

to follow the case at all. 1

BEKKER J: Is there not a copy of the record available to you?

MR. RESHA: My lord, we have only one copy of the record. Your lordship will also appreciate that that copy is now being used by Mr. Adams who is leading his witness. 5

BEKKER J: Yes; what I have in mind is this; it may be difficult, I realise that, for you to follow the evidence here in Court, as it is being put to the witness, but cannot you make a note of the page number and the exhibit number, jot down the answer and then look at the record afterwards. 10

MR. RESHA: That can be done, my lord.

RUMPF J: Well, that should be done. And in any event when the witness deals with that particular passage which is referred to her, she mentions the contents of that indirectly - - one realises what she is talking about, and if you want to know the exact contents of that paragraph then as my brother Bekker has suggested you can make a note of it and look at the record afterwards. 15 20

MR. RESHA: That is so, my lord, but your lordship will realise that it would mean I'd have to wait for the record in order to compare, look at the whole record to see what was quoted and the witness' comments. Your lordships will also appreciate that I cannot write shorthand, I cannot cope with her speed and in order to make sure that what I have jotted down is correct I'd have to look at the record, look at the 25 30

exhibits, and that would take quite some time, my lord. 1

RUMPF J: That may take some time, yes.

BEKKER J: Well, isn't there another way out of the difficulty? If Mr. Adams in leading his witness gets an exhibit and he says 'This is Exhibit G. so-and-so, it deals with this topic' - dealing with the Defiance Campaign 5 for instance - "and I want you, the witness, to refer to this particular portion of it"- - that would put you in the picture, would it not?

MR. RESHA: Provided, my lord, either Mr. Adams or the witness reads that portion; that would assist me 10 a great deal.

BEKKER J: The portion on which he wants an answer.

MR. RESHA: That is so, my lord.

BEKKER J: Well, now, you remember the difficulty 15 when we started this case, getting the Crown to summarise instead of reading the whole document. I suggest that the accused might adopt the same measure, because if - - our difficulty is this, if we have got to have every exhibit re-read again, apart from the 20 question of duplication, there is the question of time. We don't know when this case will ever finish.

MR. RESHA: My lord, I agree with you; in fact I would be happy if the case was ending to-day, but at the same time, my lord, your lordships realise 25 that my life is at stake; I'd rather err on taking more time over this case than on shortening it.

BEKKER J: Oh, yes, yes, but I would suggest that you consider the question when there is an exhibit to be dealt with, if the whole exhibit has got to be 30

dealt with, then Mr. Adams or whoever is leading a witness may say 'This is a document dealing with this topic, it mentions, inter alia, this, that and the other, but I want you, the witness, to deal specifically or comment on this sentence", and then let him read that sentence.

MR. RESHA: I'd appreciate that very much, my lord.

BEKKER J: That matter is in your hands, in the accused's hands.

MR. RESHA: It is in our hands, my lord, but it's more in the hands of the Court than it is in our hands.

BEKKER J: Yes, but you see, I'll tell you what our difficulty is. In some of these documents the witness is just asked to comment generally on a document. Well, that doesn't help anybody.

MR. RESHA: The other matter I want to raise, my lords, is the question of the Opening Address. Your lordships will realise that as a result of the evidence given by this witness I may be called upon to get my own witness, and I would not like to fall into the same mistake which apparently Mr. Adams has fallen into, that is go through the Opening Address, either sentence by sentence or paragraph by paragraph. My difficulty is that if one looks into the Opening Address it is full of repetitions and one does not know to what extent one must not lead his witness, to comment and to repeat as many of these sentences as the Crown has deemed it fit . . .

KENNEDY J: I think, Mr. Resha, the proper

approach to an Opening Address is this: it is not 1
evidence, but if at the end of the case the Crown has
deviated from its Opening Address you in argument are
entitled to comment on it. It doesn't really affect
the facts of the case as finally presented by the Crown,
or it may not really affect the facts, but it is cer- 5
tainly a matter on which you can comment, and if there
is a deviation between what is said in the Address and
the facts of the case you may have reason to ask when
you come to present your case for an adjournment to con-
sider such a deviation. But the Opening Address is not 10
a foundation upon which to lead the evidence of a wit-
ness. The proper foundation are the actual facts of
the case. The fact that Mr. Adams did so was unfor-
tunate, but, however, evidence and argument has come
out together. It resulted in a protraction of the 15
evidence-in-chief, but we have listened, I hope, patient-
ly, to what has been said.

MR. RESHA: I thank you, my lord, I don't know
if I understand your lordship clearly as a layman.
Would I be correct in saying, according to the remarks 20
of your lordship, that the Opening Address of the Crown
is no more than just words which will be discarded
later?

KENNEDY J: No. Oh, no, no. It is the main
basis of the Crown case, but a witness may deviate 25
from what he has told the Crown. The Crown doesn't
rely on those as facts. It is an indication to the
Court, and to the Defence, of what evidence the Crown
proposes to lead. That is what it is. But it is not
the verba absissisima, the actual facts, upon which 30

the Crown is going to rely at the conclusion of the case. 1

MR. RESHA: In other words, my lord, it is now left to me to go through the Opening Address and therein extract what I think the Crown is likely to use in closing its case during the time of argument.

KENNEDY J: No. 5

MR. RESHA: Or am I to go through it piecemeal and make sure that . . .

KENNEDY J: No. What your duty is, and if you had your Counsel here he would have told you so, your duty is to go through the evidence which has been led 10 in this case, and base your Defence on the evidence. You can comment on it, if there is a deviation between the Opening Address and the evidence that has been led.

BEKKER J: May I add this, the effect of the Opening Address is the Crown says to the Court 'I am 15 going to prove this and I am going to argue from what I am going to prove that these inferences are the correct inferences'. Now that is what the Crown says in its Opening Address. But the question whether the Crown has succeeded in proving what it says it will hope to 20 prove in the Opening Address is quite a different matter. If the proof produced by the Crown falls short or what it expressed it was able to do in the Opening Address, that is the difficulty of the Crown, but that we will deal with in argument stage. But you should 25 confine yourself to the facts. The facts which the Crown has produced.

MR. RESHA: Well, my lord, isn't the position this, that not only does the Opening Address, if one reads it, confine itself to facts which it will prove 30

at a later stage, but to a number of assumptions . . . 1

BEKKER J: The Crown can say that but you can ignore it if the facts produced by the Crown do not bear out the correctness of the inferences, or if on the facts which the Crown says it can prove and has proved the Crown proves a wrong inference you can say so, but 5 you are not bound or wedded to the Opening Address. As far as I'm concerned I can only advise you to ignore the Opening Address and confine yourself to the facts which the Crown has produced in this case.

MR. RESHA: Thank you very much, my lord, I'll 10 take that view. As long as I have your fair guide.....

BEKKER J: I'm not guaranteeing anything, Mr. Resha, I'm just saying you can ignore the Opening Address provided you confine yourself to the facts produced by the Crown and deal with those facts. The Opening Address 15 you can deal with in argument.

RUMPF J: I may add that the Crown argument is still to come, and after the Crown's address to the Court in which it will deal with the facts and the submissions on the inferences, the accused will be entitled 20 to put their argument on the facts, in reply to the argument of the Crown.

MR. RESHA: I appreciate that, my lord. As I have said I will consider it seriously, whether when my turn comes, I have to call my own witness, and 25 I therefore wanted to start thinking now what line I must follow. Now it seems clear, as your lordships have said, that the witness is entitled or I will be entitled to read the portions to which I intend putting my questions to the witness. That is one thing that was 30

woerying me. Secondly, now that I know, if I understood 1
your lordships well, that I don't have to base my case
on the Crown's Opening Address

BEKKER J: Base your case on the facts which
the Crown has produced, not what it said it will pro-
duce. 5

MR. RESHA: Yes, my lord, save this, that even
those facts are being repeated and in rebuttal I will
have to repeat them as I go through the Address. That
is my difficulty, my lord. I find it difficult. Where
a sentence has been used ten times, I put my witness 10
in the box and ask him once and in the second stage
the Crown repeats the same allegation, the same overt
act. Those are my difficulties, my lords.

RUMPF J: Well, I am afraid those are diffi-
culties. 15

MR. RESHA: Your lordships will, of course,
realise that they are more difficult to me, and I do
not know really what to do.

BEKKER J: Well, get Counsel back; that's
something you might consider. 20

MR. RESHA: Well, your lordship . . .

RUMPF J: You have an attorney, not so?
The accused have an attorney.

MR. RESHA: The accused have an attorney.

RUMPF J: And up till a few days ago they 25
had Counsel sitting here every day.

MR. RESHA: That is so, my lord.

RUMPF J: Well, you can consult yourattor-
ney and your Counsel, in addition to what we have said
to you. 30

MR. RESHA: With regard to consulting Counsel,
my lord, the time is the factor. Your lordships will
realise that we leave for Treason in the morning and
work here and we leave here at 4.30. There is very
little time for consultation. And we have in fact
asked your lordships to give us more time in the
afternoons to enable us to go into matters, otherwise
we have to go into this case unprepared.

RUMPF J: Yes. Yes. Mr. Adams.

MR. ADAMS: My lord, could I perhaps take Mr.
Resha's point one stage further, as I still do not
understand the Opening Address. My lords, besides
the general comments by the Crown, certain allegations
are made in the Crown's Opening Address. The Crown
is trying to prove these allegations mainly by infer-
ences drawn from documents and speeches presented to
this Court. There have been very many speeches and
documents, my lords, and I do not know, besides taking
the Opening Address and the allegations contained in
it - I do not know, my lords, how to meet the case
against me, because that, my lords, in the Opening
Address is the only place where specific allegations
as I see them have been laid against me.

RUMPF J: It's a very useful document to
see how the Crown is approaching its case.

MR. ADAMS: My lord, I have tried to be
selective in putting . . .

RUMPF J: What is your difficulty now?
You've been going on; why don't you go on?

MR. ADAMS: I thought, my lords, your lord-
ships . . .

RUMPF J: We don't want you to stop from this document because it gives you the idea of how the Crown may argue its case, and it does produce some of the evidence which in fact has been led, and you can ask the witness to deal with that evidence. You can also ask the witness to deal with other evidence.

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MR. ADAMS: I'm indebted to your lordships.

KENNEDY J: As indeed you have been doing. You've been putting the Opening Address coupled with the exhibits relating to the particular statements made in the Opening Address.

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MR. ADAMS: Yes, my lord. I think your lordships do realise my difficulty; if I did not take the Opening Address I would have to take the witness through each of the documents and each of the speeches, and ask the witness whether these allegations are contained in the documents, and the speeches.

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BEKKER J: Mr. Adams, you know it's not our function to give advice or to assist; when Counsel withdrew I asked Mr. Nokwe whether he realised the implications. He said yes. Now this is one of the implications which followed. You say you find it difficult to present your case. You elected to have the services of Counsel terminated. We cannot really assist you in the presentation of your case; we can only judge on the whole case.

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MR. ADAMS: My lords, we do have assistance from an attorney, but the difficulty again is the time factor. We are very limited as far as time is concerned.

RUMPF J: You have an attorney sitting on

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your left and a Counsel on your right. 1

MR. ADAMS: My lords, may I comment that we do not regret for one moment our decision . . .

BEKKER J: I'm not saying it is a matter which you should or should not regret. It's a question of you finding yourself in a position where you say 'I find it difficult to know how to present my case'. 5

MR. ADAMS: My lords, our decision was not as a rebuff to this Court at all; we did realise right from the beginning, my lords, the difficulties that we would encounter in carrying on the case under a State of Emergency. My lords, we find difficulty even in consulting an attorney at this stage. I cannot see how we could have continued with the Counsel that we had, how we could ever have consulted them under the difficulties that we are faced with now. 10 15

MR. ADAMS: Mrs. Joseph, I would like to take you a little bit back on your evidence. I referred you to page 502 of the Crown's Opening Address, where it quotes a passage which is contained in the Bulletin "Forward to Freedom" alleged to be published by the Transvaal Consultative Committee of the A.N.C. T.I.C. S.A.P.C.O and C.O.D. I would like you to have a look at the passage which appears - which is the third paragraph in the second column, on the first page. 20 25
Could you give their lordships your comments on this passage.

KENNEDY J: Is it the one at 502?

MR. ADAMS: At page 502, my lord. Mrs. Joseph, could you perhaps give the exhibit number to their lord- 30

ships?-- C.108, my lords. 1

That is a Bulletin "Forward to Freedom"?-- My lords, now that I see this passage in the context of the whole article, I want to make the following comment on it. That is that it states the variety of forms of struggle, but where it says 'In order that the maximum number and strongest blows shall be delivered', I see in that merely the political language to express the strength at which a campaign should be waged. I think it could obviously not be taken in any literal sense. In the final sentence 'There must be meetings, demonstrations, petitions, resistance', these are all non-violent forms of struggle, my lords, and fall within our Congress policy, and the final words 'Refer to other forms of struggle which the people are sure to evolve themselves'. My lords, in that last sentence it seems to me that the writer is envisaging that there may be other forms of struggle, that it would be impossible at that stage to lay down a rigid programme of struggle against the Passes, especially in respect of the new aspect of the struggle, that of the women, but in this phrase 'other forms of struggle which the people are sure to evolve themselves' I feel that seeing that this article appeared in an official Congress, Joint Congress Bulletin, it could have no meaning other than that which refers to our non-violent programme. These other forms of struggle, I maintain, would also be non-violent. 5 10 15 20 25

Mrs. Joseph, on the question of the Passes for Women, I would like to refer you to the same page of the Crown's Opening Address where there is a passage 30

taken from the January 1956 issue of "Fighting Talk" 1
entitled 'Women against Passes'. Would you give their
lordships your comments on this article, but before
you do that this article was written by you, was it?--
Yes, my lords, this is my article, which was published
in "Fighting Talk". 5

KENNEDY J. The exhibit number; have you got it
there?-- G.1132, my lords, and the issue is January, 1956.

MR. ADAMS: You did write this article?-- This
article was written by me.

Would you give their lordships your comments on 10
that article?-- My lords, I would first like to make
the comment that the title of the article is "Women
against Passes", and not "Forward to the Freedom Char-
ter" as it has been set out in the Crown's Opening
Address, but by virtue of the quotation I know that 15
the same article is referred to. My lords, this ar-
ticle was written by me on the subject of the campaign
of the women against the Extension of Passes. The
few lines to which special reference are made by the
Crown - there are only three lines, my lords, I would 20
like to read them. "This struggle against the Pass
Laws is not a matter for African women alone, not a
matter for the African people alone, it is part and
parcel of the struggle for liberation." My lords, 25
by that I intended to convey my feeling that it would
be incorrect to restrict the struggle for passes to a
struggle amongst African women only. I felt that it
was not only part of the struggle against the whole
Pass System, but that it was part of the struggle
against apartheid, and the struggle against apartheid 30

is in fact the struggle for liberation. And that was 1
my meaning, my lords, as expressed in this extract. I
was laying emphasis on the fact that this campaign
against passes for women should not be isolated, but
should be seen in the context of the wider struggle, 5
but that, my lords, did not mean that I considered that
the Pass struggle of the women was merely a part of the
greater struggle. I want to emphasise that, my lords,
that to us the struggle to prevent, if possible, the
extension of passes to African women, was a struggle in 10
which we were engaged most sincerely.

Now, Mrs. Joseph, I would like to refer you to
page 507, the Opening Address, where the Crown alleges
- I'm reading from line 18, Mrs. Joseph - "From the
analysis of this material by the expert witnesses the 15
Crown will invite the Court to conclude that the
technique employed by the conspirators are in the main
Communist inspired. These techniques the Crown will
claim involve, inter alia . . ." Mrs. Joseph, in the
light of this allegation I would like you to comment 20
on each one of the techniques set out following this
allegation. Would you take them one by one and give
their lordships your comments?-- My lords, the first
technique dealt with is that of rousing and mobilising
the masses, especially the Non-European masses, against 25
the State. I think my lords, I have to some extent
already dealt with that in connection with the three
campaigns on which I gave evidence this morning, that
is the Western Areas Removal, Bantu Education and the
Pass Campaign. I seem to remember that the same allega- 30

tion was made in respect of those campaigns, and I can really only repeat my denials, that our campaigns were merely for rousing and mobilising the masses, To deny categorically that we were mobilising the masses against the State - - I think that has become clear from the evidence I gave this morning; and in respect of this technique, I want to say, my lords, and this is a general comment which will apply to the other techniques - - that the techniques used by the Congress Movement are the techniques which appear to us to be those best suited for our particular type of struggle, which is a non-violent struggle conducted amongst a large number of people, the majority of the Union's population, who are denied the right to vote, and who are therefore compelled to use extra-parliamentary techniques. I want to say, my lords, that these techniques arise out of the objective situation in South Africa, but are not inspired from outside South Africa. The second technique, my lords, is that of an alleged exploitation of all possible grievances against the existing State, and against existing Laws. Here, my lords, I must repeat again my denial that we exploit grievances, and also point out that our campaigns begin before the laws are passed. The evils of the laws which we oppose are realised as soon as a proposal to produce these laws is known. And it is at that stage that our campaign starts; it is incorrect to make this implication that we campaign particularly against existing laws - - that conveys, I think, my lords, an incorrect impression. The third technique, my lords, is that of the United Front. My lords,

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I want to say that as far as I am aware the technique
of a united front is a recognised political technique
in many countries of the world, a recognised technique
amongst political parties in opposition. And that is
how we ourselves saw it in South Africa; we attached
great importance to the building of a united front,
because we feel that if our struggle can win the alliance
and support of groups of people on specific issues,
even though those groups of people might not want to go
all the way with us, it will nevertheless be possible
with that support, gradually to build a widening front
of opposition, until a stage can be reached when the
Nationalists will be reduced to an ineffective minority.
That , my lords, is how I understand the technique of
a united front, and again I say that to me that is a
general acknowledged technique. The fourth one, my
lords, is the exploitation of grievances of the workers
against the employers. My lords, we in our organisation
would not support the exploitation of grievances of
workers. When the Native Settlement of Disputes Act
was passed we campaigned against it because we felt
that it destroyed the right of collective bargaining
for a specific group of workers. This, my lords, was
a very real grievance and not one that could be con-
sidered to be exploited. The fifth one, my lords,
That deals with the Liberation Movement, alleging that
the propagation and support of the Liberation Movement
would be a Communist inspired technique. My lords,
I have dealt I think in considerable detail with our
concept of the Liberation Movement, and I can only
emphasise that what we understand by the Liberation

Movement and/or struggle here, is not Communist inspired. 1
The sixth, my lords, is the suggestion that the propaga-
tion of universal suffrage and equal rights for all mem-
bers of the population is also a Communist inspired
technique, while what is in fact aimed at would be a
Communist regime in which Democratic rights would not 5
exist at all. My lords, the suggestion that the pro-
pagation of universal suffrage and equal rights for
all members is a Communist inspired technique to me is
something which is directly in conflict with the aims
of the Congress Movements. We have said, and we be- 10
lieve, that the achievement of the universal suffrage
and equal rights is fundamental to the building of a
multi-racial democracy. It is no new technique, my
lords, it is the very basis of our struggle. And, 15
finally, my lords, the last technique is that of
ridiculing the possibility of Parliamentary action for
achieving the objectives aimed at, describing the laws
of Parliament as oppressive measures intended to favour
the ruling classes only, and emphasising the necessity
of resorting to extra parliamentary means including 20
violence. The first one, that of ridiculing, my
lords, we do not ridicule the possibility of Parliamen-
tary activity. On the contrary, our programme is that
through extra-parliamentary pressure and through parlia- 25
mentary pressure, we hope to achieve our objects.
There is no ridiculing. Our activities are aimed at
influencing the white electorate within Parliament.
It is true that we feel that the Laws of Parliament
are passed to favour the ruling classes only, in the 30

sense that the ruling class is the white people in South Africa; that, my lords, is correct, but I want to say that it is not a Communist inspired technique; it has its roots in the situation in South Africa and is an expression of our opinion, And finally, my lords, emphasising the necessity of resorting to extra-parliamentary means, that is correct, that we do emphasise that necessity, but we do not at any time include violence in our extra-parliamentary means. Our technique of extra-parliamentary pressure is one that is forced upon us by the situation in South Africa, in which parliamentary access is denied to so many of the people. It is not a technique inspired by Communism, it has its roots in our situation here.

Mrs. Joseph, at the adjournment this afternoon we were dealing with the question of the use by the organisations of the Press. Now, some of the journals have been mentioned by the Crown in its Opening Address. At page 516, in dealing with the publication "Fighting Talk" the Crown alleges that this journal was edited and managed by an independent committee of supporters of the Congress Movement, and that the journal was to be the voice of the Congress Movement. The Crown further alleges that this was no idle boast. Its political orientation was Communist, and it advocated revolution in a variety of subtle ways. Mrs. Joseph, have you read this publication, and are you conversant with its policy?-- Yes, my lords, I am a regular reader of "Fighting Talk" and I would say that I am conversant with its policy.

Have you been a subscriber to the journal?-- Yes, my lords, I have been a subscriber for I think six

years now - ever since in fact it became an independent organ. That was at the beginning of 1954. 1

In fact have you written articles for the journal?-- Yes, I have myself written articles for the journal.

Was the "Fighting Talk" the voice of the Congress Movement?-- My lords, when the journal announced that it was going to be independent, that is when it was no longer the organ of the Springbok Legion, it then styled itself as The Voice of the Congress Movement. I think, however, that it would be incorrect to accept that rather narrow description of "Fighting Talk". It has a wide range of articles that go very far beyond the Congress Movement. In fact, far beyond the field of politics. It includes articles on literature, science, biology, the Theatre - - far beyond - - so I would not really describe it as the Voice of the Congress Movement, except insofar as it does undoubtedly support the policy of the Congress Movement. 5 10 15

Now, at the bottom of the same page, Mrs. Joseph, the Crown further alleges that "Fighting Talk" advised extra parliamentary action and sponsored the Congress of the People, hailing the Freedom Charter as a basis for a new South Africa. According to the Crown it accentuated the class struggle, and followed the Communist policy in its analysis of ^{the} contemporary international scene. It supported all the campaigns against South African Laws mentioned elsewhere; its articles the Crown alleges reveal all the usual Communist language and slogans. Is it correct, Mrs. Joseph, that "Fighting Talk" advised extra parliamentary action?-- My lords, I don't recall that "Fighting Talk" itself advised extra- 20 25 30

parliamentary action. Insofar as extra-parliamentary
 action was called for by the Congresses, and that par-
 ticular topic was being dealt with, in articles in
 "Fighting Talk" - I suppose the publication of these
 articles supported that call, but I don't ever recall
 that "Fighting Talk" itself advised extra parliamentary
 action.

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KENNEDY J: Mrs. Joseph, would you mind telling
 us, was there an Action Committee of the various Con-
 gress Movements which served on the "Fighting Talk"?--
 No, my lord, the "Fighting Talk" Editorial Board was
 composed of individuals.

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x RUMPF J: Who were they? -- They varied from
 time to time, my lord.

KENNEDY J: I'm just puzzled about what I think
 was a statement it itself made when it ceased to be the
 official organ for the Springbok Legion, which I think
 was in about 1954?-- Yes.

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Then it stated that from now on it has an inde-
 pendent Committee of Supporters from the Congress Move-
 ments?-- Yes, my lord, I think it is quite correct to
 assume that the people who served on the Editorial Board
 would be members of the Congresses. I wanted to make
 the distinction that they were not appointed officially

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Yes.

MR. ADAMS: Mrs Joseph, who were the members who
 served on the Board?-- Ruth First, my lords, was one of
 the members. My lords, I am really at a loss now. I
 don't think I have ever followed who were the members
 because it was not an official sanctioning by our organi-

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sations. I would not know who were at any time serving
on the Board. They were individuals who were changed
quite considerably from time to time.

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Mrs. Joseph, the phrase 'Voice of the Congress
Movement', would you say which Congress Movement this
refers to?-- My Lords, there could really only be one
Congress Movement, that is the Movement of the Congresses,
the Congress Alliance. May I just revert to your lord-
ship's question about the editorial board of "Fighting
Talk"? My lords, I do recall that on that Board there
were members not only of the Congress of Democrats in
their individual capacity, but there were also individual
members from other Congresses, and this is my difficulty -
I don't remember who they were, if indeed I ever knew, but
it was a Board I know that was composed of individuals from
the other Congresses.

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Mrs. Joseph, is it correct to say that "Fighting
Talk" accentuated the class struggle and followed the
Communist policy in its analysis of the contemporary
international scene?-- My lords, I certainly would not
say that "Fighting Talk" accentuated the class struggle;
over the years I have got no such impression. It covers,
as I have said, a wide range of subjects and I certainly
don't remember any such accentuation. I must have read
a considerable number of issues of Fighting Talk during
the years and I have no such impression. As for the
statement about the Communist policy and its analysis
of the contemporary international scene, I'm afraid I
wouldn't be able to apply that to Fighting Talk unless
I really knew what the Communist policy in its analysis

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would be.

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Mrs. Joseph, what is your comment on the allegation by the Crown that the articles reveal the usual Communist language and slogans?-- My lords, I'm not really clear as to what the Crown means by the usual Communist language and slogans. I can only say that I don't remember that articles were coached in any particular slogans, or that they featured -- I don't even know how to describe Communist language. Or that I even got an impression -- put it that way -- that these articles were coached in Communist language.

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Mrs. Joseph, would you repeat the last part of your reply please?-- The last portion of?

Your reply?-- I said that I got no impression that it was coached in any particular language, or in Communist language -- there were a wide variety of articles, mostly written in clear English and I think not markedly political language of any sort.

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Mrs. Joseph, will you look at your article which appeared in Fighting Talk.

BEKKER J: What exhibit number is that?

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MR. ADAMS: G.1132, my lord. The first paragraph, Mrs. Joseph, do you consider that passage to be the usual Communist language and slogans?-- I certainly don't

Would you please read that paragraph?-- Yes.
"October 27th, 1955: The Blue Skies, Green Lawns, brilliantly coloured flowers, the Union Buildings Citadel of Apartheid. This was the scene of the historic Womens Protest in Pretoria. Overcoming all obstacles, resisting all intimidation, nearly 2,000

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women, Africans, Indian, Coloured and European, had triumphantly made their way to the Union Buildings to deliver their protest against oppressive Legislation to the Cabinet of the Nationalist Government." 1

Mrs. Joseph, would you consider that to be the usual Communist language and slogans?-- 5

BEKKER J: She says she doesn't know what that is, what is the usual Communist slogans and language. What's the point in asking her.

MR. ADAMS: My lord . . .

> RUMPF J: Did the Crown suggest that that was Communist slogans? 10

MR. ADAMS: This refers to all the articles written in these journals. I take it that it does refer to that.

x RUMPF J: Well, then it's a question of argument. 15

MR. ADAMS: I think this witness has informed the Court that she is a B.A. Honours Graduate, and I think she is . . .

x RUMPF J: Well, the Crown hasn't contended and will certainly not contend that that paragraph is full of Communist slogans. 20

MR. ADAMS: Well, I don't know what the Crown is going to contend, my lord.

x RUMPF J: Wait till the end of the case and then you'll hear it. Then you can answer on the argument. Now you've got to deal with facts. 25

MR. ADAMS: My lord, I might have to put the whole article to the witness. I was going to merely take certain extracts from it and put them to the witness. 30

x RUMPF J: Well, she has clearly said that she
doesn't know what Communist language and slogans is. 1

MR. ADAMS: I won't take it any further, my lord.

KENNEDY J: If the Crown does rely on it you can
make a note of it and deal with it in argument, and say
"In what way does it represent Communist language and
slogans". That would be essentially a matter for argu- 5
ment, Mr. Adams.

MR. ADAMS: My lord, I don't know what the Crown
is going to rely on. That is my difficulty.

KENNEDY J: Well, that will be a question for 10
argument.

MR. ADAMS: This article was written by this accused
person; she might be able to say what language she em-
ployed, my lord.

KENNEDY J: Well, she has said it, and she says 15
she doesn't know what Communist language and slogans
are. You can argue on it.

MR. ADAMS: Mrs. Joseph, we now get to the
journal "Liberation". Have you read this journal?-- 20
Yes, my lords, I have read Liberation.

Have you been a subscriber to this journal?-- For
some years I have been a subscriber.

Have you been acquainted with the policy of this
journal?-- I have gathered its policy from reading num- 25
bers of Liberation.

At page 517 the Crown alleges that the policy of
this journal was strongly anti-Imperialist and pro-
Communist. According to the Crown it warned its readers
that revolutionary changes in the Union's political 30

structure could only be obtained by revolutionary means 1
and saw vigorous Peoples Democracy as the only possible
true alternative to what it calls the Malan-Strydom
dictatorship. It describes the Freedom Charter as the
Peoples Programme for action and dismisses the South
African Constitution as that rotten leaky compromise. 5
It stresses the need for mass action and the building of
a united front. Is this in line with the policy of your
organisation?-- My lords, to suggest that revolutionary
changes in the Union's political structure could only be
obtained by revolutionary means would certainly not be 10
in line with the policy of my organisation, if revolu-
tionary means is taken in a violent sense. We would,
however, support the suggestion that a vigorous Peoples
Democracy would be the only possible true alternative 15
to the Malan-Strydom Dictatorship. The Peoples Demo-
cracy, of course, would be a truly Multi-racial demo-
cracy in which there would be full representation of
all people in Parliament, through the universal fran-
chise. We would, I think support the suggestion of 20
the Freedom Charter as the Peoples Programme of Action.
I only hesitate, my lords, because to me the Freedom
Charter is a long term objective and technically I find
it difficult to consider it actually as a programme of
action in itself, in the sense that the achievement of 25
the Freedom Charter would be a programme of action. We
would certainly support it. I don't remember the actual
article in which the South African Constitution was des-
cribed as that rotten, leaky compromise, but I think it
is correct to state that the attitude of my organisation 30

towards the South African Constitution is that it affords 1
no protection to the great majority of the people of
South Africa who did not have any say in the framing of
it. We also have in our organisation always supported
the need for mass action, that is for united action
amongst the people, and also for the building of a united 5
front. So insofar as what I have said goes, my lords,
it is correct to say that this would be in line with the
policy of my organisation.

Mrs. Joseph, to illustrate this allegation the
Crown has quoted a very lengthy passage from the November 10
1953 issue of 'Liberation', the article is entitled "Con-
stitutional Fallacy". Would you kindly look at this ar-
ticle.

BEKKER J: Is this the one to which Mr. Price
replied to? 15

MR. ADAMS: That is right.

BEKKER J: Followed by the article of Mr. Mandela.

MR. ADAMS: That is correct, my lord.

BEKKER J: Yes, now I think the accused should
by this time all be aware, after the cross examination 20
of the last witness, what these three articles are about.
If you feel that that may be so, will you just put the
question to the witness. .

MR. ADAMS: My lord, I merely asked the wit-
ness to look at the article. I do want to put all 25
three of the articles to her, and ask the witness the
history of these articles.

BEKKER J: The history?

MR. ADAMS: Yes, my lord.

MR. ADAMS: My lord, I wish to ask the witness 1
that for the purpose of enabling her to comment on this
allegation.

BEKKER J: Yes.

MR. ADAMS: Mrs. Joseph, would you also look at 5
the June, 1953, issue of 'Liberation' and the September
1953 issue of 'Liberation'. Would you look at the ar-
ticle in these issues by Mr. Mandela and the article by
Mr. Price, and the article by Mrs. Slovo, and would you
give their lordships the history of these articles?--

KENNEDY J: I don't understand what you mean 10
by that, Mr. Adams.

MR. ADAMS: My lord, they are a series of ar-
ticles - - I suppose, my lord, I should get this from
the witness. Mrs. Joseph. . .

× RUMPF J: Do you know the history of the ar- 15
ticles?-- Yes, my lord, I do. Would you like me to
give it?

Yes?-- My lords, the first article is entitled
'The searchlight on the on the Liberal Party', and it
appeared in 'Liberation' of September 1953, I think, 20
shortly after the formation of the Liberal Party.
There was, my lords, at that time considerable criticism
by the Congresses of the policy of the Liberal Party
both in regard to their suggestion of a qualified Fran-
chise and also to their insistence on only constitutional 25
action. This particular aspect of the Liberal Party's
policy was dealt with in this article 'Searchlight on
the Liberal Party' which was written by Mr. Mandela.
And in that article he presents the objection of the
Congress Movement to these limitations. 30

KENNEDY J: Mr. Adams. must we have this again? 1

Has it not been fully canvassed and doesn't the article speak for itself? What on earth can the witness give than is contained in the article, and the reply by Mr. Price and another answer by Ruth First? Why do you not ask the witness - may I suggest that you do - "Do you agree with any of these articles, or is there anything with which you disagree", because I don't think the witness should give an exposition of what the articles themselves contain. They speak for themselves. We have heard Mr. Luthuli for many hours on these three articles., and I suggest that your evidence should be confined, or your questions should be confined to whether the witness agrees or disagrees with any of the aspects contained in the articles. 5 10

MR. ADAMS: With respect, my lord, this article is the article by Mrs. Slovo and is quoted as an example to the allegation that this journal is strongly anti-Imperialist and pro-Communist. Now, I don't think . . . 15

BEKKER J: Yes, well, just pause there. Whether this witness gives evidence or not as to - - if she says "The article I deny is pro-Communist", it doesn't carry the matter any further because it is for us to judge, not on the witness' interpretation but our interpretation on the contents of the article, whether the Crown is justified in saying it's pro-Communist. If the Crown says it's pro-Communist and we come to the conclusion the Crown is not correct, then whether this witness says the Crown is incorrect or not doesn't assist us. We've got to interpret that article. 20 25

MR. ADAMS: My lord, I don't know how else - 30

I seek your lordships' guidance on this matter -- I don't know how else we can challenge this allegation of the Crown. 1

BEKKER J: You can say to the Court "Look at this article; whether this witness has given evidence under oath or not- "Look at this article, in what fashion can the Crown possibly contend that this is Communistically inspired?". That's argument, Mr. Adams. 5

RUMPFER J: You can ask this witness whether she agrees with anything or disagrees with anything and whether it's in line with the policy of her organisation. 10

KENNEDY J: If the Crown says two and two make five, and it produces a document - this document - and it says "There you are, two and two make five", and the Court says "Oh, no, two and two makes four", - then whether this witness says two and two make four doesn't assist. 15

MR. ADAMS: Except, my lords, that the Crown did call in expert evidence on Communism, Prof. Murray.

BEKKER J: But this witness says she knows nothing about Communism.

MR. ADAMS: My Lord, with respect, that is not the point. 20

BEKKER J: Well, what is the point?

MR. ADAMS: The Crown's expert has dubbed this journal as being pro-Communist and anti-Imperialist,

BEKKER J: And the Crown witness was cross examined by your Counsel. Why does he say this, and he gave his reasons. Now, whether his reasons are good, bad or indifferent, that is a matter which will ultimately have to be decided by us after having heard argument. 25

You see, I don't think you quite appreciate the difference between what is argument and what will remain argument and what is to be left for argument, on the one hand, as opposed to the facts on the other. 1

MR. ADAMS. My lord, I won't take this matter any further, except that I still cannot see how this article could have been said to be - - I'm quite sure that the Crown was - - because they have handed in all these issues of 'Liberation' 5

X RUMPF J: Well, that you can argue at the end of the Crown case. 10

MR. ADAMS: And yet, my lords, after going through all the articles, they could still come to the conclusion that this was Communist.

BEKKER J: Yes, well, I'll give you a tip, Mr. Adams. Confine yourself to those 'Liberations' which the Crown handed in because it is on those Liberations that the Crown can only argue, not in general; it's got to prove what it says, or hopes to prove. Now, it's handed in a number of Liberations, and obviously the Crown can only base an argument that it contains Communistic propaganda on the articles handed in - not of unknown articles . . 15 20

MR. ADAMS: Yes, my lord, I won't press the matter.

RUMPF J: You are entitled to ask the witness about the policy. Whether this is in conflict with any policy of any of the Congresses. 25

MR. ADAMS: Mrs. Joseph, would you look at the article "The Constitutional Fallacy". I think it would be better if you'd look at it in the Crown's Opening 30

Address first; the first two paragraphs quoted by the Crown in its Opening Address. The article appears at page 517 line 30, and at page 518 line 28. Would you tell their lordships whether this is in any way in conflict with the policies of the S.A. Congress of Democrats and the policy of the S.A. Federation of South African Women?-- My lords, I don't find that these passages are in conflict with our policy, for the following reasons: In the first paragraph the writer mentions a number of historical events, such as the Cromwell Uprising, the War of Independence in North America, the Paris Commune, the 1926 Strike in Britain, and the Resistance Movement of the People in Europe during the last War, and she points out that there was no guarantee that these events could have achieved their aims peaceably, but that nevertheless they are events of major historical importance, and she puts it to Mr. Price that "You cannot ask such a guarantee in any campaign of a major nature, that it eventually will only be peaceable, because there may be all sorts of other factors". That, my lords, is not in conflict with our non-violent policy. We have pointed out frequently in our speeches to people that even though ours is a non-violent policy, the people must realise that they may be called upon to suffer. We can give no guarantee, and all that the writer is doing is pointing out that history shows that such guarantees cannot in fact be given. Mr. Price had in his article, my lords, suggested that such guarantees should be given. I don't find Miss First, in her point here, at all in conflict with our policy. In the second paragraph, she again in her attack on Mr. Price, is making the suggestion that ceaseless

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constitutional action, argument and organisation alone 1
cannot really achieve the end. She is attacking Mr.
Price for his restriction to constitutional. Again,
my lords, I don't see anything that would conflict with
our policy. We have consistently maintained that al-
though we must endeavour to work as far as possible 5
through constitutional means, the very fact that the
majority of the people in South Africa may not enter
the constitutional field, compels us to resort also to
unconstitutional and extra-parliamentary action. In
the final paragraph, again, Ruth First is speaking or 10
writing in the context of our policy when she says the
non-European political movements do not scorn argument
and organisation. We do not scorn them, but there comes
a time when consistent organisation will produce peoples'
actions in defence of rights. There comes a time in 15
the growth of every political movement when patient repre-
sentation to authority goes unheard and argument has failed.
That, my lords, is quite within our policy, so it is in
fact a re-statement of the position as it appeared to 20
the African National Congress at the time when they adopt-
ed their 1949 Programme of Action. The patient repre-
sentation to authority had gone unheard. I do not feel
that there is anything in these extracts quoted by the
Crown which are at all inconsistent with the policy of
my organisations. 25

Mrs. Joseph, I would now like to pass on to
the journals "Advance" and "New Age". Have you read
these journals?-- Yes, my lords.

Are you familiar with its policy?-- I am.

At page 519 of the Opening Address the Crown alleges that these journals - - I quote, "The Crown will say followed contemporary Communist Policy in praising everything done by Socialist countries and denouncing everything done by Capitalist countries." To the best of your knowledge is this what New Age and Advance did?-- My lords, my principal interest in New Age and Advance is really the reading of Congress matters. I don't read the papers from page to page, but I think it is correct to say that New Age and Advance do praise the achievements of Socialist countries.

X RUMPF J: You mean Communist countries?-- I was taking it at its face value, my lord, Socialist countries. I think it is true to say that New Age praises the achievements in Communist countries, as well.

X You used the term Socialist countries?-- Well, I quoted it from the Crown's Opening Address, my lord. The Crown uses the word Socialist, my lord. I think that that is correct, my lord, and it certainly does denounce the evils of the Capitalist system. I don't think I could go as far as to say it praises everything done by Socialist countries and denounces everything done by Capitalist countries. That, my lord, is a very sweeping statement. But there is open praise for the achievements of Socialism and denunciation of the evils of Capitalism. That is correct. Whether that is contemporary Communist policy is another matter, my lords.

MR. ADAMS: Mrs. Joseph, do you agree with the allegation by the Crown that New Age was described as the mouthpiece of the Liberation Movement?-- I have

not met anywhere such a description that I can recall. 1
 But I think it is very correct to assume that insofar
 as the reportage of news is concerned, "New Age" would
 be that mouthpiece. "New Age" is the paper which re-
 ports our activities and which gives prominence to state-
 ments by the Congress Organisations and we do make use 5
 of "New Age" for the publication of our views and our as-
 pirations, for the reasons, my lords, - one of the reasons
 is - the reason I have mentioned already - and that is
 the difficulty of getting adequate space or attention in
 the Daily Press, and we have made a very great use of 10
 the paper "New Age" as the news mouthpiece and as the
 mouthpiece through which we publish our statements.

✓ RUMPF J: Who published "New Age"?-- You mean
 the Committee, the Editorial?

Yes?-- It has its own Editorial Board, my lord. 15

How is that constituted?-- I don't know, my lord;
 I have always accepted that it was an independent Editorial
 Board.

Who were on the Board to your knowledge?-- My
 lords, I can only give the names of one or two of those 20
 whom I have seen in the paper as Editors responsible for
 comments from time to time. The headquarters of "New
 Age" - - it is published in Cape Town, it's not in Johan-
 nesburg. The Editors have been Brian Bunting, I think
 L Forman, I've seen the name F. Carnesson, but I cannot 25
 go beyond that, my lord.

Yes.

MR. ADAMS: Mrs. Joseph, has the S.A. Congress
 of Democrats and the Federation of South African Women
 ever discussed these journals "Fighting Talk", "Libera- 30

MRS. JOSEPH

tion", "Advance, "New Age", as being the mouthpiece of
the Liberation Movement?— No, my lords, I don't recall
that particular phrase ever being used. I said we did
make use of these journals, but I don't recall that par-
ticular phrase ever being used.

Have they ever discussed that the polices of these
journals were Communist inspired?-- I have never heard
such a discussion, my lords.

Thank you. Mrs. Joseph, I have now finished with
the Opening Address, but there is one further document
that I would like to put to you; that is the Freedom
Charter, Exhibit A.10, my lords?— My lords, may I ask
before starting with this document, may I plead that I
am extremely tired; would it be possible for me to stop
now, my lords. I'm finding it difficult to concentrate,
my lords, sufficiently on my answers.

RUMFFF J: Yes. Have you got another witness to
go on with?

MR. ADAMS: No, my lord.

RUMFFF J: Well, if this happens again you
must see, if you have other witnesses, that they are
available.

MR. ADAMS: We will consider that, my lords.

COURT ADJOURNED.

COURT RESUMES ON THE 8TH JUNE, 1960.

Accused Ndinba is back in Court.

HELEN BEATRICE MAY JOSEPH, under former oath;

My Lords, before the Examination continues, may I deal with one or two points from yesterday which I would like to amplify. My Lord, the first is on the question of the use of the usual communist language and slogans. My Lord, I feel that I may have inadvertently created the impression that I am saying that I know nothing whatever about communism. I would not like that impression to be created, My Lord. I had not intended to deny a general knowledge of communism. I wanted to make it clear that I had not studied deeply communism, and therefore might not be in a position to comment reliably upon whether a document is communistic. On the question of the usual communist language and slogans, My Lord, I would like to make this clear, that there is a great body of political language which is used, political phrases, political clichés, which really are in common usage, and I do not associate them with any particular ideology. They probably are used in communist ideology, they probably are used in trade union ideology, in socialist ideology, and are common to political language. My difficulty, My Lords, would be to take any phrase of cliché or slogan and say categorically that I would recognise that as being particularly or peculiarly communist. My Lord, that is what I really wanted to convey yesterday, but thinking it over, I realised that I did not make myself clear. The second point My Lords is a reply to a question by Mr. Justice Bekker. Your Lordship asked me whether there was not a contradiction between my statement that I considered the use of hundreds of armed police in Sophiatown on the day of the removal to be provocative,

and then the phrase in the document, "Report of the Secretariat on the Western Areas", which says, "the aim should be to make it necessary for the authorities to employ ever more and more forces to effect the removals". My Lord, I have been thinking this question over, and 5 it seems to me now that it is quite clear that this statement in the Report of the Secretariat, does not necessarily refer to armed forces at all. It simply says "the aim should be to make the authorities employ ever more and more forces". I do not think My Lords that it would be 10 correct to assume that forces meant armed forces. It could be, and I think was used in the sense of force in the sense of compulsion.

BY MR. JUSTICE BEKKER :

What is the act of provocation? The fact 15 that a policeman is armed or the fact that a policeman is present? --- My Lord, the provocation was in my mind the number of police and in the fact that they were armed, and that there was a display of armed force on the day of the removal. I think it is correct to say that a police- 20 man is always armed to some extent in South Africa.

EXAMINATION BY MR. ADAMS CONTINUED :

Mrs. Joseph, when you wrote the article in Fighting Talk, could you tell their Lordships what language you used? --- My article in Fighting Talk, I used.. 25

Was it any communist slogans? --- No, My Lord, I wrote that article in my own language, which I maintain is free, which I hope is free from slogans and cliches that would be identified with any particular ideology. I used what I have described already as 30 political language, if I am writing an article that is a political article, and I don't use the phrases as having

their roots in any particular ideology. They express my own way of thinking.

Yesterday afternoon we just started dealing with the Freedom Charter. You have a copy in front of you? --- I have. 5

It is A.10, My Lord. Would you look at the top of the Freedom Charter, which says, "We, the people of South Africa declare for our country and all the world to know that South Africa belongs to all who live in it, Black and White, and that no government can justly claim 10 authority unless it is based on the will of the people." Do you consider this to be a legitimate demand to be fought for by the non-European people of this country? --- My Lords, I consider it a legitimate demand to be struggles for or fought for by all the people of this 15 country, particularly the non-European people, and it is, My Lord, in line with my statement earlier that democratic government depends upon the active consent of all the people who are to be governed, and that, to my mind, My Lords, relates to this suggestion that no government can 20 justly claim authority unless it is based on the will of all the people.

BY MR. JUSTICE BEKKER :

Irrespective of education, and unqualified vote for every person? --- Yes, My Lord, for every adult 25 person. I do not recognise ...

By adult you mean what? --- I would say twenty-one years, that is my personal qualification.

So the only qualification any person in South Africa must possess in order to qualify for the 30 vote is to have reached the age of twenty-one? --- Yes, My Lord, that is what we are demanding, and I stand by

that and I think it is the only basis for democratic government.

BY MR. ADAMS :

As far as the European electorate in this country is concerned, would you say that there is an educational qualification for voters? --- No, My Lords, there is no educational qualification. There is merely as I know it, an age qualification. 5

Do you find any reason why you should not have an educational qualification amongst the Europeans? 10

BY MR. JUSTICE RUMFEE :

Is this really material to the case at all?

BY MR. ADAMS :

I won't take it any further, My Lord. Would you look at the second portion, "The people have been robbed of their birthright to land". Is it correct that the African people have been robbed of their birthright to land? --- In my view that is a correct statement, My Lords. The African people who represent the great majority in South Africa have only been accorded a very small percentage of the land of South Africa, and to my mind that is a robbing of the birthright of the people, because I see in South Africa, or any country, that the right to the land should be equal. No one group should be able to assume a right to more land than would be a just and equitable share. 25

The second portion of that section, would you say that the non-European people enjoy liberty and peace in this country? --- No, My Lords. The non-European people, with particular reference firstly to the African people do not enjoy liberty, because they are denied liberty of movement and they are denied the liberty to sell 30

their labour in the best markets, because of the very restriction of movement. The African people most certainly do not enjoy liberty and to a lesser extent I would say that the Indian people also do not enjoy liberty, because they again are denied the liberty to move about freely, 5 and the question of further liberties, the liberty to live where you choose, that is also denied to the non-European people. That My Lords, I think I would say that almost every liberty is to some extent denied to the non-European people. 10

Is it correct to say that the government of this country is founded on injustice and inequality? --- My Lords, I do feel this government of this country has been founded on injustice and inequality, because any government to my mind that is founded on inequality - on 15 the inequality of the vote cannot be a government that is consistent with justice and equality. Inequality is in itself, My Lord, injustice.

Would you explain the next portion, "That our country will never be prosperous or free until all 20 our people live in brotherhood enjoying equal rights and opportunities"? --- My Lords, this is a statement of our belief that prosperity and freedom can only come in South Africa with a multi-racial democratic system. I cannot see that South African can achieve its maximum 25 potential in prosperity while the mass of its people are unable because of our present system which is based on apartheid, to develop their labour to its full potential. I cannot see that a country can be described as prosperous when that prosperity is limited to one section. I cannot 30 see that our country can be free until all the people in the country enjoy freedom equally. And that can only

come when our people live enjoying equal rights and equal opportunities. Only then I think will South Africa live in brotherhood.

Would you consider South Africa to be a democratic state? --- No, My Lords, I do not consider South Africa to be a democratic state. It can never be so. 5

Would it be in line with communist theory to demand for a democratic state based on the will of all the people without distinction of colour, race, sex or belief? --- My Lords, it may be in line with communist theory, that may well be so. I am certainly under the impression that that is what is aimed at in communist theory, but I want to say that it is not only in communist theory, that is the aim of socialism, and that is also the aim of the Congress movement in South Africa. 10 15

Under the section, "The People Shall Govern" I would like you to look at the portion, "Every man and woman shall have the right to vote and to stand as a candidate to all bodies which make laws". As far as you are concerned, is there anything communistic in this demand? --- My Lords, I must give the same answer, that it may be communistic, but it is common to a belief of political theories far in excess of communism. 20

From what does this demand arise? --- My Lord this demand clearly arises from the denial to the majority of the Union's population of this particular right. It is only amongst the Europeans, the White people, that every man and woman enjoy these rights. 25

You have lived both in England and in India. Would it be correct to say that in both these countries every man and woman shall have the right to vote for and stand as a candidate for all bodies which 30

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