamed on the part of our friends the police, or not, but the fact is, I am here. I would just like to give you one personal message, but I will wait for the South African Railways to finish their work first. I have never known the South African Railways to be so efficient as they are this afternoon, and I am quite sure it is a demonstration to this Congress by the Minister of Transport. The Minister of Justice is very well represented here in the background and I hope they have a happy afternoon to see if they can spot some of their friends in this large gathering. I dare say in this Congress there is a lot of people. Here in Kliptown this afternoon we have only one answer to the Government in this country. The Government in this country wants to deprive people of their rights, the Government in this country uses unconstitutional methods, methods which are used to deprive majorities of their rights.

Here this afternoon we will not be secretly, we will not confer behind closed doors, we do not seek to obtain .." - I missed something there - "... by which we can achieve our ends, we meet openly, we want to discuss freedom. We met to plan a Charter which will be the basis of action for the coming years. Those are the principles we hold so dear, of justice and of peace in our time, and so I thank you from my heart and I wish this Congress of the People every blessing in the years to come. Thank you very much. Chairman : Friends, our next presentation of Isitwalandwe is to Dr. Dadoo, President of the South African Indian Congress, a man who has given all his time to the liberation of the people of South Africa. Dr. Dadoo cannot be amongst us, and we have the honour of having Dr. Dadoo's mother with us to receive the presentation. This is a presentation to Dr. Dadoo in recognition of his many years of honourable and selfless service in the cause of human dignity and liberty and as a mark of his human affection in which he is held by countless good men and women, Africans, Indians, Whites and Coloureds, who seek to build a better life in our country for equality. This presentation is made by the African National Congress, the South African Indian Congress, South African Coloured People's Organisation, South African Congress of Democrats, who confer upon Yusuf Mohamed Dadoo the title of Isitwalandwe. It is the highest honour that the people can award Dr. Dadoo, who will always be honoured by the people, not only as a leader of the Indian community, but also as a gallant defender of the rights of all the people in South Africa for a life of freedom and dignity, on the occasion of the convocation of the Congress of the People on the 25th and 26th June, 1955, on behalf of the African National Congress, the South African Indian Congress, the South African Coloured People's Organisation, and the South African Congress of Democrats. Speaker : Mr. Chairman and fellow delegates, I am

pleased to come here this afternoon to receive this honour on behalf of Dr. Dadoo. It is well known that he cannot be here today in person because he has been stopped from attending gatherings and from participating in the activities of Congress and other organisations, democratic organisations, of our people by those satanic banning orders of Swart. He has been taking an active part in politics since his student days. I remember too, in school days, Oh, how he used to come home after having scraps with school children who used to insult non-European children by calling them koelies, kaffirs and hotnots. And in those early days Yusuf's political activities and anxiety gradually took form that freedom does not fall from Heaven, but that the people have to struggle and get it by these ends which all men and women journeyed. Today I see delegates around me who have gathered from the four corners of the Union to draw a Freedom Charter as a mighty weapon for uniting all the democratic forces in the country in the noble struggle to defeat the evil forces of racialism and oppression, and for the betterment of all in South Africa, the peoples South Africa, ensuring peace, freedom and human life, better and higher living conditions and unbounded social activities for all the people, both White and non-White. I wish every success to your deliberations. Afrika'. Chairman : We are through this occasion of the presentations, which I hope the liberating struggle of the organisations, through the Congress of the People, might see to it that the spirit of service that has been shown by individuals, and also by those who might not be present, might be carried on and we hope this will be a feature which will be carried on in our fight for freedom. Our next item which we will have is the opening message to this Conference by Chief A. J. Luthuli, President of the African National Congress, who is not amongst us. This message will be read by Dr. Letele to you and will be summarised in Zulu

and Sesotho - this message from Chief Luthuli. Dr. Letele :  
(Reading message of Chief Luthuli). Chairman : Friends, there  
are just a few announcements to make. Will the volunteers who  
are responsible for the catering report at the kitchen straight  
away. Mr. Kunene of Newclare kindly report with your delegation  
at the entrance. Mr. Kunene of Newclare please report at the  
entrance. Friends, I ask you again to control yourselves and  
I ask you people to sit down and we will have now the report  
of the Action Council of the Congress of the People, and due  
to the time it will not be discussed, it will be read as it is  
presented. Mr. Patel will present the report of the Action  
Council of the Congress of the People, and please sit down, it  
will not be very long. Patel : Mr. Chairman and fellow dele-  
gates, it gives me great pleasure to present to this great  
assembly the report on behalf of the National Action Council.  
This great people's Congress is the termination of long months  
of freedom campaigning by our people's united ideas and harmony.  
This idea was born at the Queenstown annual conference of the  
African National Congress in December, 1953. The result was the  
meeting of the four Congresses, the African National Congress,  
the South African Indian Congress, the South African Coloured  
People's Organisation and the South African Congress of Demo-  
crats which launched the campaign for the freedom assembly of  
the people of South Africa. These four bodies issued a call,  
'Let us speak together of Freedom', read for the first time in  
Evaton by Chief Luthuli. The voice of the call echoed through-  
out South Africa and found an answering call amongst the lands,  
in the factories, in the mines, among the housewives, teachers  
and students. The Congress of the People was launched after  
the heroic Defiance Campaign at a time when the people had been  
moved by the oppressive life, every act of the Nationalists, every  
new repression that coming with every new Bill, has aroused  
the people with ever greater anger, and the Congress of the

People - a campaign took root which spread fast because it is an expression of the will of the people for a change, for struggle against this order of things and for freedom. The National Action Council of the Congress of the people has directed the campaign was set up by the four Congresses and issued an invitation to all national bodies who eventually became co-sponsors.. - I omitted something - "... A Charter of the people for the people, demands sent in directly by the people themselves. This campaign is the wish of all the people for their own future and freedom, and in these months spreading the campaign, discussing demands, directing the leaders, the people formed into a major force for the freedom fight. Once freedom day had been adopted conferences were called and Provincial Action Councils set up to conduct the campaign in the Provinces. In this campaign we spent two to three hundred pounds, money collected by the people, over a quarter million leaflets have been distributed, organisers sent out to the remotest corners of our land and a Congress meeting, the Congress has been brought close to the people. The campaign was launched in several stages, popularising the Congress of the People, formulating and sending in freedom demands and finally election of delegates. Our delegates assembled here are not only from the organisations and groups, they have been elected from the factories, from the streets and blocks, in the locations and townships, by small groups of housewives, by farm squatters, by miners in the compounds, by people gathering in large numbers and small, our delegates assembled here speak with the voice of the people everywhere who have taken part in the direct democratic election and have spoken of their demands from their hearts. The authorities tried from the outset to crash this campaign, leaders were banned, conferences invaded by the police, individuals intimidated and things like that, to people planning freedom, and the campaign for the Freedom Charter gathered strength.

We have been planning freedom as fast as ever with the spirit of determination in all of you in the face of intimidation and police terror and no Government intervention has succeeded in culling us, no intimidation or terror will succeed, from here we will go on to even bigger achievements in the campaign for our future in freedom. In conclusion I wish to thank the delegates who have come from far and near on behalf of the National Action Council and on behalf of the four sponsoring organisations. I only hope and trust that when you return to your places where you come from, you must see that it is your duty that the Freedom Charter becomes a reality and a document and a Charter of the People of South Africa. I thank you.

Chairman : Friends, we have come to the conclusion of the session, of this of which I was the Chairman, and I will now call upon Mr. Hurbands who is the Chairman of the second session which we are going into now. Chairman (Hurbans) : Ladies and gentlemen, we are far behind our scheduled time and it is not my intention to make a speech. However, I appreciate the recognition given me by the South African Indian Congress in that they he asked me as one of the nominees of the Congress to preside over this session. There is still doubt that had it not been for the restrictions placed upon certain individuals and because of circumstances beyond their control, this recognition could have been accepted and carried out by no other person than Dr. Dadoo himself, and in the absence or any other reason of Dr. Dadoo by Dr. P. M. Naicker, Natal. However, their absence is due to the fact of the banning of these individuals. You have, ladies and gentlemen, the Freedom Charter circulated amongst the people. There is no doubt that ultimately success must come to our movement. I want to explain one or two things about the agenda and about what is to be done under my presidency, so that you have the knowledge of the items, and with your co-

operation it might be possible that we take a shorter time than it might otherwise take. The.." - something omitted +  
"...paragraph comprises five items. The first is the reading of the whole Charter in three different languages, then it is the call for the names of those who desire to speak; the third is the discussion of the Preamble of the Charter; the fourth, the first item is given as "The People Shall Govern"; and the fifth, which is headed "All National Groups Shall Have Equal Rights". Now ladies and gentlemen, we have these five things to go over and after that we will adjourn until tomorrow. I would like to call for the names of those who desire to speak under the different headings. Ladies and gentlemen, the first one comprises eleven paragraphs. (Train - not heard). The fifth, 'The land shall be shared among those who work it'; the sixth - 'All shall be equal before the law'; seven - 'All shall enjoy equal human rights'; eight - 'There shall be work and security'; nine - "Doors of learning and of culture shall be opened"; ten - 'There shall be houses, security and comfort'; and the last - 'There shall be peace and friendship'. Now friends, in sending in the names, please write down your names and indicate the section under which you would like to speak and also indicate from where the speaker comes, and it will be quite in order if you merely put them down numerically. Now the first item is the reading of the whole Charter by Mr. Benghu in Zulu. Mr. Benghu! Will Mr. Benghu please come forward to read the Charter in Zulu? Is Mr..... here to read it in English? Mr. Peter Beyleveld will read it in English. (Benghu reading draft Freedom Charter in Zulu). Chairman : Ladies and gentlemen, we have decided that the Charter be read in Sesotho and in English and thereafter we adjourn until tomorrow morning 9 o'clock. (Announcements made about accommodation - not heard. Reading of Draft Freedom Charter

p 7244



in English by P. Beyleveld). Sunday the 26th June, 1955.  
10 a.m. Chairman : Friends please be seated, we will now  
resume with our next session. Delegates please be seated,  
we will now resume. We are calling Mr. A. S. Hutchinson,  
will Mr. Hutchinson please come to the platform. Mr. Matla.  
Will Dr. Letele please come to the platform immediately.  
Please be seated so that we can start. Ladies and gentlemen,  
please be seated, we will now begin with our morning session.  
First of all, I want to point out, the Draft Freedom Charter  
comprises eleven paragraphs, please write your name on a  
piece of paper, also state where you come from and also indi-  
cate the subject - number your draft charter and indicate  
under what you will speak. The first item this morning is  
the reading of the Preamble. There is none who wishes to  
speak on the Preamble. P. Beyleveld : Mr. Chairman and  
Friends (Reading Preamble of the Draft Freedom Charter).  
Chairman : Fellow delegates, you have heard the Preamble  
read by Mr. Peter Beyleveld, and, and he going to discuss it  
now. P. Beyleveld : I am honoured to be called upon to speak  
on the Preamble of the Freedom Charter of this Congress of the  
People, which is of great significance not only to the people  
of South Africa, but to the people of the whole world - to  
those people all this Charter is of significance.." - omitted  
something - "... it is well, friends, that people should  
know what they want. This Charter has been drafted, not by a  
few people sitting in an office, but it is written from the  
demands, the expressions of all the people of all walks of  
life. Yesterday you saw a board here with thousands of  
letters. These people told us how they wanted this Charter  
to be drawn up and that is what we say in this Preamble.  
I was very glad to see yesterday that the world press was so  
well represented here. What the people demand from the  
country in which they live and in which they work, the world

should know.." - omitted something - ".: and we pledge ourselves to strive together to achieve this. Friends, we have a Government in this country, but let me tell you that I believe that the Government will never represent twenty per cent of the people of South Africa, in other words, we have a minority Government in South Africa. We have asked for freedom, we have asked for people to be given an opportunity to express their demands through what is written in this Charter. Now, no Government can withstand the will of the people, they cannot withstanding the just demands of the people, if these demands come from the majority of the people. I suggest to you that eventually it must be realised. Let me say this in conclusion, what we demand here is freedom, the creator of apartheid is the creator of oppression. Freedom will eventually be ours. Thank you, Mr. Chairman. Chairman : Are there any other speakers on the Preamble? Ladies and gentlemen, if there are no other speakers and if we are satisfied that the Preamble should be adopted I will formally ask you to accept the Preamble by raising up your hands. Thank you very much. The next item on the agenda is the first subject of the Freedom Charter titled 'The people shall govern'. Mr. N. T. Naicker will lead the discussions on this matter. N. T. Naicker : Afrika! Mr. Chairman and fellow delegates, it is my special pleasure this morning to move the first resolution of the Freedom Charter of the Congress of the People. 'The People shall Govern'. I will read that portion of the Freedom Charter and I hope those of you who have.." - omitted something - "... The people shall govern. Every man and woman shall have the right to vote for and to stand as a candidate for all bodies which make laws; all people shall be entitled to take part in the administration of the country; the rights of the people shall be the same, regardless

of race, colour or sex; all bodies of minority rule, Advisory Boards, councils and authorities shall be replaced by democratic organs of self-government. Mr. Chairman and delegates, this is an historic conference and as such .." - omitted something - "... it is not unreasonable to accept the Charter. Those people who have political rights in South Africa and are now going to have those rights snatched away from them, will have to choose between the forces of democracy and the forces which are heading towards a dictatorship. We who have met here at Conference, have declared ourselves on the side of democracy, we do not subscribe to the document of apartheid, ours is a course of freedom, to bring about a happy way of life. Ours is a struggle against the artificial barriers, no struggle for freedom is complete unless they are for equal political rights for all the people. For we believe that no people, whatever their race or creed or colour, as long as they live, they cannot take apartheid in the best interest of the country. You cannot expect them to. Over the last fifty years people who are voteless look forward to that right, but we have seen in the last fifteen years the reverse process being the case. There has been a consistent denial of these rights. The first time such liberties of the people have been taken away from them was even before the Act of Union, by 1924 Municipal franchise was taken away from them. The African people who were in it were removed from that roll and after that we had the passing of the Native Representation Act which is greatly responsible for the tyranny and oppression which was to follow. In 1951 we saw the next attempt, the Nationalist Government did not stop. They came with the Separate Voters Act, the Nationalist Government have come up now with the Senate Act and that is to take away .." - omitted something - "... and as such we condemn the Senate Act. Mr. Chairman and friends, from the resolution you will notice that

our demand is very, very clear, it is not on racial lines.  
It is the demand we want for all the people of South Africa, and as such I call upon your fellow delegates to support the resolution in complete unanimity. Chairman : The Charter will be read to you in Sesotho now. I would like Mr. J. Mtini of Cape Western to come to the platform as he has indicated that he would like to speak under this subject, and will he please come to the platform in the meantime. Will Mr. T. Msuli from Newclare please come to the platform. T. Msuli, he desire to speak under this section. T. Msuli : Mr. Chairman and fellow delegates, we are gathered here today in this Conference to draw up a Freedom Charter. Now in the first place we are going to start to mark the.." - omitted something - ". by the fascist Nationalist Government. Now, the people shall govern. Now these people - we in South Africa are governed by a minority which are people with different minds, people with a different attitude towards other people, they differ at all from everybody in the world. They think that they are the only people created by God to come and rule the people of South Africa. It is not like that. But it is now time that the people should take over, the people who are not allowed to bring out their own views on the Government of South Africa. Today we have come here to tell the people, that the Nationalist Government will have to step aside. Conference will give the people a chance to go and sit in Parliament. They have tried by all means to stop us to come to this Conference, but this will not bar us to draw up our Freedom Charter, and after it is drawn up we shall see that it is carried out. Each and everyone will help, each and every individual who is here will try and see to that and there will be no oppression, no apartheid, no discrimination, irrespective of colour or creed. With these words Mr. Chairman and fellow delegates, I thank you all very much and say, Afrika!

Chairman : Are there any other speakers? There are no other speakers and therefore I will put to you this second paragraph of the first subject of the Freedom Charter for approval. Will you please signify your acceptance by raising your hands. The next item on the agenda is 'All National groups shall have equal rights'. Dr. Letele.: Sons and daughters of Africa, I am going to speak on the topic which I think is the most important, because the basis of our struggle is to secure equal rights for all national groups. Before coming to it I will just read the Draft Charter referring to this section : There shall be equal status in the bodies of state, in the Courts and in the schools for all national groups and races; All people shall have equal rights to use their own languages and to develop their own folk culture and customs; all national groups shall be protected by law against insults to their race and national pride; the preaching and practice of national, race of colour discrimination and contempt shall be a punishable crime; all apartheid laws and practices shall be set aside. I do feel that most of the things that we say to you from this platform, you will have by now already formed an opinion on this. So my duty this morning is to give you a lead on some of the points dealing with the apartheid legislation. I wish to tell you that apartheid is not really a new thing that has come with the present Nationalist Government. We have had apartheid from all the Governments in this country. The only thing is that it is turning up in a different way. Apartheid, baasskap, White supremacy, those names all aim at the same thing. The thing I am referring to is to keep the one race from having the right to develop. Apartheid is supposed to aim at separate development, but I wish to point out that South Africa is a country, a multi-racial country. The only way to get happiness in this country is to do away with racial discrimination by

having moral respect and fellowship in this country. One racial group has been given an inferior kind of education that brings problems which we will never get over. It stops us to rise to the highest possible levels. These rights must be protected. Different racial groups can however exist peacefully together on a basis of racial respect. By dealing with the question of equal status in bodies of state, in the schools, I can only say we accept it exactly as it stands. We claim the right to rise to any level. We do not say that everybody must do the same kind of job, but we want the right to rise to any level that the human being is capable to. Anyway, ladies and gentlemen, I will not keep you here for a long time, because this subject can take all day! All National groups shall have equal rights. Afrika! Chairman : The following speakers will speak on this section, will they please come to the platform. Martinia of Cape Western, Leslie of Bloemfontein, Madula of Benoni. I have a request here that Mr. Archie Kunene from Natal Midlands please report at the.."  
- omitted something - "... Martinia (Cape Western). (Speaking in Native). Chairman : Mr. Leslie of Bloemfontein will speak to you in Sesotho. Leslie (Bloemfontein). (Speaking in Sec 7245 Native) Chairman : Mr. Isaac Madula. Isaac Madula : Mayebuye, Mayebuye, Afrika! Mr. Chairman and fellow delegates, the preaching and practice of Nationalist race and colour discrimination are punishable crimes. Mr. Chairman, for the last three hundred years we have been governed by a Government which is prepared only to oppress the people of South Africa. Race discrimination it will be punishable by - it will be a punishable crime. Now we know that the only crime that an African can commit here in South Africa is to take the life of a man, or when you rob somebody. (Train- not heard). Clique of the nation be prepared just only because of my colour, only because of my race, because of all those things

I must suffer as I am suffering still today. Why? Why should I not be allowed because of my education, to vote freely in South Africa? Why should I not be given a chance to represent by people in South Africa? Why? Why should a clique of people be created by God? Why should they take it upon themselves of saying that we are discriminating because it is God that wants these things. Mr. Chairman, I would like to touch Bantu Education because here in our Freedom Charter we are demanding free education. Why should a clique of men take it upon themselves to draw up education for us? Why today we have got Bantu Education which is poisoning us, which is put there to poison the minds of the African children. I would like to know who is in the right hand and who is in the left hand. Mr. Chairman, we do not want Bantu Education. I would like that this mass gathering should go back to their organisations and intensify the boycott against this Bantu Education.

Chairman : Ladies and gentlemen, there are not other speakers under this section, the section 'All National groups shall have equal rights. I would like you therefore to approve this Charter by raising up your hands. Will you please signify by raising up your hands. Thank you. At this stage, ladies and gentlemen, I have great pleasure in introducing 7245 to you Mr. George Peake of the Coloured People's Organisation. While he is coming up we will have a song 'Tina Sizwe' led by Miss Ida Mtwana. (Singing of 'Tina Sizwe' led by Ida Mtwana).

Chairman. George Peake. Afrika! Mayebuye! Comrades I greet all freedom forces on behalf of the South African Coloured People's Organisation. Delegates from the Cape, I much regret, some of our delegates are in gaol at Beaufort West. I am justly proud of the honour placed upon me, it is a momentous occasion. We now move forward to the new age, new age of intensified struggle and determination to win a South Africa free of hatred. They brought vicious measures

against us, we will only win when we cast aside oppression. We are going forward to a day of liberation, comrades. Comrades we stand fully on the demand of freedom, let us not be intimidated, there is only one road to freedom. Forward to Freedom. Forward to the mutual idea. I now have great pleasure to call upon Mr. B. Turok to move 'The people shall share in the country's wealth'. B. Turok : Mr. Chairman and friends, it is right that the Congress of the People are being held here in Johannesburg, it is right because Johannesburg has seen the beginning of a rotten South Africa. Friends, you know that here in Johannesburg the greatest contrast exist, a contrast between the rich and a contrast between the poor. We know that in Johannesburg exploitation of the workers have always gone hand in hand with their oppression. We know that oppression is something that is familiar to all the African people, we also know that exploitation is something that is know throughout the world. Friends, when you enter Johannesburg you are met by those ugly things the gold mines. They are not only to the eye but they are ugly to the minds. They are ugly for many reasons, but the most important reason is that there in Johannesburg you find the most oppressed worker in South Africa. In these gold mines you will find cheap labour, let me tell you just how cheap this labour is. Do you know that in the last sixty years two billion pounds of profits have come out of those gold mines. Two billion pounds, and do you know sixty years ago the wages of an African was three pounds three shillings a month. Friends, do you know that in 1946, sixty years later, the wages of the worker in the Gold mines was still three pounds a month, where has the two billion pounds gone to? I do not see it. The workers in the gold mines do not see it. The only people that see it is the people living in Lower Houghton and all the rich suburbs of Johannesburg. Friends, with the beginning of the gold mines



in our country, came the beginning of the worst oppression in the country, with the gold mines came migratory labour system. When the workers left the gold mines, they left their work sick. That is the price that South Africa has paid for its gold mines. They got the people to go from the reserves to the gold mines. You know better than me why young Africans leave the reserves to come to the gold mines. You know better than me that they still have to find that one pound a year to pay for hut tax and poll tax. Friends, the system of the gold mines is a curse, not a benefit for South Africa. Friends, with the gold mines have also come the colour oppression of South Africa, because how else can you get cheap labour it not by a colour bar. How can you keep this cheap labour if not by oppressing people and by calling them kaffirs and other things. All the Governments of this country, all the gold miners have used the colour bar to make you do the cheap labour. Friends, we say that the gold mines means the robbery of the people of this country. It is nothing else but the thieving of the labour of the people, and we say this must come to an end. This low wages of the gold mines is a curse. Friends, we are often told that the African is lazy. We often are told that the African people do not work hard. I say to Mr. Strijdom, if you think that the African mine worker does not work hard, then you go down yourself. Let us see Mr. Strijdom, let us see the Ministers of the Cabinet, let us see the police at the back, let us see them sweating down in the gold mines. And I must say I will not be very sorry if they contract a few diseases down there. Mr. Chairman and friends, it is not only the Gold Mines that are a curse to South Africa, it is also the monopoly industry, it is also the big factories that exist throughout the country. It is also the factories that you find outside Johannesburg, inside Johannesburg in Cape Town, in Port Elizabeth and in every big town.

Wherever you find big factories you find many workers, and where you find many workers you find low wages, and where you find low wages you find a fat boss, a rich boss, a boss who oppresses you. Friends, you know that the owners of the big factories take an active part in South Africa, they will not have these lovely big Buicks that they drive around in.

The whole system of the big factories and the gold mines in this country are the enemies of the people. Let us only look at a time when the workers are demanding higher wages. We see when they go on strike the police are called in, how the pickets are pushed around from pillar to post. Friends let us see an end to the big factories and an end to the big great mines which give profits to the rich only. Mr. Chairman we have just dealt with the aspects of South Africa's economy, and people everywhere are asking how we can right this.

This is a great wrong and it is obvious to everyone, every man sitting in front of me here knows very well how wrong it is, and our Freedom Charter says this. It says the ownership of the mines will be transferred to the ownership of the people, it says wherever there is a gold mine, there will no longer be a compound boss, there will be a committee of the workers to run the gold mines. Friends, we also say that wherever there is a factory and where there are workers who are exploited, we say that the workers will takeover and run the factories, in other words, the ownership of the factories will come into the hands of the people. Friends, there are one more other thing that worries me a little bit. When you walk down one of the streets in Johannesburg, you see a very impressive looking building, and outside there you see various banks and when you go inside, you will find plenty of money. That money, friends, does not come back to you, it goes to our friends living in Lower Houghton. Let the banks come back to the people. Let us have a people's committee to run the banks.

We believe that those business men should be allowed to build bigger factories, and that is what we say to those people who are working for the betterment of the people of South Africa. We say to all of you, stand behind the Charter which we are going to adopt today, we say, let us move forward to freedom. Long live unity. Long live the Congress of the People. Long live the people of South Africa. Chairman : Friends at this stage three speakers have indicated their intention to speak. We are calling Mr. Billy Meer. Mr. Mulundi. Mulundi speaking in Native. Chairman : Will Mr. Billy Meer please come to the platform. Billy Meer : Afrika! Afrika! Mayebuye! Comrade Chair and comrades, I fully support this demand of the people's charter on behalf of the Trade Unions of Natal of which I am President. Now, comrades, the biggest difficulty we are facing in South Africa is that one of capitalism in all its oppressive measures versus the ordinary people - the ordinary workers in the country. We find in this country, as the mover of the resolution pointed out, the means of production. The factories, the lands, the industries and everything possible is owned by a small group of people who are the capitalists in this country. They skin the people, they live on the fat of the workers and make them work, and as a matter of fact in exploitation they oppress in order to keep them as slaves in the land of their birth. Now, friends, this is a very important demand in the Freedom Charter, now we would like to see a South Africa where the industries, the lands, the big businesses and the mines, and everything that is owned by a small group of people in this country, must be owned by all the people in this country. That is what we demand, that is what we fight for and until we have achieved that we must not rest. I appeal to you all to right and struggle towards this until we have achieved it. Now comrades, I have been asked to be short and brief, I will conclude now by saying

Afrika! Afrika! Mayebuye! | Peter Selepe : My fellow comrades, I am here to speak to the delegates of this conference, particularly my people the African people who are subjected to oppressive laws in this country. The African people are the only nation which the Government in this country fears. In this case friends I want to tell you that the freedom of the black man lies within his reach, but we have to struggle to drive the enemies away from us. I will speak from this platform, friends, without fear. I know the police are here, but that is not important to me. I will definitely take my seat wherever the struggle of the African people is raised in this country. I will definitely do my duty to see that the enemy is moved. The Africans are here to come and carry the messages that are here on this table. Dr. Malan, at least Mr. Strijdom, is the last South African Government as far as we are concerned. I do not see my African leader here, I do not see Dr. Dadoo, I do not see J. B. Marks. What must be true is the question for us to see that the Africans definitely achieve their freedom in time. If the White man is not prepared to co-operate with the Africans, let them go back. I must tell you friends, without fear that a White man came to this country to rob us, to rob us. I have received a letter from my father who is about 670 miles away from here. This man is having a difficult time, they have no way to plough. The Government say they cannot have more than six cattle. How are they going to live? I would like you to ask yourself. However, I understand time is very short here and I cannot say much. Now, friends, I must say that under the African National Congress we must see that the Nationalist Party is moved from their chair. When they call my father a boy, they do that because we have no political franchise. I want to see an African in that Parliament representing our people, I do not want to see my child a slave, otherwise I am not a father. I hope you, friends, will under-

stand from here that the education of our children should be an education of the people and not Bantu Education. Martha Mkwane, Bloemfontein. (Speaking in Native). Chairman : We still have two speakers under this section and we are short of time. These people should be as brief as possible. Will Isaac Mashana of Randfontein please come to the platform. Please be short. Isaac Mashana, Randfontein (Speaking in Native). Chairman : Friends, I am very sorry there are still two speakers under this section. I will appeal to those speakers to send in notes to speak on some other section. We now move to number fourteen on our agenda. I call upon Mr. Tshunungwa to move this section. I will ask the people to show by their right hands their acceptance of the previous section. Tshunungwa (Speaking in Native). Chairman : Friends, before I call upon speakers to speak under this section, I have two announcements to make. (Announcements not heard). Speaker : (Speaking in Native). Archie Sebeko (Speaking in Native). Chairman : I wish every speaker will keep to the point. John Nkosi and Samson Masheko. Samson Masheko (Speaking in Native). Chairman : Samson Masheko, thank you. John Nkosi. John Nkosi (speaking in Native). Chairman : Mr. Luthenye,- Orlando. Luthenye, Orlando (Speaking in Native). Chairman : The next speaking on this item is Mr. Mzume and he has promised to speak only for two minutes. Mzume (Speaking in Native). Chairman : I will now ask delegates by the show of their right hands the acceptance of this section. We now have number fifteen, moved by Dr. Sader. Dr. Sader : Mr. Chairman and fellow delegates. My presence on this platform I regard as a great honour. I shall now read this Section : 'All shall be equal before the law'. No one shall be imprisoned, deported or restricted without a fair trial; no one shall be condemned by the order of any Government official; the Courts shall be representative of all the people; imprisonment shall be only for serious

crimes against the people, and shall aim at re-education, not vengeance; the police force, and army shall be open to all on an equal basis and shall be the helpers and protectors of the people; all laws which discriminate on grounds of race, colour or belief shall be repealed. Where people have come from all corners of our land is of great significance. The reason, events have shown, the drawing up of the Freedom Charter is a positive .." - omitted something - "... today we want to free South Africa from racial discrimination, tyranny and racial oppression, laws which have kept the people in subjugation. The entire construction of this Government is based on racial lines, this is not only unjust but absolutely wrong. Laws that govern the people of this land have brought about untold misery. Take the Land Act of 1936. The Africans form only.." - omitted something - "... however, what is there to justify the reserve of certain types of work for Whites only. How long can the Pass Laws in conjunction with other laws be tolerated. The Group Areas Act prevent the people from living with their families. Today in desperation, the mad Government of South Africa has turned to the African child by means of the vicious Bantu Education Act. The rejection of the Bantu Education is better worded, named - this slave education, is a matter of grave concern to all of us. Now it is only Bantu Education, but finally it will be European education. We know that these laws are made to oppress the people. Slavery is unnatural and can never exist. History has proved time and again that oppression has its unnatural end. The Suppression of Communism Act and the Anti-Defiance measures all aim at converting the country into a police state. Yes, look at the representatives of the Minister of Justice. How long can they stand, the gathering here this morning is proof of this. The days of oppression are numbered. The united stand

of all sections of the people of South Africa can and must and will stun the tide of reaction. It can and it must. In it there is a great idea of freedom and this is right, and there is no force strong enough to stop this. History has awakened us, and it is moving forward. Freedom, freedom in our lifetime. Afrika! Afrika! Salooje (Indian to English). Mr. Chairman and delegates, I wish to say in all countries of the world.." - omitted something - "... if this does not happen, then it is all wrong. Here in South Africa we see the same thing happening. There are about 70 laws which affect the Indian people in South Africa. The African people are subjected to more than 70 laws in this country. The ways of this Government is the same as that of the Governments in Europe. Therefore we will try to see that all laws apply equally to all the people in this country. Speaker : (Speaking in Afrikaans). Woman Speaker : (From New Brighton): Mr. Chairman and friends, here it is true that everything depend upon women. I am standing here with the full right as a mother to condemn the Bantu Education. Dr. Verwoerd claims that we are foolish but we do not want Bantu Education for our children. I want to give you a clear picture of the commencement of the boycott.." - omitted something - "... women are the downfall of a nation. You are the downfall of a nation and you only can pick up a nation. Take out your children from the schools, we must only do what our leaders are telling us today.

Chairman : Stanley Kaba. S. Kaba : Mr. Chairman, I ask you this question, shall we be ruled by foreigners, anybody who is a foreigner has the right to rule this country. Any such a country will never be progressive. Chairman : Friends, I regret to make an announcement, the family of Madiba report immediately at.." - omitted something - "... The father was involved in a fatal accident this morning. I will ask the Conference to rise for a minute!" S. Kaba : My fellow delegates

we in South Africa, when they brought us here, they brought us in the.." - omitted something - "... we have been changed of this religion. We condemn the Government of South Africa.

Chairman : Maduba from Benoni. Maduba, Benoni, : (Speaking in Native). Chairman : Molasie, Sophiatown. Molasie : Mr. Chairman and fellow delegates. If we are to be equal, there is only one way, we should struggle to get.." - omitted something - "... equal before the law in a capitalist country like South Africa. If we want equality we should struggle to get our demands, our tasks ladies and gentlemen, shall be to struggle. Chairman : Friends, we arrived at the end of our speakers and I will ask the people to raise their hands in acceptance of this section. We move now to number sixteen on our agenda. 'All shall enjoy equal human rights', moved by Sonia Bunting from Cape Town. Sonia Bunting : Mr. Chairman and fellow delegates. Together with the other forty delegates, we are only two from Cape Western, the others were held up. We all travelled a thousand miles to attend this large gathering, and I am sure that I can speak on behalf of all of them, we would have travelled a thousand miles to attend this large gathering, and I am sure that I can speak on behalf of all of them, we would have travelled ten thousand miles in order to be here today. To see everybody here today is an inspiration to everybody who has the privilege to be present. We have gathered here to talk of freedom, and we cannot have freedom unless we have fundamental human rights, and this is the section which I have the privilege of introducing to this gathering today. The whole history of mankind is full of struggle for his freedom, and those men and women who have devoted themselves to the cause of freedom, have made the greatest possible contribution to humanity that anybody could possibly make. And I am asking you, all here today, to join this struggle of the people who have devoted themselves to the betterment of humanity, to the betterment of the people living



all over the world. Each turn of history has extended the rights of the people to more and more sections of the population. (rain - not heard). Mr. Louw has the cheek to pick UNO out, the very first two articles of the United Nations Charter say that all human beings are free and equal, irrespective of colour or sex." - omitted something - "... it goes on to say that nobody shall be discriminated, all shall have the right to freedom of movement, the right to marry whom one pleases, the right to peaceful assembly. Now the police have the right, they can even come in without warrants now. Our delegates have been stopped to come to this Conference. The African people they cannot even go and buy a piece of bread unless they have their passes in their pockets. The Pass Laws Act prevents certain people from returning to their country, under the Population Registration Act, other races will also have to carry passes, the Mixed Marriages Act, the Suppression of Communism Act. Most people do not have free compulsory elementary education at all, they receive nothing but slave education. The whole world knows that all basic human rights are denied the people of South Africa. In our Charter, we are demanding those rights, more than that, the Freedom Charter will be our basis for action. Not only what we will have in the future, but the things that we will fight for from this day onwards. We know that the Nationalist Government will try to stop our rights, how many leaders are not here because they have been banned, because they are not allowed to be here. But for everyone that is banned there must be a hundred, a thousand voices to take their place. For every leader that is exiled there must be a thousand leaders more, for we comrades, we are the people. We are the majority of people living in South Africa. No force on earth, let alone the forces of Africa, shall prevent us from winning our freedom. We shall take the one course that is open to us, to fight and to organise for

freedom and human liberty to become a reality for every man, for every woman, for every child in South Africa, in our lifetime. I have much pleasure in moving this section : All shall enjoy equal human rights. The law shall guarantee to all their right to speak, to organise, to meet together, to publish, to preach, to worship and to educate their children; the privacy of the house from police raids shall be protected by law; all shall be free to travel without restriction from countryside to town, from province to province, and from South Africa abroad; pass laws, permits and all other laws restricting these freedoms shall be abolished. Afrika! Chairman : Mrs. .... from Orlando, will she please come to the platform. Mrs. Katie White. Speaker (Not heard - train). Mrs. Moosa : First of all, Mr. Chairman and comrades, I am delighted to be here this morning to address you, I have always dreamt that one day I will address such a gathering and today my dream has come true. I am speaking on behalf of the women.." - omitted something - ".. Comrades, as a mother and a woman I speak to you, that we demand equal rights for our children. They have not got the same opportunities as the Europeans. I say, friends, we see today that we have not got schools, houses, no playgrounds for our children. We must organise and see that we get these demands that we ask for today. Since this Government came into power they introduced all sorts of laws. They cannot do without our Black people. We see today that in the White homes, African people must see to their children, to their food and to everything, where is apartheid? We know that we are oppressed today as we are born. Also, Mr. Chairman, and friends, I hope this Conference will carry out these demands that have been sent in and I hope that we will carry out these demands. Friends, I appeal to you to step in for our children for a better life, for a better future in this country. Chairman : (Calling upon speaker - name not heard). Speaker :

... Because the present Government restricts us from all things, the present Government at present is trying to make us a kind of animals. We as Africans are really counted as people who know nothing. Now today we here struggle hard to receive our human rights. These rights were given to man by God, it should be given to all people. We are supposed to have freedom of movement as human beings, but we cannot go freely through these Pass Laws. Chairman : Is Mr. Seki ready to speak? Seki : Mr. Chairman and delegates. Today I wish to speak on human rights. When the United Nations was started it was one of the.."  
- omitted something - "... now the South African Government knows how to resist human rights. In all the other countries of the world, the progress is going forward whereas in South Africa it is going backwards. In South Africa we have pass laws for the Africans and other regulations for the Indians, these laws and many others must be the aim of this assembly to have repealed as soon as possible. The laws should be equal for everybody. The police raids at any time of the night must be stopped and everyone must have equal rights. Woman Speaker : (Margaret Castle) : Comrade Chair and Comrades, you all know that the police of the Nationalist Government is condemned by democratic people all over the world. The Government is going ahead with their policy, we must put a stop to it. Greater restrictions are being placed on our freedom of movement, we find that the Africans are attacked by the Bantu Education Act, and even the minds of the children, the Minister of Native Affairs.." - omitted something - "... he said that the idea of the Bantu Education is to keep the African people into their custom, he also said that there will be no African will be able to go to the university. My appeal to this Conference is that we must not be intimidated. Woman Speaker : (Not heard). Isop Jessop : People of South Africa, we the youth of South Africa are interested in the Freedom Charter because we are

fighting for the things that are inside the Freedom Charter, because we are confident to see that we get it. We are the people who are going to inherit this country. All people, irrespective of colour and creed should be given a chance for equality, we should all be given a chance. We, the youth, demand that there should be no segregation in universities. Everybody should be given the opportunity to proceed to higher education. We are going to see freedom and we are preparing for that, friends. We believe that we shall enjoy the freedom which our great grandfathers had. That is freedom in our lifetime. This is a representative gathering of all the people of South Africa and we demand that there should be no racial discrimination in this country. We demand that people should not be kept from opportunities because they come from a different national group. Friends, we are confident that we shall win, and with these words I greet the Congress of the People. We, youth, shall fight until the things in the Charter has been achieved. Chairman : I will now ask you to raise your hands in acceptance of the Charter. The next item shall be moved by Mr. L. Masina. L. Masina : Comrade Chair and delegates, it is most unfortunate when I am going to introduce one of the.."  
omitted something - "... On behalf of the South African Congress of Trade Unions, I wish to thank the Congress for calling this mass Conference of all the people in South Africa to discuss this Freedom Charter. We are denied the right to protect trade unions, but we shall fight side by side until we have won. We shall fight for the right to elect our own officials, we shall fight for the right to be free from Government officials. We shall not stop until we have reached a better life. Comrades, we shall fight together until we have won, no longer shall our children die within seconds of their birth. We shall oppose child labour, we shall become skilled and useful in our country. Let us not spare ourselves in our opposition, let us unite, let

- 6444 -

us take courage and let us speak together of freedom. Long  
live the Freedom Charter."

CASE REMANDED TO 7TH AUGUST, 1957.

COURT RESUMES :

APPEARANCES AS BEFORE :

MR. COAKER ADDRESSES COURT :

Accused Absent : Position same as on 6th August,  
1957.  
In Addition : No. 56, P.P.D. Nokwe; 27, T.X. Makiwana.  
Back in Court : No. 144, D. Nyembe.  
Excused : No. 116, S. Kalipi; 147, E. Shanley.  
In Default : No. 25, V. Make; 76, R. Tunzi.  
Medical Certificates handed in : No. 9, S. Esakjee; 27, T. X. Makiwana;  
36, B. Mashaba; 86, C. Makholisa.

-----

NICOLAAS JOHANNES VAN ZYL SCHOEMAN, duly sworn;

EXAMINED BY THE P.P. :

Yesterday, when the Court adjourned, you finished reading the speech of L. Masina, is that correct? --- Correct.

Read from where you stopped? --- "Speaker : Mr. Chairman, comrades and fellow delegates, I first of all would like to bring a message from my President who will not be present here today in view of the fact that they have not been given permits to come to Johannesburg. We will fight to the end to see that liberation should come to sunny South Africa. We are the people that control the economy of the country. Let me tell you that although we are cheap labour, we will see that our labour will not be cheap any longer but as expensive as the work we put out. Friends, I would like to say that under the Industrial Conciliation Bill, the Minister said there shall be apartheid in labour. I say, friends, if we unit our forces there will be no apartheid. We, the people that work in the mines, in the factories, let us look to the end of nationalising all the industries in this country. Speaker : (Speaking in Native). Speaker : (Speaking in Afrikaans). Chairman : (Making announcements), Speaker : (Speaking in Native). Chairman : The last speaker under this section is.." - I didn't hear the name - "... from Kimberley.

Native Woman : (Speaking in Native). Speaker : (From Kimberley, not heard). Chairman : Friends, all those people in the kitchen please come this way. I will not ask the delegates to accept this by the show of their hands. Peter Beyleveld (Chairman). (Making announcements about lunch). Chairman : We will now start our last session of Conference. The fourth session starts with section eighteen on our agenda, the doors of learning and culture shall be open. I will call upon Mr. E. Mphahlele". E. Mphahlele : Mr. Chairman and friends, Afrika! Afrika! It is my duty this afternoon to open this discussion on culture and education. When we talk of culture we include education, sports and music, books they read and books they write. When I talk of culture I am going to say that you are going to get all the nonsense of Bantu culture. Bantu culture is an animal that is formed in Parliament by Dr. Verwoerd, the most dirtiest thing that you can think of. You are here today to reject Bantu Education, Bantu culture and everything that is Bantu. Friends, I speak here firstly as a human being with feelings to express like everyone of you. I speak here as one of three men who have condemned Bantu Education when it was still the Eiselen report. Today friends, the three of us cannot each anywhere in South Africa. Why? It is because of this today, let me say for quite a few years now, your children has been taught a type of history - your children are being taught that Chaka was a murderer. And now I say to you, my friends, that I refuse to tell them what I am told to tell them, I will stand in front of them in the class, I refuse to tell my children that they are inferior to the White man. Friends, when we are talking of culture we must realise that we are here to talk of human feelings. The Nationalist Government believes in the theory of human dignity and human feeling. Therefore, I say this, friends, that from here today our

Indian friends must go and tell their Indian friends, I say here that they can also tell their friends who own the Majestic Theatre to go and open this cultural organisation for the black man, for the Coloured people, to open it for other non-European friends. I say here to you my African friends, that you all must teach your children to respect the Coloured man, to respect the Indian man. Friends, thereby we shall be able to build a culture which is a culture that does not leave room for nationalism in the nationalist sense. Here we shall have a nationalism in a democratic form. Friends, when I was a small boy born and bred in the slums of Marabastad near Pretoria, I mixed very well with Indians. I lived with them and we called one another by pet names, we loved one another, and now that I am grown up I am told that I must live in group areas. I refuse to deteriorate into that state of mind. Friends, we here say that we want equal rights with the White man, we want equal opportunities, equal chances, but I do not want to be equal with the White man, I want to be better than the White man. I want to be better than the White man because the White man has made a terrible mess of everything. The White man has made a mess of his Government, the White man has made a mess in the cultural field, a mess of education and here we are being told that we should accept Bantu Education which we detest so much. The White man has given us a religion, a religion he himself does not respect. The White man has given you the Bible to cheat you, whilst you are reading the Bible on your knees, he wants to rob you of your country. And every time he turns around to me and says, you must love your neighbour, who is my neighbour? My neighbour is the White man, and who is the White man? We here in South Africa, we want to make the European unfit, that is we do not want to recognise their leadership anymore. We cannot recognise the White man's



leadership on our democratic side and I still say this, that there are a number of Europeans in this country who are joining us in our democratic fight. Gentlemen, mothers, fathers, sons and daughters of Afrika, I want to tell you a little tale. A snake went up a tree and found the nest of a dove. The dove had its little ones in the nest, the snake swallowed the little ones of the dove and the dove flew away. The mother dove began to cry and when she was crying a musician was walking by. The musician realising, hearing the cry of the dove for the loss of its chickens, started to compose a song to the time of the weeping of the dove and he did this in such a way that his music moved and stirred all the other animals in the world that they came together and joined forces. They drove the snake out and killed it. That is the tiny tale, that is the tiny story. Today here, we see in our country that music and dancing and many other things can be the cause of justice. Those animals wanted justice and killed the snake. I am not asking you to kill the snake. I am saying this, that if we all join together we will make the snake so afraid that he will hide in his hole and die there of hunger. Friends, Dr. Press read one of the messages from India. This is what the message said. I wish that God shall give us mental strength and patience which are the properties required in a democratic fight, our culture can give us mental strength and patience. I want to mention two things about mental strength and patience. I can say this, love and justice, honesty to your own true self and friends, I am looking forward to a day when our culture will so much unify us we shall no more talk of the Congress of the People as an organisation of Coloureds, Indians and Africans and Europeans, we shall have one movement, we shall have absolutely no distinction and we will stand together for a united cause. Our culture - this culture is now growing up, it will not be a

culture of Indians, of the Africans, it will be a culture of the people of South Africa, and it is this culture that is going to grow up now. I want to say this in conclusion, I am looking forward to a day when every year we can have our own festival. Chairman : The first speaker on this section is Miss Doreen Motsabi. Doreen Motsabi : (Speaking in Native). Chairman : Our next speaker is Mr. Mervyn Dennon, he is a representative of the South African students. Mervyn Dennon : Mr. Chairman, I want to make it clear that I am not speaking on behalf of any particular student's organisation. Friends, our students delegation over here consists of - we have students over here, students who are law students, students helped to draw up the Charter. As we fight we are going to learn from you. Our numbers are very small but I am glad to tell you that every week more and more join us. Friends, education belongs to every one. Education of a certain section is not education at all. The day will come when you will do the teaching... (Entering of police). Leon Levy : Friends, I greet you in the name of peace today. Yes, my friends, we shall have friendship and peace for all. In the capital of Finland the people are gathering just as we are today to talk about peace; to talk about the hydrogen bomb. We in South Africa friends, we are doing the same and with these words I appeal to you today.." - omitted something - ".. We warmly greet you and we wish you every success. Let us go forward to peace, let us go forward to freedom. There is no freedom without peace and there is no peace without freedom. Chairman : The next item on our agenda is the Credential Committee's Report. It will be brought to you by Mr. Resha. Resha : Mr. Chairman, sons and daughters of South Africa, we have had here to decide the future and the destiny of South Africa. This ground on which we are standing here today

**Collection: 1956 Treason Trial**  
**Collection number: AD1812**

***PUBLISHER:***

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

*Location:- Johannesburg*

*©2011*

***LEGAL NOTICES:***

**Copyright Notice:** All materials on the Historical Papers website are protected by South African copyright law and may not be reproduced, distributed, transmitted, displayed, or otherwise published in any format, without the prior written permission of the copyright owner.

**Disclaimer and Terms of Use:** Provided that you maintain all copyright and other notices contained therein, you may download material (one machine readable copy and one print copy per page) for your personal and/or educational non-commercial use only.

People using these records relating to the archives of Historical Papers, The Library, University of the Witwatersrand, Johannesburg, are reminded that such records sometimes contain material which is uncorroborated, inaccurate, distorted or untrue. While these digital records are true facsimiles of paper documents and the information contained herein is obtained from sources believed to be accurate and reliable, Historical Papers, University of the Witwatersrand has not independently verified their content. Consequently, the University is not responsible for any errors or omissions and excludes any and all liability for any errors in or omissions from the information on the website or any related information on third party websites accessible from this website.