

# TREASON TRIAL BULLETIN

ISSUED BY THE TREASON TRIAL DEFENCE FUND (W.O. 2092)

Box 2864 · JOHANNESBURG

## WHAT IT'S ALL ABOUT

THE TREASON TRIAL DEFENCE FUND is an expression of public conscience. Behind the drama of the legal battle enacted in the Drill Hall, were 156 (now 95) individuals practically all without jobs or income. Yet they have to live; their families must be fed and clothed; lawyers must be briefed. The Fund, which depends entirely on public contributions, arranges these things. It was set up by civic and religious leaders who felt they were entitled to the benefit of a defence against a charge for which the penalty is death.

This small bulletin, to be issued periodically, will provide you with objective and factual information about the fund, the suspects and the court proceedings. We shall not comment on the proceedings, as under South African law this would constitute contempt of court.

LITTLE EXCUSE CAN BE FOUND for the way the Attorney-General instituted proceedings against 61 persons, only to admit - a year later - that he had no case against them.

It is a matter of public record that before the treason inquiry was instituted, the Crown devoted 18 months to pre-trial investigation; this, of course, was only right and proper. No prosecution - least of all one for a capital offence - should be lightly undertaken.

Bearing in mind the gravity of the charge, the distress caused to the accused and their next-of-kin, and the disruption to life and career, the Crown should have exercised the greatest care to ensure that there was prima facie evidence against each and every accused before authorising his arrest.

Nevertheless, before the preparatory examination was completed and before the accused had led a single word of evidence in their defence, the Attorney-General decided to drop his charges.

He is, naturally, entitled to do so. And we, for our part, warmly welcome his decision. But let us make no bones about it: THE CROWN SHOULD HAVE KNOWN FROM ITS STUDY OF THE EVIDENCE BEFORE THE INQUIRY OPENED THAT THERE WAS NO CASE AGAINST THE 61 WHO HAD BEEN ARRESTED IN

## In our opinion...

SINCE THE REMAINING 95 have been committed for trial, we cannot comment further on the issues raised by the Attorney-General's action. But the public is entitled to a full explanation by the Minister of Justice as to why, if there was no likelihood of the 61 being committed for trial, they were subjected to a year's arduous court proceedings, during which parents were taken from children, careers broken, livelihoods lost, occupations compulsorily abandoned and reputations destroyed.

The public is also entitled to know what the Minister is going to do by way of compensation to the 61.

Up to now the Treason Trial Defence Fund alone has supported the accused and paid for their legal defence. The fact that the 61 survived a harrowing year, spiritually and physically, is in no small measure due to the assistance afforded by the Fund. To the extent that its efforts have mitigated the hardships imposed by the inquiry and have made a proper legal defence possible, the Fund's existence has been amply vindicated.

It would be a great mistake to suppose that the Fund's duties have been substantially lessened by the discharge of 61 accused. They have to be rehabilitated and assisted to re-enter employment. Moreover, it is absolutely imperative that the best possible defence be provided for the remaining 95. It would be a tragedy if their chances of acquittal were prejudiced through a falling-off of contributions at this stage because of complacency.

PLEASE WRITE FOR A COPY OF THE TREASON TRIAL BOOKLET. It tells the story of the 4 a.m. arrests, contains biographies of all the accused, is very well illustrated with photographs. The price is 2/6d., postage free.

## In our Opinion ...

IT IS A NICE PARADOX that it has taken a mass trial for treason to assemble one of the finest collections of original paintings ever offered to South African buyers. (See page 4)

### CAPE TOWN ART SALE

A two-day sale of over 500 pictures, books and objets d'art which was opened on the second day by the Archbishop of Cape Town at the end of January both augmented the Fund, and enabled South Africans to take a look at some works of art which might otherwise never have come their way. Works by John Piper, Graham Sutherland, Barbara Hepworth and Ben Nicholson have not before been exhibited in this country.

The donation of these paintings, and of more than 100 autographed books - also a rarity in this country - reminds us that we have a cultural umbilical cord connecting us to a large and different world which believes that people are equal whatever their colour. If one has lived in South Africa all one's life it sometimes becomes difficult to believe that this idea is really quite normal.

The generous gifts to the Sale, and the letters we have received from men and women in many parts of the world, (see page 4) correct a perspective that is often lost in moments of despondency. The treason suspects and their sympathisers are regarded by many in South Africa as a minority of cranks crusading against their own interests, if they are White; the futile dreamers of a disinherited race, if they are Black. They are so regarded because they believe in a simple and fundamental idea - which they share with the painters, the authors and the letter-writers who have given so generously to the Fund for their defence.

"A CLASSIC IN THE LITERATURE OF HUMAN EQUALITY"

### BOOKS' PROFITS TO TRIAL FUND

THE PUBLISHERS OF "THE SOUTH AFRICAN TREASON TRIAL", John Alder & Company, have decided to donate all profits from the book's sale to the Defence Fund.

This gesture should mean a considerable windfall for the Fund, if the enthusiastic reviews in the British Press are any guide to the book's popularity.

## OVERSEAS RESPONSE Page 2. TO TREASON TRIAL BOOK.

WRITING IN THE "TRIBUNE", Fenner Brockway, Labour M.P. says: "I am not going to plead with readers of the 'Tribune' to buy this book. It is not a duty to have it. It is a privilege."

The authors of "The South African Treason Trial" are Lionel Forman, a Cape Town advocate who is one of the accused, and Solly Sachs, a veteran South African trade unionist, now living in England.

"It is a book of brave laughter which exposes the half-wittedness as well as the evil of Strijdom's secret police," writes the "DAILY HERALD" critic. "Here is a gift that can help the battle for brotherhood and freedom."

Under the headline "Amazing Story of the Thumbs Up Trial", the London "STAR" devotes almost a full page to its review, which is illustrated by a three-column photograph of the Bishop of Johannesburg surrounded by a crowd of people demonstrating against the arrests.

He continues: "No one can read the story of the trial without feeling this: the happy confidence of the 156 prisoners, the pitiful rage and futility of their persecutors, the wave of proud solidarity sweeping through the African people, the demoralisation among the little men in the Government and their sycophants.

"One is astounded that the Strijdoms and Swarts dare to claim superiority. These pages reveal a dignity and courage among the prisoners - Africans, Indians, Europeans and Coloureds - which make Ministers, magistrates and chiefs of police seem dwarfs."

"THE SOUTH AFRICAN TREASON TRIAL" is not yet being sold in South Africa. Some booksellers have not ordered it; others, who have placed orders, have not yet received their copies. They think that the order may not have been executed, possibly because the publishers are worried about a "contempt" ruling in South Africa.

## TREASON TRIAL BOOK (continued)

A "MANCHESTER GUARDIAN" EDITORIAL describes the book as "melancholy" reminder of the anniversary of the trial.

"As a good journalist Mr. Forman is mostly content to let the facts speak for themselves," said the critic of the "SUNDAY TIMES". "If occasionally he allows 'prejudice' to enter in, it is hardly to be wondered at." Willem van der Eyken, "TRUTH's" reviewer says: "I choked when I read this book. It is an ugly, bitter story in spite of the brave laughter that cuts through the lines."

"If there is one single factor which has united all Nationalist opposition into a steel-tempered wall, it is the Treason Trial. Some of the signs of that new strength are conveyed in Lionel Forman's lucid account of the Reichstag Fire Trial as Solly Sachs calls it."

Reviewing the book in the "NEW STATESMAN AND NATION", Father Trevor Huddleston writes: "It is not surprising that this first book about the trial is so greatly to be welcomed. For here, in concise form, and without the infringement of any sub judice regulations is the history of the trial up to date. And in addition to the history, a few chapters of great interest and significance on the background to the trial without which it would be hard for the outsider to understand what it is all about.

*HERE IS YOUR BOOK . . .*

"In other words, if you haven't had time to read the press reports, or if our memory is dim, or if you want to understand the realities of what is going on in that dusty Drill Hall in Johannesburg, here is your book."

Father Huddleston's point that the book does not violate any sub judice rule confirms the opinions of senior counsel (which were specially taken by the publishers) that the book is not in contempt of court.

The book "will be read as long as men struggle for liberty," wrote Fenner Brockway M.P. in "TRIBUNE". "It will become a classic in the literature of human equality."

INQUIRY COST SIXTY ONE  
£25,000

Mr. Alan Paton, National Chairman of the South African Liberal Party, has said that compensation should be demanded for the 61 people released from the treason inquiry.

Page 3.

HE SAID THAT THE INQUIRY, in which they were involved for a year, must have cost these 61 people at least £25,000.

"We appreciate the mixed feelings of those who have been released and we naturally are concerned with the feelings of those who have not," he said in a statement to the press. "I personally feel abundantly justified in having been a sponsor of the Treason Trial Defence Fund."

"I wish to point out that while the money needed for maintenance will be decreased, that required for defence will not be reduced at all."

"We are glad to think that 61 people have already been released as a result of adequate defence."

*Legal Expenses  
are High*

"LEGAL EXPENSES swallow up a large proportion of the Defence Fund, in spite of the great generosity of the lawyers conducting the defence," said the Fund's secretary, Mrs. F. Levson, commenting on the help given to the 61. "Now that a Supreme Court trial is to take place, more Counsel will have to be retained and costs will go up still higher."

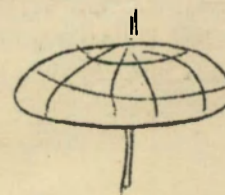
### AROUND THE WORLD

AMERICA: A cheque for 5,000 dollars (about £1,500) which had been raised in the United States for the Defence Fund, was presented to Bishop Reeves, during his recent visit to the United States. This brought the total American contribution to the Fund to £3,700.

HOLLAND: A sale of objects of art in aid of the Defence Fund was recently held in Amsterdam by the "Committee South Africa". £1,000 was raised.

"We are greatly surprised and at the same time very happy about the enormous interest the Dutch people are taking in this matter," a committee spokesman said afterwards.

BRITAIN: The British Labour Party recently subscribed £3,000 to the treason enquiry defence fund, bringing its total contribution to £5,000.



## STOP PRESS!

As this bulletin was being prepared, news arrived that three more individuals, together with the Real Printing and Publishing Company, have been freed, the Attorney-General having declined to prosecute.

Date and place of trial for the remaining 91, - not yet fixed.

## 61 ACQUITTED SEEK WORK

MOST OF THE 61 PEOPLE against whom allegations of treason were withdrawn must now find jobs and try to restore their finances.

Old jobs are not always available. Sam Mase-mola, for example, has found that his former employers, a Johannesburg legal firm, have long since taken on someone else to replace him as clerk and messenger. Joseph Kumalo, banished by the Government to the Northern Transvaal, was brought back to Johannesburg for the treason case. Now he has been cleared, but with seven children to support he has little idea of his future plans.

Also uncertain of his future is Lawrence Nkosi, who spent most of the inquiry lying in hospital with tuberculosis. He must still spend some more time there before he is free to make his own way.

"The Treason Fund would like to help everybody until they are completely rehabilitated," said an official of the Fund recently. "Unfortunately, the funds do not permit it. The more we lay out for them, the less there is for those still facing the enquiry."

THE MOST SURPRISED MAN in Johannesburg recently was July Mashaba. He spent the four-month recess at his home in a remote part of the North-Western Transvaal. He came back to Johannesburg for the hearing -- and learned that

## ART SALE in the Cape

A SALE OF WORKS OF ART, in aid of the Treason Trials Defence Fund was held in the Cathedral Hall, Cape Town, on January 30 and February 1. The sale was opened by Senator Leslie Rubin, and brought a further £2,500 to the Fund.

More than 500 items were auctioned -- sculpture, oil paintings, water colours, lithographs, woodcuts, sketches, autographed books, antiques, and objets d'art. Nearly half of the items were donated by the artists and authors themselves; and many of them came from overseas.

Among more than 100 books, which included gifts from T. S. Eliot, Christopher Fry, Sherwood Anderson, Art Buchwald, Colin Wilson and Rose Macaulay, were several inscribed by the authors

Basil Davidson's "The Rapids" is inscribed: "To the Generous and the Brave". Lewis Mumford has written in "The Transformation of Man", "... On behalf of Freedom and a Decent Respect for the Opinions of Mankind". Richard Wright, in "The Colour Curtain", a report on the Bandung Conference, said, "... Freedom belongs to the Strong".

A copy of "Naught for your Comfort" was inscribed by Father Trevor Huddleston: "With all Good Wishes for the success of the Struggle".

There were also French and German translations of "Cry the Beloved Country", by Alan Paton, as well as a copy of "Too Late the Phalarope".

Well-known British artists in the catalogue included Barbara Hepworth, Graham Sutherland, John Piper and Ben Nicholson. Cartoonists Gerard Hoffnung and Vicky sent drawings. South African artists were well represented. Among their works was a painting by a young Johannesburg artist, Arthur Goldreich, who is to hold a one-man show in New York's Petit Gallery in March.

## POLICE WATCH CHILDREN'S PARTY

WHILE 120 CHILDREN, sons and daughters of treason trial suspects, attended their Christmas Party in Johannesburg, three members of the Security Branch stood outside the Gandhi Hall, scene of the party, and "waited for something to happen". As the children, all between one and twelve years of age, went into the hall three men -- a European and two Non-Europeans -- took names and details. After that they waited outside until the end

THE SECURITY BRANCH MEN SAID that they had not been sent for any specific purpose, but just to "keep an eye on things in case anything happens."

### Bloemfontein Dance

FATHER AUSTIN MASTERS, of the Society of the Sacred Mission, Bloemfontein, reports that a "Concert and Jive" was organised in Bloemfontein, early in January, which raised £54.11.7 for the Defence Fund.

Jacob Mafora, one of the accused, convened the dance. The services of two leading local dance bands and nine local troupes were given free of charge.

DONATIONS OF MONEY OR CLOTHES  
TO BE SENT TO: -  
TREASON TRIAL DEFENCE FUND  
P. O. Box 2864 Phone 33-5901  
5, Trades Hall, 30 Kerk Street,  
Johannesburg.

### THE CASE FOR THE DEFENCE - L A T E N E W S:

#### DEFENCE APPLIES FOR ACCUSED'S DISCHARGE

Thursday, January 29. Here is an account of the proceedings in court on the second last day of the 14-month preparatory examination.

Mr. Oswald Pirow, Q.C. made a surprise appearance in court, and replied to the speech for the defence made by Mr. Vernon Berrange.

Opening his address, Mr. V. C. Berrange said: "The Defence will submit that this trial concerns the right of a people to express themselves openly in criticism of the Government -- to endeavour to work for a change in our political, economic and social systems within the limits of our law. It concerns itself with the right of the people to struggle for their enlightenment, advancement and progress in terms of the concepts of Western Democracy, and the right to protest against laws which hamper them in their endeavour to do so.

"We submit that the Crown has failed to prove the commission of any offence.

"If that which the Crown has established be evidence of treason, subversion or Communism as defined in our law, then there is an end in this country to all that is implicit in the term democracy."

### HAMPERED THE GOVERNMENT

THE CROWN ALLEGED THAT THE ACCUSED hampered or hindered the Government in its lawful administration by organising or taking part in a campaign against existing laws; that the Accused adopted extra-parliamentary and unconstitutional means to achieve their ends. But it had not been proved that any part of such campaigns were unlawful or that any persons were incited to commit offences.

"Is the Crown really seriously suggesting that a campaign against existing laws is treasonable?" asked Mr. Berrange. "Does it seriously suggest that every suffragette who campaigned for votes for women was committing treason? That the Christian churches which campaigned against the Separate Amenities Bill committed a capital offence?"

It was clear, he said, that the extra-parliamentary means envisaged were economic boycotts, political strikes, demonstrations, processions and political education.

Nor did there exist, as the Crown had alleged, any conspiracy to overthrow the Government by violent means. With one exception, all the witnesses called by the Crown had admitted, whenever the question was put, that the organisations, through these speakers, had repeatedly stressed the fact that even if provoked they must employ moral, not physical force.

The exception was "the infamous Mgubasi... a self-confessed liar and cheat".

The Crown could not rely on individual acts of violence committed by some frustrated individual, or on some violent speech by some hot-tempered person. The Accused, said Mr. Berrange, could not be held responsible for such conduct "unless they concurred therewith or were parties thereto".

### REPUDIATED RACE HATRED

THE CROWN HAD ALSO BEEN UNABLE TO SUBSTANTIATE its allegations that the Accused were promoting racial conflict, he said. All the witnesses had said that the speakers at the Congress Movements had repeatedly stressed the oneness of South Africa and repudiated race hatred.

"Where we have evidence that speakers have fulminated against the "Dutchies", or members of the Government, it is clear that the attack has not been upon the White race as such but only on those people serving political ends.

## CASE FOR THE DEFENCE, (continued)

"THE OVERWHELMING BODY OF EVIDENCE and all the official policy statements of the organisations concerned are directly opposed to them".

SCRAPING THE BOTTOM  
OF THE BARREL . . . .

WHEN THE CROWN FOUND THAT IT COULD NOT SUBSTANTIATE ITS ALLEGATION of the use by the Accused of force or violence it cast about for further evidence to establish its case. It started taking statements concerning the Defiance Campaign of 1952, the Cheesa-Cheesa letters, the boycott of schools, the protests against the Pass Laws, the Korean War and the Kenyan disturbances.

"It was then that the Crown really started scraping the bottom of the barrel".

In the warrants of the arrests it was set out that the crime had been committed between 1953-56, and not in 1952, when the Defiance Campaign came into being. Witnesses had admitted, too, that they had been approached by the Crown many months after the preparatory examination had started.

SPEAKING OF THE FREEDOM CHARTER, (which was adopted at the Congress of the People, a Congress where all recognised political organisations, including the Nationalist Party, had been invited to send delegates, Mr. Berrange said :

"All over the country people were asked to send in their demands, representing their broad political, social and economic aspirations, and from these the Charter was compiled, putting into words many of the ordinary strivings and longings of the human heart.

"Never before in the history of civilised states has it been treated as treason to draw up or adopt in a peaceful gathering a statement of this nature.

"The fact is, however, that if every concrete proposition in the Freedom Charter were adopted, it would do no more than bring the state of the Constitution and the law into line with most Western European countries.

"One thing is certain. If the adoption of the Freedom Charter is held to constitute treason, it will mean that the most rigid thought-control in the world will have been enshrined in our law".

CHEESA-CHEESA AND  
VIOLENCE . . .

Mr. Berrange commented on the campaigns conducted against certain laws. He pointed out that the Accused were not the only people who opposed the Western Areas Removal Scheme. The Churches, the City Council and other bodies did so too. At the Evaton Bus Boycott the Crown had alleged that violence had been used; that it was a "preliminary to the revolution" -- yet the Chairman of the Evaton People's Transport Committee, the organisation in control of the boycott, was one of the 61 against whom allegations of treason had been withdrawn.

There was no evidence that the Defiance Campaign Riots were connected in any way with the Accused. The Cheesa-Cheesa letters had not been pinned - although the Crown had tried -- on any of the Congresses or any of the Accused. There was no evidence that any of the Accused took part in any of the disturbances during the boycott of the schools.

And all that had emerged in evidence concerning the protests against the Pass Laws was that the African National Congress and others had campaigned against "this particular form of humiliation", culminating in an organised and peaceful march to the Union Buildings to present a petition to the Prime Minister.

It had not been established either, said Mr. Berrange, that the South African Peace Council and the Society for Peace and Friendship with the Soviet Union were part of the "Liberatory Movement"; all that could be claimed was that the Congresses adopted an attitude towards world affairs often closely similar to that of the South African Peace Council.

"And is it criminal to call for negotiation instead of war? Is this not what all the people -- all common people all over the world -- are praying for?"

TO OUTLAW  
FREE EXPRESSION

"In fact," said Mr. Berrange, towards the end of his address, "the Crown has established nothing other than a desire to put an end to any form of effective opposition to the Government of this country -- a desire to outlaw free expression of thought and ideas which people in all democratic countries of the West assert the right to hold and utter.

## CASE FOR THE DEFENCE (Continued)

"IT IS APPARENTLY A CRIME to use the only means open to those who have no votes ... to educate people politically and socially .... to teach the lessons of world history. It would appear to be a crime to reject with loathing and disgust the concept of Herrenvolkism, the concept upon which the Nazis founded their political structure".

### THE CROWN EVIDENCE

THE CROWN EVIDENCE in the Treason Enquiry indicated the existence of a dangerous Communist conspiracy to overthrow the State and replace it by a Communist People's Republic, said Mr. O. Pirow, Q.C., summing up the prosecution's case.

This was the first appearance of Mr. Pirow in the 14 month-old enquiry. A former Minister of Justice, he has been briefed by the Attorney-General to lead the prosecution in the Supreme Court.

Mr. Pirow applied for the committal of all the 95 accused for trial on a charge of High Treason.

The Crown case, he said, was based on the Freedom Charter whose objects were intended to achieve the setting up of a Communist State by other than peaceful and legal means. All the Accused subscribed to the Freedom Charter and were pledged to carry it out. They were all Communists or Communist sympathisers.

Before he began his address, Mr. Pirow criticised portions of a statement made by Mr. Berrange when the trial opened in December, 1956.

Mr. Berrange had described the prosecution as "political kite-flying ... a testing of political breezes."

Mr. Pirow said: "Here is a very serious allegation: that those responsible for the prosecution have been guilty of mala fides. I have been asked by the Attorney-General to tell the Court that he alone set in motion these proceedings.

He is not interested in Government policy, in 'testing the breezes' in anything of a political nature whatever. He has done his duty as a public servant and that is all".

Replying, Mr. Berrange said that he was aware of the seriousness of his allegations, but that "nothing has happened since then to make me change my view".

"I do not want to deal any further with this matter except to say that it appears to have taken some 14 months before the Crown found it necessary to make these dramatic disclosures today".

Mr. Pirow based much of his argument on the Freedom Charter, because this was, he said, a document to which everyone of the Accused was pledged. The Charter was held out as a "highly idealistic, perfectly innocent document by people whose only idea is to improve the lot of their fellow Africans".

"But is it really a campaign for free speech and against the pass laws? Or are all these things merely steps in the direction of fomenting trouble? With police present, and searches being made, such people can obviously only express their objects in innocent terms.

"The Charter served as a stalking horse for people who really wanted something quite different - to substitute for the existing state a people's democracy or a people's republic -- in other words, a Soviet State".

What made this particularly dangerous, he said, was the fact that this was no mere theory for the future, but something to be translated into "actual, practical politics in our time".

And the means used to propagate the ideas in the Freedom Charter were, he said, illegal.

"When these people deliberately say and emphasise that their struggle is extra-parliamentary and unconstitutional, how do they mean to conduct it? If they were to do so by prayer, for example, it might be considered so. But in fact, when they speak of extra-parliamentary and unconstitutional means there is evidence to show that they really mean illegal".

In the same way, he said, when the leaders preached non-violence, in violent inflammatory speeches it tended to have the opposite result. "Their ostensible - or rather, ostentatious - references to non-violence" in speeches tended, in fact, to incite violence.

Speakers at meetings, he said, identified themselves with violence, and with Communist bloodshed in places such as Korea, China, India, Kenya and Malaya.

"They identified with great pleasure with these bloody struggles", he said.

CROWN EVIDENCE (continued)

ANOTHER FEATURE OF THE CASE, said Mr. Pirow, was the admitted emotional state of the Bantu population. "It is possible for a lot of this to be preached in Hyde Park," he said, "but you can't preach this to a meeting of Africans in an excited state. In certain cases, it would almost inevitably cause trouble in South Africa."

Nor was it necessary, he said, to be able to link the African National Congress directly with outbursts of incendiarism in the country.

"They knew they were driving the people to a frenzy. We've had a very sad record of disturbances - at Germiston and elsewhere, incendiarism on a large scale in the Eastern Cape, Kimberley and elsewhere, and riots and murders in East London, New Brighton, Kimberley and Evaton.

"This is the result of the agitation that has been going on, and which will multiply itself from day to day and month to month if these people are allowed to carry on."

Mr. Pirow, who quoted portions of the evidence to support his argument, said: "The evidence quoted is sufficient to disclose the existence of a dangerous Communist conspiracy aiming at the overthrow of the State and its replacement by a Communist People's Republic. Such a conspiracy amounts to High Treason."

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At 9.30 a.m. on Thursday, January 30th, the Magistrate, Mr. F.C.A. Wessel, gave his decision: "There is sufficient reason for putting all the Accused on trial on the main charge of High Treason."

CUT HERE AND SEND TO:

TREASON TRIALS DEFENCE FUND.

P. O. Box 2864, Johannesburg.

(W.O. 2092)

Phone: 33-5901

I enclose the sum of ..... as a donation to the Treason Trials Defence Fund.

Signed .....

Address .....

.....

.....

PRESIDENT: The Most Rev. Joost de Blank (Archbishop of Cape Town)

TRUSTEES: The Rt. Rev. Ambrose Reeves (Bishop of Johannesburg)  
Mr. Justice F.A.W. Lucas  
Dr. Ellen Hellman  
Mr. Alan Paton

To the Manager .....Bank,

.....Branch,

.....

Please debit my/our account with the sum of £.....  
on the ..... day of each month for a period of ..... months commencing  
..... and thereafter on the same date each month  
until cancelled in writing, and credit the amount to the account of the TREASON TRIALS DEFENCE FUND, at Barclays Bank (D.C.O.) Rissik Street, Johannesburg.

SIGNED .....

ADDRESS .....

.....

Date.....



# TREASON TRIAL BULLETIN

No. 2

May, 1958

Issued by the Treason Trials Defence Fund (W.O.2093)  
5 Tradas Hall, 30 Kerk Street

P.O.Box 2864, Johannesburg

## EDITORIAL

### (MANY THINGS IN THE AIR

Mr. Swart's post-election threat to act against "subversive elements" who endanger South Africa's "way of life" has a familiar ring. It recalls the days immediately before the treason arrests in 1956, when the air was thick with Government warnings to "subversives". His words also seemed ominously directed towards the 95 treason suspects who are facing an anxious and trying period.

It is not easy for them to see through the fog of rumour, apprehension and surmise towards some solid ground on which they can build their future lives. They do not know how long the trial may last. They do not even know when it will start. They cannot make any kind of plans for themselves, or for their families.

And now there is something further in the air, an added gust of fear that things are to be made even more difficult. Rumour, as yet unconfirmed by the Attorney General, says that the trial is to be held in Pretoria. If this is to be so, then extra expenditure in terms of energy, anxiety and money would be enormous.

The large number of prisoners who have been doing some kind of job, or carrying on their professions, or their businesses outside the hours of the

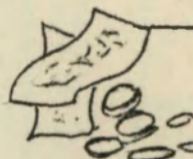
Court, would no longer be able to do so. Up to three hours a day might have to be spent on travelling. The shift in locale could mean an increase in the legal expenses to be met by the Fund; the severe loss of income would have to be supplemented by the Fund. Such are the implications of a move to Pretoria; the ripples go out, through the prisoners themselves, and through the Fund, to the people upon whose generosity they depend. They will need even greater and sustained help from them.

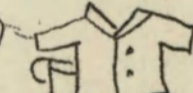
To ignore or evade this responsibility would be a betrayal of an elemental humanitarian duty. It would mean an abandoning to their fates of people who are relying on our support. It would make us guilty of, and party to, whatever befalls the accused.


#### ON OTHER PAGES:

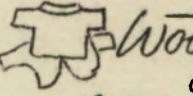
- Page 2: How the money comes.
- 3: Remarkable Street Collection.
- 4: Bulletin Biography No.1 by Nadine Gordimer.
- 7: Act Amended. From the British Press.

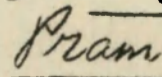
WE NEED..

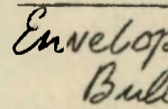
 Cash .....

 Clothes...

 Shoes for adults and children

 Woollies for 11-MONTH OLD TWINS ...

 Pram for twins ...

 Envelopes for this Bulletin ...

HELP OF ANY KIND. RING 555901

## ★ HOW THE MONEY COMES ★ OUR NEEDS AND HOW THEY ARE MET

OUR ENORMOUS TARGET is set at present somewhere between £100,000 and £150,000. We cannot in the nature of the thing be too precise. We cannot know how long the trial will take, whether there will be convictions and appeals, or the extent to which the Fund will be called on to help the accused rehabilitate themselves.

We do know that essential expenditure will be very heavy. We do know that great efforts will be needed to raise the amounts required.

It may be of interest to know the ways in which money is being raised. There seem to be three main spheres; the something-for-nothing, the people-like-something-for-their money, and the help in kind.

### STEADY CONTRIBUTIONS

The first method is simplest. Some people have made one bold decision, signed a banker's stop order, and their contributions come steadily in month by month. Others bear us in mind and send us, often repeatedly, their cheques, postal orders, or cash. Others again realise that many small sums make a big one and take our collecting lists round among their friends who give what they can, and it mounts up wonderfully; or they sell our books of 25 coupons which say: "The Bishop asks 5/- for a meal for a family". Some of our collectors go to business houses and explain to the Management the purpose of the Fund, and the importance to national life of preserving the principle of ensuring a just trial and competent defence for everyone. This approach has brought in handsome donations.

### HARDER WORK

To provide people with something for their money is much harder work but probably also much more fun. For example: an Art and Rare Book sale in Cape Town made £3,000; a Turkey Competition in Maritzburg, £40; two dances in Maritzburg, £83; a concert of Sacred Music in Orlando Township, £55; a Chinese dinner and dance in Johannesburg, £500; a concert and jive organised by one of the accused in the Bloemfontein Location, £57; a Street Collection in Johannesburg, £1,200; a second-hand book sale in Johannesburg, £40 (in four hours, this). This is no sum so large that it embarrasses the Fund and none so small that it is not very welcome.

An author has donated royalties from a book about the trial, and a family has directed to us donations in lieu of flowers in memory of a loved relative who had approved of the Fund's work.

### HELP IN KIND

The assistance we have received in kind rather than in cash has been incalculable and invaluable. First of all there are the people without whose work no fund-raising, nor, indeed, the Fund itself, could function. (The first issue of this Bulletin, for example cost us nothing but the postage) We have been given the raw material for the Chinese dinner; cakes and toys and books for the Christmas party for children of the accused; magazines for the accused; books for the book sale; free stationary and printing and insurance cover. Doctors and chemists have not charged the Fund for services to the accused; and hire purchase payments have not been pressed while they are in difficulties. We have been given discounts on packing and transport; on repaired shoes purchased. We have had a most generous response to appeals for clothing urgently needed by our people.

### EMPLOYERS HELP

Some employers have kept their accused employees on part-time work, or have found work for them in the adjournments or have paid them a subsidy all the time. Other employers have let us know when they have vacancies during adjournments.

This co-operation has not only greatly relieved the Fund but, most important, greatly lifted the morale of the accused concerned. The Fund is deeply appreciative of all that has been done - so much so that all it wants is more of it.

### TRIAL IN SERIAL FORM

Reynold's News is serialising, in a condensed version, "The South African Treason Trial", by Lionel Forman and E.S. Sachs. Subtitled, by them, "THE STORY OF FREEDOM ON TRIAL IN SOUTH AFRICA", it is lavishly displayed, each week, on a full page, and well-illustrated with drawings and photographs.

## A REMARKABLE COLLECTION

The Street Collection in Johannesburg for the Treason Fund realised £1,250. The average street collection in Johannesburg takes between £400 and £700. There were more notes in the tins than in any street collection held since the start of the last war.

There were about 500 collectors. One box contained about £40/£50 in notes. Only one box was returned empty.

There were rebuffs - but less of these than notes in the boxes. A Johannesburg journalist wrote: "I saw several men slip coins into boxes and either fold up the flag neatly and slip it into their pockets or roll it into a ball and drop it.

Women pinned on their flags almost without exception.

I asked a few men why they did not wear their flags. One told me to mind my own business. Another said he was a Government employee. He spread his hands. 'You know...' A third said he was prepared to give but did not intend to shout about it. 'I'm not concerned with the guilt or innocence of the accused but they are entitled to a fair trial and they therefore need money for their defence', he said."

*Inheritance given away.*

Mrs. Audrey Cobden, convenor of the collection, writes:

"There were all sorts of instances which shows that many people, of no particular political persuasion, are worried about the way this trial has been handled. Only deep and strong feelings could have made one woman say to a collector: "I really cannot afford this but I feel I must do something" - and put £1 not into the box.

There was an old man, a pensioner, who not only collected for about two hours but donated £2.10s. (The discovery of this generosity was inadvertent; he did not tell anybody).

Another woman in Johannesburg has this philosophy of life; she lives on what she earned in her younger days and gives away her inheritance. The Fund benefits considerably from this each month; so did the Street Collection - she gave £100.

Non-Europeans made a substantial contribution, both in man-power and money. They were tremendously enthusiastic and efficient. Forbidden to collect in the white areas of the town, they

took their tins to the locations, and to the station entrance. Eight old women from Alexandra township collected £13, mostly in pennies, from the station (non-European of course) exits and entrances."

### SALE RAISED MORE THAN MONEY

The sale of international works of art - with more than 500 items donated from as far away as Mexico and Hong Kong - raised £3,000. It also raised the question of whether a snub to the Archbishop of Cape Town, the most Rev. Jost de Blank, was a sequel to a speech he made when he opened the second day of the sale.

The Archbishop, in his speech, said that the Treason Trials Defence Fund had two purposes. One was humanitarian - the care of the families of those implicated in the treason enquiry. The other was to help provide a good defence.

There might, he said, be some who said he was stepping down into the political arena by saying this - "and it is a long way down" - but the truth was that politicians were stepping up into the thresh theological arena.

"It is never within the politician's terms of reference to try to become a lawyer", he said. "He is not a lawgiver but a lawmaker after the pattern set by God".

### INVITATION WITHDRAWN

Soon after this speech, an invitation to Dr. de Blank to preach in the Anglican Church at Simonstown, the former British naval base, was withdrawn. It was understood that this was done at the request of the Defence Department.

Rear Admiral Hugo Biermann, Chief of South African Naval Staff, who ~~was to~~ have received the Archbishop, said: "I was unable to be present to receive the Archbishop. This means only a postponement, not a prevention, of his visit".

The Archbishop's comment: "The invitation was not postponed on social grounds. It may have been postponed on political grounds."

### WORTH HAVING

PLEASE WRITE FOR A COPY OF THE TREASON TRIAL BOOKLET. It tells the story of the 4 a.m. arrests, contains biographies of all the accused, is very well illustrated with photographs.

The price is 2/6d postage free.

*Collection in  
Holland*

OVER £1,000 WAS RAISED IN HOLLAND for the Defence Fund at a cultural evening and sale in Amsterdam of paintings, sculpture and books donated by Dutch artists.

A special Dutch Committee, under the Chairmanship of the Rev. Dr. J. J. Buskes decided to hold their own auction in Holland rather than ship works to South Africa for auction.

Their sale followed a concert in which leading Dutch artists participated.

◇ £39,000 out of target ◇

CHRISTIAN ACTION has raised £39,000 towards its target of £50,000 for the Defence Fund. Canon John Collins, Chairman of Christian Action made this announcement at the annual meeting of the organisation in London recently.

Mr. Alan Paton, South African author, told the meeting that the concern of people in Britain over the treason trial has been "in defence of a fundamental principle which has nothing to do with South Africa in particular, but free people in general".

CHRISTIAN ACTION

The following statement was recently issued to Church Papers:

"The Executive Committee of the Christian Council of South Africa draws attention to the appeal issued by the Treason Trials Defence Fund..... Christian charity demands that however serious the charge with which a person is confronted, he or she should be afforded the best legal advice possible in the presentation of their case, and that during the trial the suspects, and their dependents should not be harassed by financial worries. The great length of this case has involved the accused in heavy legal costs, and brought much material suffering. The Council commends the Fund to the generosity of all men, at the same time calling upon them to pray that the present suffering may be speedily ended by the exercise of mercy and justice."

Bulletin Biography No.1

CHIEF LUTULI

by Nadine Gordimer

Albert John Lutuli is a sixty-year-old Zulu whose life has spanned the emergence of the African people from tribalism to democracy. In the names of the last three generations in his family line, you can trace a simple graph of this change; his grandfather, Ntaba (the mountain); his father, John Bunyan Lutuli; himself, Albert John. The beautiful and grandiose power-symbol; the strong missionary influence; the common name of the century of the common man.

Of course, this is all too easy; the graph must in reality be plotted by the courage, faith, intelligence, dignity and patience that Lutuli has brought to rough going.

The family's ancestral home was in Groutville Mission Reserve, on the Natal North Coast and he grew up there, loosely attached to the household of his uncle, Martin Lutuli, chief of the Groutville Mission Reserve and third in the dynasty of elected chiefs in the Lutuli family. The boy went to the mission school and church, and did his share of herding cattle in the afternoons; sitting silent at the chief's fireside, he absorbed, almost without knowing it, a knowledge of the responsibilities of chieftainship. When he outgrew the Groutville school, he was sent to Ohlange and Edendale Mission schools. In 1917, with the minimum teaching qualification, he went to teach at another mission school, and at this stage in his life he was confirmed. In 1920, on a bursary from the Government Education Department, he went to Adam's College and gained the highest teaching qualifications then possible at such training colleges. Later, he was one of the first three Africans to become instructors in the teachers' training course. He then joined the staff of Adam's, and taught there for fourteen years.

It was at Adam's, when he was a teacher and she was a pupil at the Teachers' Training College, that Chief met his wife, herself the grand-daughter of a chief. They married, and have seven children, for all of whom the Lutulis have had ambitious educational

## CHIEF LUTULI

plans, and for whom they have provided a home background of love, understanding and freedom. Several of their children have distinguished themselves; the eldest daughter is a fifth year student at Durban Medical School, and one of the younger daughters graduated as a nurse with the honours of her course, a few months ago.

Lutuli was elected chief of the Groutville Mission Reserve at the end of 1935, and on the first day of the New Year, 1936, he left Adam's and teaching, and went home to Groutville. The duties and responsibilities of chieftainship were in his blood, so from one point of view, the change was not a dramatic one. But, from another aspect, the change was to be both total and dramatic. His thirty-eight years as a non-political man were over. 1936 was the year of the Hertzog Bills; when they were passed, the provisions of the Native Representation Bill vested in his authority as chief the collective vote of his people. African leaders seeking nomination to the Natives' Representative Council, and white liberals canvassing for nomination to the Senate, sought him out in his house in Groutville. The problem of land-hunger in the Reserve was linked up once and for all with the wider national problems of all Africans, everywhere in South Africa - the overall plight of a voiceless people. He came to understand that in his country and his time in the history of his people, there were no backwaters and there was no peace.

A chief is a combination of administrator, lawgiver, father-confessor and figure-head, to his tribe; functioning as all these, Chief tried to improve the lot of his people within the framework of a society that denied them many basic rights and decencies. (His activities included preaching in church and creating a Bantu Cane Growers' Association to protect the interests of the small cane growers in Groutville.) At the same time, he tried to accept in good faith the promise of a succession of white governments that some part of those rights would eventually be secured for Africans. He was a member of the ill-famed Natives' Representative Council from 1945 until the Council was abolished and replaced by the Bantu Authorities Act in 1951.

He is a deeply religious man, and through his church work, he came to know other countries and peoples. As

a Christian Council delegate, he went to Madras in 1938 to attend an International Missionary Council meeting. From there, also on a church mission, he went to Ceylon. In 1948-49, when he was president of the Bantu Congregational Churches of the American Missionary Board, he went on a nine-month tour of the United States, to lecture on Christian missions in Africa.

In 1945, he became a member of the African National Congress. His association with the Natives' Representative Council had brought home to him the inevitable failure of any attempt to secure human rights without political rights. He was elected to the executive of the Natal Branch of Congress, and remained on it continuously for six years. In 1951, he was elected Provincial President of Natal, and he was a leading figure in the Passive Resistance -- Defiance of Unjust Laws Campaign -- of 1952. In September 1952 he was summoned to the Native Affairs Department and given an ultimatum -- his chieftainship, or Congress. Lutuli saw no conflict in what he called "my dual leadership of my people" -- on a tribal and national level -- and refused to resign from either. He was deposed as chief, and in reply he issued a remarkable and moving statement of his convictions.

A month after his deposition as chief, he was elected President-General of the African National Congress, and in 1953 this ex-chief who seemed to be more of a chief than ever, was served a ban that debarred him from all the important cities and towns in South Africa. Immediately the ban expired, he opened the South African Indian Congress in Durban, and left by air the same day for Johannesburg, to attend a protest meeting about the Sophiatown removals. As he stepped out of the plane he was served with a new ban, this time a total ban to the district of Lower Tugela, a radius of about twenty miles round his home in Groutville village.

The total ban expired in July 1956; he was free to move about the country again - but not for long. At four in the morning of December 5, 1956, he was arrested in his house in Groutville on a charge of treason. He was one of the 156 who sat through the long months of the preliminary hearing in the Drill Hall last year; and his name was one of the surprises on the list of sixty-one against whom the Crown announced that charges had been withdrawn, in

# CHIEF LUTULI

(continued)

December, 1957.

At the time of writing, he is a free man, but for how long, no-one can say. He faces this uncertainty with a certain tranquility, as he did a treason charge; the tranquility of a man who wants to see his people free in a free society, and who, in spite of everything, has no weight of hate in his heart. He may move too fast for some, too slow for others, depending on their colour; his pace is his own, and his conscience's.

"Far from Congress being anti-White or a reckless organisation out to stir up racialism, its aim is neither White Supremacy nor Black supremacy, but a common South African multi-racial society, based upon friendship, equality of rights and mutual respect."

from Chief Lutuli's message to Voters on the eve of the General Election.

## The Taxpayer Pays

SPECULATING ON THE COST OF THE TRIAL TO THE TAXPAYER, the Sunday Express draws attention to the refusal of the Minister of Justice, Mr.C.R.Swart, to reveal in Parliament how much the Government is paying to the Crown's legal team. The Express estimates a total of £89,000 in fees, and quotes Die Landstem, an independent Afrikaans weekly as reporting 'on good authority' that Mr.Pirow's fee would be £25,000 for the trial. The team is expected to include Mr.Japie de Vos, Q.C., Mr.M.S.Louw (son of the Minister of External Affairs), Mr.G.C.Hoexter and Mr.J.Trengrove. Juniors receive two-thirds of their leader's fee, and Mr.de Vos, Q.C., probably more than that.

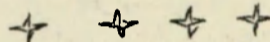
Added to this, says the Express, must go the wages of court officials and shorthand writers, and the travelling expenses for witnesses.

The taxpayer will have the further expense of the conversion of another building (the Drill Hall in Johannesburg was elaborately converted into a court for the P.E), into a suitable court to enable the Trial to be held in Pretoria.



## WHAT IT ALL ADDS UP TO...

- The treason inquiry lasted one year and 33 days.
- The Crown evidence totalled nearly 2½ million words.
- To listen to all the recorded evidence without a break would take 35 hours -- the equivalent of 15 full-length films shown consecutively.
- The written evidence and argument is as long as 33 novels; covers 8,000 pages.
- More than 10,000 documents were submitted in support of the Crown's case.



## TREASON SUSPECT SHOWS SPEECHES

All the election speeches of Peter Beyleveld "treason" candidate in this year's Parliamentary Elections, had to be vetted by the Special Branch.



In terms of a court order, Mr. Beyleveld also had to advise the Special Branch of the time and place of his meetings twenty-four hours in advance.



Mr. Beyleveld was runner-up in one of the four newly-created Coloured constituencies.



His supporters were said to have been divided between a group which advocated boycott of "dummy" parliamentary representation, and another which felt that a vote for Mr. Beyleveld was a gesture of sympathy with the 92 accused.

## = AND SERMONS ARE ALSO VETTED =

Another treason suspect, Rev. Douglas Thompson, has to submit his weekly sermons to the Special Branch for approval in terms of a court order.

## CAPE TOWN BARRISTER JOINS PIROW

Mr. Jacob de Vos, Q.C., of Cape Town, is one of the team of barristers who will appear for the Crown with Mr. Oswald Pirow, Q.C. Mr. de Vos, who took silk last year appeared with Mr. D.P. de Villiers, Q.C., and Mr. G. van R. Muller for the Crown in the Senate Act case.

## ACT AMENDED - WHAT DOES IT MEAN?

An alteration in the law of evidence which may drastically affect the fates of the 92 accused, was passed by Parliament before it dissolved for the general elections.

The amendment states that the mere production of documents in court constitutes prima facie proof of their contents ... and that this applies retrospectively to criminal proceedings instituted before the commencement of the amendment.

The effect is that all documentary police evidence handed in at the enquiry, however questionable, is now prima facie valid.

The Minister of Justice, Mr. Swart, said in Parliament that these provisions could "quite possibly" be used in the Trial.

He was strongly attacked by the Labour Party, whose speaker, Mr. Lovell, said that it was clear that the Government wanted to use the clause on current criminal proceedings.

At the end of the P.E. it was expected that the Trial would open in mid-April. Early July is now rumoured as the date. This delay has added to the suspense of the remaining accused and has added another 3 months maintenance to the expenditure of the Fund.

## SEX ACCUSED IS NOW BANISHED

One of the treason suspects who was discharged by the Crown in December, has been banished from his home in Johannesburg.

He is Vuumzi Make, a 26 year-old clerk, who was served with an order under the Native Administration Act exiling him indefinitely to a remote part of the Northern Transvaal.

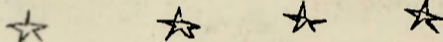
There is no appeal against the order which was signed by the Minister of Justice a month before Make's discharge.

Make has been a marked man since he successfully led the 18-month Evaton bus boycott against increased fares in 1956.

## From the PRESS

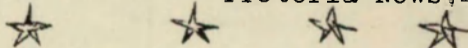
"If the issues at stake (in the South African Treason Trials) were being fought out between the Government and the Opposition in a proper place for political battle, whether the floor of the House of Assembly or the hustings, it would no doubt be improper for any outsider to interfere or to intervene actively. But there is neither Government nor Opposition in a Court of Law. In Johannesburg as at the Old Bailey, the Attorney General goes (or should go) into court in a criminal case with one motive only: not to secure a conviction but to see justice done. To this end judge and counsel on both sides are in collaboration to ensure that all relative evidence and valid argument are given full weight. Any effort, from whatever quarter, to provide that the defence shall not be prevented by lack of funds from pleading its case with full force is a help to the court."

From an editorial in the Times, London.



Commenting in an editorial on an attack in Parliament of the Archbishop of Cape Town for becoming President of the Treason Trials Defence Fund, the Pretoria News said: "Nevertheless the attack did reveal a complete lack of understanding of the very real grounds for supporting the Fund. They lie in the nature of the trial, not the nature of the offences alleged. The processes of law in this matter may have been as speedy as possible but they have been undeniably cumbersome. For more than a year these people have had to appear in court, often daily for long periods. They now face what may be an equally protracted trial. Their defence is necessarily expensive and their lives have been disrupted. Is it so unworthy a thing to try to aid the cause of justice by ensuring that they have an adequate defence, or to ensure that, in all these long months when they cannot earn a living their dependants do not starve?"

Pretoria News, 4/2/58.



"Remember now with gratitude the battles your forefathers won. Shades of the Tolpuddle Martyrs. Shades of Magna Carta.

Let not familiarity with freedom breed contempt."

Comment in The Star (London)

FROM THE PRESS (Continued)

"In Spain, six men have been given sentences ranging from eight to eighteen years for trying to organise, a year ago, a boycott of Madrid's transport services.

In South Africa, after examination which lasted over a year, the 91 accused held in the Johannesburg "treason trial" have been sent to the Supreme Court.

The South African Government seems determined to go on (in the treason trial) to the bitter end. That it should feel strong enough to do so

just before a general election is striking evidence of the political degeneration of South Africa and the large measure of success the Nationalists have had in browbeating their opponents and confusing public opinion".

From an article in The Scotsman entitled Liberal "Traitors".

"The South African Treason Trial has entered on a new stage ... The costs of the defence in the trial proper will be heavy; the dependents of the accused are still many of them without means of support ... We must do what we can to see that the fight for justice does not falter for lack of sinews."

from an editorial in the Manchester Guardian.

CUT HERE AND SEND TO:

TREASON TRIALS DEFENCE FUND.  
(W.O.2092)

P.O.Box 2864, Johannesburg.  
Phone: 33-5901.

I enclose the sum of ..... as a donation to the Treason Trials Defence Fund.

Signed .....

Address .....

.....

.....

PRESIDENT: The Most Rev. Joost de Blank (Archbishop of Cape Town)

TRUSTEES: The Rt. Rev. Ambrose Reeves (Bishop of Johannesburg)  
Mr. Justice F.A.W. Lucas  
Dr. Ellen Hellman  
Mr. Alan Paton

To the Manager ..... Bank,

..... Branch,

Please debit my/our account with the sum of £.....  
on the ..... day of each month for a period of ..... months  
commencing ..... and thereafter on the same date each  
month until cancelled in writing, and credit the amount to the account of the  
TREASON TRIALS DEFENCE FUND, at Barclays Bank (D.C.O) Rissik St., Johannesburg.

SIGNED .....

Address.....

.....

.....

Date .....



# TREASON TRIAL BULLETIN

No. 5

January 1958

ISSUED BY THE TREASON TRIALS DEFENCE FUND (W.O.2092)

5 Trades Hall, 30 Kerk Street

P. O. Box 2864, Johannesburg

## THE TRIAL

### First Phase Ends Dramatically.

It will be remembered that on the 13th October 1958, when the amended indictment was presented, the Defence objected to the amendment being granted on the grounds that a misjoinder of the accused would result; that if the Crown wanted to allege a course of conduct, it was not entitled to make a selection of acts and call those a course of conduct.

Mr. Trengrove had barely commenced the Crown argument on the Defence attack on the indictment when Mr. Pirow announced that the indictment was being withdrawn by the Attorney General and Mr. Justice Rumpff then adjourned the Court.

### THE NEW INDICTMENT?

On the 14th November an announcement in the Government gave notice that the 91 men and women accused in the treason case will be re-tried in two separate groups. The first group of 30 will be put on trial in Pretoria on the 19th January. The trial of the second group of 61 will begin in Pretoria on 20th April. Both groups will be tried by Mr. Justice Rumpff, Mr. Justice Kennedy and Mr. Justice Bekker, the three judges who constituted the first Special Court for the case.

The appointment of the Court was announced in two separate Notices, each saying that the Court is constituted by the Governor-General with jurisdiction to try

without a jury any charge which may be made in the indictment to be lodged by the Attorney-General in the Transvaal in respect of the accused persons mentioned in the schedule who were committed for trial by the Magistrate's Court in Johannesburg on 30th January 1958 and whom the Attorney-General had decided to indict on a charge of treason.<sup>1</sup>

On the 22nd of November the new indictment was served through their lawyers on the 30 accused in the first group.

### SUMMARY OF THE NEW INDICTMENT

by A LAWYER.

The general scheme of the new indictment is much the same as before. It alleges a conspiracy between the accused and goes on to say that speeches were made, documents published and the Congress of the People convened "in pursuance of the conspiracy."

There are, however, a number of important differences. The number of the accused has, of course, been reduced from 91 to 30. The number of speeches and documents quoted has been even more drastically reduced. In the old indictment

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the total of speeches and documents came to about one thousand. The present total is just over fifty. All the speeches quoted are now taken from the years 1954 - 6, whereas in the old indictment they began in October 1952.

More important than these statistical differences is the greatly increased emphasis placed by the Crown on the element of violence. For example, in the old indictment it was alleged that a special corps of Freedom Volunteers was ~~organized~~ organized. To this is now added the allegation that the Volunteers were to be "prepared for acts of violence." To the allegation of advocating the Marxist-Leninist doctrine are added the words "in which doctrine there is inherent the use of violence to establish a communist state." In the section of the indictment dealing with the Congress of the People and the Freedom Charter, it is now alleged that the achievement of the demands of the Charter "would necessarily involve the overthrow of the State by violence."

It would therefore seem that the Crown has accepted the contention that violence is an essential element in the crime of treason, and this will apparently be the central question in the forthcoming trial.

Though the advocacy of a communist doctrine is one of the points mentioned in the treason charge, there is no longer any alternative charge in terms of the Suppression of Communism Act.

#### NEW APPLICATIONS.

The Defence have applied for further particulars in connection with the new indictment.

The Crown has given notice that it intends to apply for permission to amend the indictment.

#### DEFENCE TEAM.

The Defence Team will again be led by Mr. I.A. Meisels Q.C., who will be supported by Mr. A. Fischer Q.C., Mr. H.C. Nicholas, Mr. S. Kentridge, Mr. A.P. O'Dowd and Mr. C. Plewman, all instructed by Mr. Michael Parkington, of Messrs. A. Livingstone and Co., of Johannesburg.

#### PROSECUTION.

The Crown Team is expected to consist of Mr. O. Pirow Q.C., Mr. Jacob de Vos Q.C., Mr. J. Trengrove, Mr. G. Hocxter, Mr. S.E. Terblanche, Mr. J.C. van Niekerk, Mr. J.H. Liebenberg and Mr. C. van der Walt.

#### VENUE.

The trial will again be held in the converted Old Synagogue in Pretoria.

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#### ADVOCATE WINS CONTEMPT APPEAL

Mr. J. Slovo, one of the Treason accused, who was on 4th September 1957, found guilty of contempt of court during the preparatory examination in the Drill Hall and fined £20, has been successful on appeal, his sentence being set aside. The Judges found that, had the magistrate given Mr. Slovo an opportunity of telling him what he wanted to say, it would have become apparent that Mr. Slovo was not in any way wilfully contemptuous of the Court or of the proceedings before the Court, or of the magistrate. 'The difficulty arose because of the very protracted and acrimonious discussion that preceded Slovo's attempt to argue before the magistrate. I think that what Slovo wanted to add was that the reason for his objection to this portion was that he had not been given an opportunity of placing his case before the Court. But what I have said is not to be regarded in any way as a criticism of what the magistrate did. He was trying a very difficult and involved case..'

In the course of hearing the appeal Mr. Justice Kuper asked Mr. Kentridge (for Mr. Slovo) 'How long had the case been in progress at the time? Were tempers getting a little frayed perhaps?' Mr. Kentridge replied, 'The case had started on December 19, 1956. The conviction was on September 14 and on page 7,457 of the record'.

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'It is not for the good of South Africa that this case should continue for such a long time.' said Mr Swart, Minister of Justice, in Parliament.

BULLETIN BIOGRAPHYBERTHA MASHABA

Only two African women remain to face the trial on a charge of treason when the trial re-opens this month and one is one of the youngest of the accused. Bertha Mashaba was born at Germiston on Nov. 28th 1934, the daughter of a garment worker who had a record of 28 years trade union membership. When she was forced to leave school in the year she should have taken her Junior Certificate in order to add to the family income, she went to the South African Clothing Workers' Union as a clerk. Here, beginning with filing work, later doing shorthand and typing, she learned the structure and nature of trade union work. Now from time to time she does practical work, going to the factories sometimes merely to distribute leaflets and at other times to explain the uses of the union and the contributions which are paid.

In spite of her youth Bertha Mashaba has already had considerable political experience. As early as 1952, when she was only eighteen, she joined the Defiance Campaign and was arrested for defying at Springs location. She was sentenced to 10 days or £1 fine but chose to go to Boksburg jail, where she spent her time making tea for the Matron when she was not confined to her cell which housed between 15 and 20 women.

The following year she plunged into the campaign against the Bantu Education Act. Next came the Pass Campaign; about 2,000 women, Bertha among them, went to Pretoria with signatures to a protest to the Government on the question of women's passes, but were refused any kind of interview; she accompanied a still larger body of women who went again to Pretoria at the end of 1955 but were again unable to see any responsible person.

That Bertha is married and has two small daughters does not prevent her from pursuing the causes which she believes will ultimately benefit her family. Living at Natalspruit, more than 20 miles and an hour's journey from Johannesburg, she still finds time to play tennis and to enjoy ballroom dancing with her husband.

In considering the influences that have moulded her life, Bertha places books before people, though she well remembers her first big May Day meeting in 1952 when the late Mr. Matibela spoke so impressively. Among her favourite

books are Anthony Sampson's "The Treason Cage", Fr. Huddleston's "Naught for Your Comfort" and Edward Roux's "Time Longer than Rome", this last being the one that has influenced her most.

Calm, competent and confident Bertha impresses one as a member of a new generation of African women.

TO GHANA

Mr. Alfred Hutchinson, one of the defendants in the Treason Trial due to appear in April next, who left the Union to travel to W. Africa, was arrested on Dec. 2nd in Tanganyika and charged with being in the country illegally and with failing to report to the Immigration Office. He was defended by Mr. Baloo Patel who stated that Mr. Hutchinson had entered Tanganyika thro' Mbebe from Nyasaland but that he had neither travel documents nor money.

In London Mr. Fenner Brockway, Labour M.P., telephoned the Colonial Office urging that Mr. Hutchinson should be treated as a political refugee and allowed to continue his journey to Ghana. He was told by the Colonial Office that they were not aware of any proposal that Mr. Hutchinson should be deported to S. Africa.

Canon L. John Collins, Chairman of Christian Action, telegraphed to the Governor of Tanganyika, asking that he should not be deported and one to Mr. Hutchinson saying "Christian Action willing to pay your fine, if imposed for immigration offences, and your fare to Britain or country of your choice in Africa. Best wishes."

Mr. Hutchinson who is a B.A. of a South African University and until recently taught at the Government Central Indian School, Johannesburg, was bound over for three months in the sum of £10 and his own bond. Mr. L.A. Davics the magistrate said, "I will not impose any sentence and thus will give you an opportunity to leave the territory and go where you feel you can get employment".

TREASON TRIAL HELPED A.N.C.

Chief Lutuli, President of the African National Congress, and one of those discharged from the TT in December '57. In his Presidential address to the 46th annual conference of the ANC in Durban, said that the Treason Trial, which dominated the political scene in South Africa, had provided an effective political rallying point and had helped not only to make the ANC more widely known and recognised as a political force in the country, but had directly and indirectly helped to spread the Congress spirit of opposition to apartheid.

NEW CONGRESS EXECUTIVE.

The following have been elected to the A.N.C. National Executive: Chief A.J. Luthuli, (President-General), C.R. Tambo (Deputy President-General), Duma Nokwe (Secretary-General), A.E. Lctele (Treasurer-General), T. Mgota, D. Nyembe, A. Nzo, L. Massina T. Shumo, C. Mayekiso, R. Resha, W. Z. Conco. All except Mr. Nzo are members or ex-members of the Treason Trial.

Amongst those elected to the Transvaal Executive of the A.N.C., Mr. Gert Sibande (President), T. Hadobo (Secretary) and E. Moretsole (Treasurer), are also Treason Trialists.

RECOMMENDED READING.

"Civil Liberty in South Africa" by Edgar H. Brookes and J.B. Macaulay ..21/-

"Hope for South Africa" by Alan Paton ...12/6d.

"The Treason Cage" by Anthony Sampson is obtainable from bookshops in the Union. ...Price 21/6d. Postage 6d.

"The South African Treason Trial" by Lionel Forman and E.S. Sachs is banned and no longer on sale in South Africa. The publishers, who are generously donating all profits (from the price of 19/6) are John Calder & Co., 17 Sackville Street, London, W.1.

## A MOST URGENT APPEAL

The South African treason trial has taken a turn even crueller than anything that has gone before. For two years the agony of these unhappy people, and of all those dependent on them, dragged on: and now the prosecution has found that, if the present indictment were persisted in, acquittal would be inevitable. What then does the prosecution do? It withdraws the indictment, releases the prisoners on bail - and lets it be known that a new indictment will be drafted and the whole torment be started all over again - to terminate God knows when. That such cat-and-mouse misery could be inflicted by a civilized government in the twentieth century seems incredible: but the facts are as stated.

We have received a most urgent appeal for money from South Africa - for a sum of money far in excess of what we have so far been able to send. This money is wanted for two purposes. First, it would be dreadful if, when these unhappy people have to go back into the dock, they should not be adequately defended: secondly, we simply must have large sums in hand for the support of their families and - if that should ever be possible - for their eventual rehabilitation. This is a debt that white humanity owes to black humanity, and to those whites (for some whites are arraigned) who have helped black humanity; and what should we feel like if we refused to pay that debt?

The reader of this advertisement has almost certainly contributed already. We now want him to contribute again, and more than before - just because the thing has been going on for two years, and is now, incredibly, to start all over again. The prosecution in South Africa is tenaciously persisting in its inhumanity: let us persist as tenaciously in our humanity.

This is the most recent of a series of appeals which have appeared in the British press for support for the S.A. Defence and Aid Fund. We think readers may be interested to know who some of the distinguished signatories of these appeals are, who so strongly believe in the rightness and importance of the work of the Fund.

Among the Politicians, Churchmen, and Academic Figures (artists, actors and writers we leave to a future Bulletin) whose names appear, nearly all have been in some way associated with

with commonwealth or international affairs:

Lord Hemingford was first a master at Achimota College on the Gold Coast and later Rector of Achimota Training College from 1948-1951; the Earl of Lucan was A.D.C. to the Governor of S. Africa, 1924-25 and later Parliamentary under-secretary of State, Commonwealth Relations. Lord Faringdon was a member of the Colonial Economic and Development Council 1948 and the Colonial Social Welfare Advisory Committee 1946.

Baroness Ravensdale is vice-Chairman of the Royal India Society, also a council member of the Industrial Christian Fellowship. Lord Altrincham, who had a most distinguished career at Oxford was a delegate to the Commonwealth Press Conference in Canada in 1950. Joseph Grimond is the leader of the Parliamentary Liberal Party since 1956. Herold Wilson, Tom Driberg and Fenner Brockway are all noted parliamentarians, Herold Wilson having held Cabinet office in the Labour Government of 1943-1951.

The Bishop of Birmingham has spent much time in the Far East, being Archdeacon of Hong Kong until he was interned in Changi Camp Singapore 1943-1945. He became Bishop of Singapore from 1941-48. The Bishop of Manchester was General Secretary of the Student Christian Movement 1935-44 and became Bishop of Manchester in 1947. The Bishop of Sheffield is a member of the Church Assembly and was Commissary to the Bishop of Zululand for some years. Dr. Macleod was Moderator of the Church of Scotland 1957-58. The Rev. Donald Soper was President of the Methodist Conference 1953. He is the author of "Questions and Answers in Ceylon." Dr. Leslie Weatherhead was President of the Methodist Conference 1955-56 and the author of many theological works. The Rev. Nathaniel Micklem is Principal and Professor of Dogmatic Theology at Mansfield College, Oxford, 1932-53, and has been professor of theology in various Commonwealth universities including Ontario. Dr. Alan Don is the Dean of Westminster, Canon Collins, Canon and Precentor of St Pauls since 1948 and Chairman of Christian Action. The late Fr. Raynes was the Superior of the Community. Fr. Trevor Huddleston is now Prior of the London House of the C.F. Rev. Michael Scott is the Director of the Africa Bureau. Rev. David Shepherd played cricket for England. Sir Kenneth Grubb is Vice-Chairman of the House of Laity of the Church Assembly and was U.K. delegate to U.N.E.S.C.O. in 1954.

Professor Bentwich is a barrister at law and was lecturer at the Hague Academy of International Law in 1929, 1934 and 1955. Sir Maurice Bowra is warden of Wadham College Oxford, was vice Chancellor of the University 1951-1954 and is a Commandeur of the Legion d'honneur. Prof. Arnold Toynbee is a distinguished historian whose recent History of Civilisation has aroused world wide interest.

Prof. Julian Huxley, distinguished biologist, was a member of the General

Committee for Lord Hailey's African Survey 1933-1938 and a member of the Commission on Higher Education in West Africa 1944; he was also Director of Unesco 1946-48.

Prof. Max Gluckman was born in Johannesburg and graduated at the University of the Witwatersrand. He worked at the National Bureau of Education and Social Research, S. Africa 1936-38 and at the Rhodes-Livingstone Institute in N. Rhodesia. He carried out field research in Zululand, Barotseland and among the Tonga of N. Rhodesia. He has been Professor of Social Anthropology at the University of Manchester since 1949.

#### TO SOUTH AFRICANS

Britain has made a wonderful effort and we are truly and profoundly grateful. But this remains our trial and, if justice is to survive in our country, the trial must go on to a just conclusion and must not become a victory for the prosecution because there is no longer money for the Defence case to be properly presented to the Court. If the processes of the Courts are not maintained, and to maintain them is an extremely costly business, then there is no protection against the untrammelled power of the State.

We therefore once again appeal most urgently to all South Africans who value our democratic traditions, and who can imagine themselves and their families in the position of the accused and theirs, to give and give again, to give more than they think they can afford. The trial begins anew and our expenses once more soar.

#### APPRECIATION

We call ourselves THE FUND without stopping to consider just whom that short term includes. There are the Four Trustees, the 40 or 50 sponsors, the members of 9 South African committees and of Committees in the United Kingdom, United States and Uganda, and our Supporters in all these regions and many others where no Fund organisation exists. Almost all of these people are necessarily quite out of touch with the accused for whose benefit the Fund exists. That does not mean that the accused are not well aware of their existence and deeply appreciative of all they are doing. We get many many expressions of this appreciation and we quote two to stand for all.

"The support given to my family and

myself by the TTDF and sympathisers with medical attention for my family in my absence (on trial) reduced the impact of the arrests and are highly appreciated by me. In regard to the prosecution the work of the TTDF will be remembered for generations to come."

"We are now in hardships" writes another, "now that we have been freed, they are making matters worse for us. But (referring to TTDF) I must say I am very very thankful for the Hospitality."

#### THE TRIAL COMES TO PRETORIA

Probably the organisation of fund-raising for the Treason Trials Defence Fund has been more difficult in Pretoria than in any other centre. In fact, it was not even properly attempted until it became evident that the Trials were to be heard in Pretoria and that, if the Accused were to be provided with mid-day meals, these would have to be prepared in Pretoria by residents of this city.

With more resolution than hope, a tiny nucleus of stalwarts essayed a first few fluttering appeals for funds and practical assistance in work and kind during April, 1950. The response, for anyone acquainted with our charming capital city, and its normal reactions to appeals with such "dangerous" undertones was staggering. A dozen teams of ladies volunteered to cook the lunches and to try to get the raw materials for these meals without calling on the collected money which could then be paid into the general Fund.

In fact, a total of £600 has been collected in Pretoria and banked for this purpose during the eight-odd months since the effort was launched. This sum looks rather puny by comparison with the amounts raised in other centres, but it is more than we thought could be squeezed, in that period, out of Pretoria, where the people who can afford to contribute, either actively disapprove of the Fund's objects or are unusually vulnerable to reprisals which they fear may overtake them.

Really impressive donations of clothing were forthcoming too (often clandestinely), and other gifts in kind, such as paper for this bulletin. But the outstanding contribution from Pretoria to the Fund has been the spirit in which the mid-day meals for the Accused have been provided. Surely more cordial and co-operative inter-racial activity has never been seen

before in the precincts of this city. The teams of women who undertook the catering were drawn from all racial groups. African, Coloured, European and Indian well-wishers helped them with generous free gifts of the food-stuffs they required. A truly remarkable co-operative spirit has developed among the people engaged in what has acquired the name of "The Feeding".

The venue is the pleasant garden of the Anglican mission in Procs Street, which is under the charge of Father Mark Nye, chairman of the Fund's Pretoria Branch, and is a few minutes walk from the "Old Synagogue" Court. A school-room in the Mission's grounds is available if the weather should not permit of these 'al fresco' meals in surroundings which must in themselves be such a refreshment to the Accused in contrast to the stuffy and oppressive interior of the Court. Each days proceedings are interrupted by a sort of garden-party where the guests are made to feel that they are held in particularly high esteem by those most delightful of hosts, the Nye family. The conversational ambience of two-year-old David as he offers cigarettes (and, on one occasion, cakes which his mother had acquired for a tea-party scheduled for later that day) is already a legend, and would be the envy of an experienced side-de-camp.

City workers who cannot participate in the catering, hurry down to the Mission to help serve the lunches, or simply make contact with the Accused. Apartheid has never been less in evidence in Pretoria, even before it became a National Policy. Solid friendships have been formed which one could hardly imagine being engendered by any other circumstances.

The Pretoria Branch Committee will meet soon to plan fund-raising for 1959, and whatever else transpires, it is certain that the Feeding will continue in the same spirit and on the same scale as it was conducted in 1950, as long as it is required and allowed. (J. Brink)

#### Mr. Remus Nkosi

It is with very sincere regret that the Fund and the Accused have said good-bye to Remus Nkosi, who has worked unsparingly in the Fund office since the beginning of the fund and who has decided to return to his home in Rhodesia. Our very warm good-wishes go with him.

RECENT FUND - RAISING

STREET COLLECTION

A street collection in Johannesburg on 30 October brought in £1290, a little more than our previous success. Our thanks to the convenors and to all their helpers.

JAZZ. As a result of the race riots in Nottingham two jazz bands gave their services free at a ball at Ilkeston, Derbyshire, at which £45 was raised for the TTDF. A committee of six including a clergyman, two doctors, and the town clerk, organised the event. "You might say this is Nottingham's reply to Nottingham's prejudice," said the Revd. F.R. Hazell.

ROBESON SINGS

More than 4,000 ticket holders filled St. Paul's Cathedral on October 12th when Mr. Paul Robeson was present at Evensong and sang spirituals and gospel songs. The recital was sponsored by Christian Action and a collection of £300 was taken for the South African Treason Trial Fund.

Three police sergeants stood at the back and some City police outside. All they were needed for was to restrain the enthusiastic crowds who stood on the steps and raced to surround him as he left.

Mr. Robeson read the first lesson from the lectern and afterwards sang from there. Among the spirituals were old favourites, wellknown from his records: "Sometimes I feel like a motherless child", and "Swing low sweet Chariot". Before he left the Cathedral the congregation surged round him and he was besieged for autographs, which he signed for the choirboys.

After the first part of the recital Canon Collins said that they were all grateful for this "unique experience of hearing Mr. Robeson giving his voice to the glory of God and the service of his fellow men".

Mr Robeson sang with a television camera playing on him the whole time and a battery of cameras flashing from the front row at his feet.

DURER PRINTS FOR FUND

More than 100 prints of woodcuts and engravings, printed by the Durer Society in 1900, have been given by the family of the late Sir Patrick Duncan, former Governor-General of the Union, for

a Cape Town Exhibition and Sale in aid of the Fund, and opened by the Archbishop of Cape Town, the Most Revd. Joost de Blank. The prints which are rare and in excellent condition were sold and a considerable sum of money was raised.

ARCHBISHOP STANDS BY THE FUND

The Archbishop (President of the TTDF) in opening the Sale and in reply to an attack made upon him by a Nationalist M.P., "more eloquent than intelligent," for "identifying himself with the suspects", said "I regard this as a shocking statement. I am proud to follow in the footsteps of the late Dr. Clayton and to back the vital principle that a man is innocent till proved guilty."

DIFFICULTIES

Not all centres have been fortunate in their attempts to organise fund raising. The Bloemfontein sub-committee's application to the City Council for permission to hold a collection was refused because the Case 'was sub-judice', but the Council indicated that when the trial is over they might consider such an application favourably.

The Pietermaritzburg Committee has for the second time been refused permission by the City Council to hold a cinema show in aid of the Fund, in spite of a personal interview between Mr. Alan Paton, one of the Fund's Trustees and the Mayor, followed by a letter to the Mayor setting out the aims and objects to the Fund. The set-backs do not prevent Bloemfontein and Pietermaritzburg from sending in substantial contributions: they make it more difficult, and we, in consequence are more appreciative of their effort.

The Drama Group of the Wishean Theatrical Entertainers have, however, been granted permission to stage a concert in the Pietermaritzburg City Hall in aid of the Fund on Feb. 20. The show includes variety, song and dance hits. We wish the Group every success.

We hear Mr. Madibane of Kimberley has also been in trouble over his efforts for the Fund. He committed the technical error of omitting to get the proper authority to hold a function before the dance he organised took place. His proceeds were cut by £20 for entertainments tax and he was in addition fined £15 admission of guilt. An attempt is now being made to get this rectified or the Fund will be the poorer by £35.

THE TRIAL - Late News

The Trial got off to a slow start on January 19 and, after proceedings lasting no longer than a day and a half, was adjourned once more, this time to February 2.

In the dock were only 9 of the 30 accused indicted in this first trial. The Attorney-General made his first appearance as a member of the Crown team to announce that the official of the Department of Justice responsible for organising the bus to carry the accused from Johannesburg to Pretoria had had a heart attack, and no one else had taken over. The police, he said, were coming to the rescue with transport. The court adjourned only to learn, one and a half hours later, that the police van had broken down. The accused were eventually in court in time for the afternoon session.

Mr. I.A. Maisels, Q.C., launched directly into an application for a change of venue of the court to Johannesburg. A fair trial for the accused would be prejudiced by such things as the strain of having to travel 6 hours a day and the difficulties of consultations after hours, he said. There were suitable courts in the Supreme Court building in Johannesburg.

Mr. Justice Rumpff asked whether there was not the danger that large crowds would gather round the court in Johannesburg and their very presence trigger off clashes with the police. Apart from the demonstrations on the first three days of the preparatory examination proceeding, Mr. Maisels replied there had been no incidents throughout the nine months of court proceedings in Johannesburg.

There was lengthy legal argument on whether or not the the Special Court had powers to move itself.

The Crown objection to the trial being held in Johannesburg was summed up by Mr. O. Pirow Q.C.: "The large cities of the Union are nothing short of dynamite. The public safety is more important than the convenience of the accused."

The Defence application for the change of venue was rejected by the Bench on the second day of the hearing. The reasons are to be filed later.

The Defence then asked for the proceedings to be adjourned to enable it to study further particulars supplied by the Crown only on 10 and 14 January.

When the court resumed, Mr. Maisels said, he would argue for the quashing of the indictment on the grounds that parts of it disclosed no offence.

Next Session: Monday, February 2.

xx xx xx

ART AND ANTIQUE SALES

Art and Antique Sales are being planned in Johannesburg (on the 2nd and 3rd March at the Windmill Theatre) and in Cape Town (sometime in April). Both committees appeal for contributions. Paintings, graphic art, antique furniture, old silver, china and jewelry are all highly acceptable for both sales and it is intended to maintain a high quality. A special committee of over 30 has been formed in Johannesburg and is hard at work. The response so far has been good. For instance, a small Dziona bronze has been donated by Mrs F.L. Friedman. Sekoto has sent an oil from Paris and Arthur Goldreich has given a recent canvas. Much else has been promised but much more is required. You are asked to turn out your own articles, collars, cupboards and drawers in search of suitable articles and to ask your friends to do the same. We appeal diffidently to artists, whose past generosity is an invitation to come again; importunately to collectors whom we fondly imagine are less wide open to frequent assault, and confidently to our old supporters. Please contact local secretaries to arrange delivery

I M P O R T A N TFUND RAISING  
AUTHORITY.

Will those organising functions for the TTDF please make application to the local branch secretary in good time before the function, for an approved W.O. form which will exempt you from entertainments tax and otherwise authorise the function and protect the organiser.

WHERE TO FIND US.

Johannesburg: 5 Trades Hall, 30 Kerk Street, P.O. Box 2864. Phone 33-5901.

Cape Town: 3 Vlam Gebou, Church Square P.O. Box 1039. Phone 3-3506.

Durban: 25 Plowright Bldgs., Plowright Lane. P.O. Box 1370.

Port Elizabeth: 1 & 2 Richardson Building, Market Square. P.O. Box 1091 Phone 2-5710.

East London: P.O. Box 749.

Pietermaritzburg: 268 Longmarket Street, P.O. Box 831.

Bloemfontein: P.O. Box 245

Pretoria: 1082 Pretorius St. Phone 4-3575.



# TREASON TRIAL BULLETIN

No.3

July, 1958

Issued by the Treason Trials Defence Fund (W.O.2092)  
5 Trades Hall, 30 Kerk Street

P.O.Box 2864, Johannesburg

Now at last, after months of waiting, we know.

The trial will begin on 1st August. The Judges have been appointed.

It will be held in Pretoria.

The Crown will be responsible for the transport of the accused, but at the time of writing we do not know what specific arrangements will be made.

The indictment has been served and consists of 408 pages.

Following is a lawyer's summary of it

## THE INDICTMENT H I G H T R E A S O N

The indictment against the accused contains three charges. The first is the charge of high treason. This charge does not allege that the accused actually attempted any revolution of violent attack upon the State, nor does it allege that they were acting in concert with any external enemy of the State. The charge is that they conspired to prepare a violent revolution, leading to the overthrow of the State, and the replacement of the present state by "a communist State or some other State".

### ON OTHER PAGES

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8: Branch Activities  
8: How to find Us.

The conspiracy is alleged to have taken place throughout the Union, during the period from 1952 to 1956. The parties to it were not only the present 91 accused, but also those who were discharged at the end of last year, another hundred persons named in the indictment and "other persons to the prosecutor unknown".

Among the acts alleged to have been done in pursuance of the conspiracy, the most important appears to be the convening in 1955 of the "Congress of the People", at which the Freedom Charter was adopted. Apart from this the acts charged against the accused consist of the convening of other meetings, the making of speeches and the distribution and publication of pamphlets, periodicals and other documents.

Two further charges are framed in terms of the Suppression of Communism Act. One of these relates to communism in the ordinary sense of the word, and the other to the

THE INDICTMENT (Contd.)

special brand of "communism" which was created by the definition contained in the Act.

People's Democracy

The first of these charges is based upon the allegation that the accused advocated the establishment of a communist state" in the form of a so-called People's Democracy of People's Republic".

The other Suppression Act charge is based upon the section in the Act which defines as communism "any scheme which aims at bringing about any social, political, industrial or economic change in the Union by means which include the "promotion of disturbance or disorder". The allegation is that the accused advocated the achievement of those changes in the Union's affairs which are envisaged in the Freedom Charter by means which included the promotion of disturbance and disorder. This charge is very similar to the one which was brought against a number of Congress leaders at the time of the Defiance Campaign of 1952. At that time, the charge was one of advocating change within the Union "by means of unlawful acts" - which is also communism in terms of the definition. A number of Congress leaders were convicted and received suspended sentences.

A large number of speeches, resolutions and documents are relied upon in support of these charges. The Congress of the People and the Freedom Charter again feature prominently.

It has just been announced that the trial will take place in Pretoria before a Special Criminal Court. A Special Court consists of either two or three judges of the Supreme Court, sitting without a jury. Such a court may be constituted by the Governor General to try any charge of treason, sedition or contravention of the Suppression of Communism Act. The constitution of Special Courts has been a fairly rare event in the history of the Union up till now. Robey Leibrandt and others were tried before Special Courts during the last war, as were a number of leaders of the 1922 strike.

WHY THE DELAY?

The political correspondent of the Sunday Express (23.5.58) suggested that the long delay in beginning was

due to the fact that Mr.C.R. Swart Minister of Justice, was contemplating, when Parliament meets in July, a further change in the criminal law (Earlier in the year, (see Bull.2, page 7), new legislation made, in effect, the mere production in Court of documents, however questionable, prima facie proof of their contents, this to apply retrospective to criminal proceedings instituted before the commencement of the amendment. The Minister submitted that this could affect the trial.) He alleged that Mr.Swart had actually drafted a Bill to give the Minister power himself to appoint a special court in cases, amongst others, of High Treason, but had abandoned the project because of possible unfavourable opinion abroad. Since then the Governor-General has appointed a special court consisting of three judges. The position remains obscure.

The Sunday Express (22.5.58) quotes legal opinion that this course will require legislation; that a special court can only be appointed if the accused had chosen to be tried by judge and jury. This they initially did, and then reverted their choice, electing to be tried by a judge appointed by the Judge President. Other authorities believe that the law is not clear and the Minister may be entitled to take this course. We await the next session with unusual interest. (See STOP PRESS)

★ ——— The ——— ★  
| COURT |

The three Judges appointed by the Governor-General to try the Treason case are: Mr.Justice Rumpff, Mr.Justice Ludorf and Mr.Justice Kennedy.

Judge Rumpff tried Dr.J.Moroka and 19 other non-white leaders, in 1952 on charges under the anti-red act. In his judgement he said the charge had nothing to do with communism as it is commonly known; the offence of which the accused had all been found guilty was statutory communism.

Judge Rumpff was defending counsel for Mr.Oswald Pirow (leading counsel for the prosecution in this trial)

in 1947 when Mr. Pirow faced a charge (arising from a press article) of incitement to commit public violence.

Judge Ludorf, also a Transvaal Judge defended Robey Leibrandt, who was tried for treason during the war. Before his appointment to the Bench, he was a member of the Transvaal Executive of the Nationalist Party and he opposed Gen. Smuts in the General Election of 1943.

Judge Kennedy was judge of the Native High Court in Natal and on its abolition was transferred to the Natal Supreme Court. Last year he sentenced to death 21 Africans in a mass murder trial arising from disturbances following a dagga raid.

On a case of this sort the judges have to give a unanimous verdict. Should they disagree, there may be a retrial.

#### FOR THE DEFENCE

The defence team will be lead by Mr. I. A. Maisels, Q.C. He will be assisted by Mr. A. Fischer, Q.C., Mr. H. C. Nicholas, Mr. S. Kentridge, Mr. V. C. Berrange, Mr. J. F. Coaker, Mr. A. P. O'Dowd, Mr. C. Plewman and Mr. D. J. B. Osborn, all instructed by Mr. Michael Parkington, of Messrs A. Livingstone of Johannesburg.

#### FOR THE PROSECUTION

Mr. O. Pirow, Q.C., is senior prosecuting counsel. He will be assisted at the trial by: Mr. Jacob de Vos, Q.C., of the Cape Bar; Mr. J. Trengrove and Mr. G. Hoexster of the Pretoria Bar; Mr. M. O. Barker, Mr. J. C. van Niekerk, Mr. J. H. Liebenberg, and Mr. C. van der Walt of the Attorney General's Department (the last three having been engaged in the prosecution in the preliminary examination).

#### VENUE FOR THE TRIAL

The trial is to be held in the Old Synagogue, Paul Kruger St., Pretoria (now owned by the Government), which has recently been converted to a special criminal court.

An alarming expenditure has been saved the Fund by the Government deciding to provide daily transport to

Pretoria "for those people on trial who do not live there". In fact not one of the accused comes from Pretoria, though efforts are being made to find accommodation there for some of those from other provinces.

Judge Lucas, Trustee of the Fund, in a recent appeal said: "One wonders whether the Minister of Justice, when he ordered that the trial should be held in Pretoria, realised the hardships which this would inflict on the accused ... For them the trial will involve, in addition to the daily strain during the sittings, four hours each day spent in travelling. For many it will mean leaving home about seven in the morning and getting back about seven in the evening. And that will be the programme for months on end. No insuperable inconvenience to the prosecution would arise if the trial were held in Johannesburg ...."

This also means that those of the accused who, by working extra-ordinary hours, have until now held down part-time jobs or have managed to keep their own businesses going, will probably not be able to continue to do so and the Fund will, in consequence, have to provide assistance for many who have until now managed to remain independent.

**STOP PRESS**

We learn that a special Criminal Courts Amendment Bill has been introduced in Parliament. Its contents are not yet known, but to legalise the Special Court it will have to be rushed through Parliament before the trial opens on 1st August. (See page. 2).

25 copies of The South African Treason Trial consigned to Lionel Forman, have been confiscated, as "objectionable" by the Customs authorities.

THE SOUTH AFRICAN TREASON TRIAL by Lionel Forman (one of the accused) and E. S. Sachs. published by John Calder and Company, who are kindly donating all profits to the Fund. To be obtained from the Publishers, 17 Sackville St., London, W.1. Price 19/-, postage 6d.

BOOK

REVIEWS

THE TREASON CASE by Anthony Sampson

(Published by Heinemann)

"The proportion of the races among the suspects, as many people were quick to notice, was exactly what one would expect to find if a multi-racial parliament were ever to be elected in South Africa in ratio to the population - Africans far outnumbering Indians and Europeans"; and, with the treason case as focal point, Anthony Sampson shows how this gathering acquired the multi-racial colour. He does this by way of a political history of the last 50 years, a history largely of non-European politics and, particularly, of the African National Congress, the major non-white political movement at the present time.

Firstly Mr. Sampson recounts that series of astonishing arrests which took place more than 18 months ago and put 156 people into the Drill Hall to face charges of high treason.

In summarising the course of the preparatory examination, the evidence and argument, Sampson summarises the politics, as they emerged in court, of the last five or six years, the defiance campaign; reactions to the Bantu Education Act, the Bantu Authorities Act, the Western Areas Removal; the Congress of the People; and the Freedom Charter on which so much of the prosecution case seemed to hinge. And he captures the strange blend of unreality, comedy and boredom which overlaid much of the deadly seriousness of the proceedings.

The second part of the book is concerned with the growth and vicissitudes of the A.N.C. since its foundation in 1912, outcome of African suspicions that the Act of Union would prove the virtual sell-out of Cape Liberal traditions. Congress is shown swinging through half-a-century between left and right; power shifts between chiefs and intellectuals; activity ebbs and flows. Events would inject a burst of life when the organisation seemed dead. The Hertzog Bills of the late twenties giving the then Minister of Justice, Mr. Oswald Pirow (now leading U.C. for the prosecution) powers to by-pass the courts and impose banishment; and of 1936 which removed the Cape African voters from the common role; Smuts' crushing of the miners' strike in 1946

the coming in '48 of the Nationalists to power. These events in turn shattered the last hopes in British liberalism, seemed to make final white rejection of the educated African and further disillusioned non-whites in the efficacy of discussion and negotiation. Oppression in different spheres brought the non-white groups at last together in the defiance campaign and established the present multi-racial orientation of Congress militancy.

Mr. Sampson analyses the present alignments of the non-white opposition to Congress, particularly the nationalism of the Africanists who believe that the African should 'go it alone' to establish 'Africa for the Africans', and are, in consequence, anti-Indian, anti-White and Anti-Communist. Here Mr. Sampson lights on one of the strange anomalies of the case - indeed of the political situation. Those in the dock are of all races and all economic social and political spheres. They included ex-members of the dissolved Communist Party, people of liberal or even conservative trend, devout mission-bred Christians and others who have been won to the multi-racial position from the ranks of Africanists, persuaded through contact with whites that not all are motivated by self-interest. This reduction in race exclusiveness, Mr. Sampson attributes very largely to contacts with whites within the Communist Party, for decades the only place of inter-racial contact on a basis of equality. He suggests that in the movement and on tours, which many non-whites have made in Communist countries, they were able to develop a confidence and self-respect which made racialism no longer a necessary defence.

Mr. Sampson completes the story in terms of individual lives; he illustrates the meaning of the events of half-a-century by their effects on the lives of 8 men and women on trial for treason, and this turns the book from an able digest of political history into an absorbing human document.

THE TREASON CASE by Anthony Sampson  
Published by W. Heinemann, Ltd.  
Obtainable from Vanguard Booksellers,  
25, Joubert St., Johannesburg.  
Price 21/6, postage 6d. Reviewed on this page.

## WE RENEW OUR APPEAL

We make no apology for coming back to the matter of funds. Our first financial year as a Welfare Organisation has ended and we must take stock. In the first days of the Fund the sponsors envisaged a modest £10,000 as the sum likely to be necessary. Our target since then has risen in leaps, as the gravity of the situation has become evident, and it is now set somewhere between £100,000 and £150,000. In 18 months we have raised and received (including some substantial donations from abroad) some £44,000; we have already spent over £33,000. Further sums, we know are being raised for us from overseas.

So far, so good. But not nearly good enough. Our heaviest expenditure is really only beginning and, though we cannot at this stage give any forecast of what it will be, as we do not know how long the trial will take, we know that it must be very high.

### ———— COSTS ————

A recent press speculation estimated the cost to the Government in fees of the prosecution to be close on £90,000. This is the figure we have to compete against. Obviously the defence costs must likewise be heavy though, thanks to the generosity of the lawyers, defence fees are much lower than would normally be the case.

The accused, of all races, on a decision of their own committee, are given a maximum allowance per accused of £11 a month. Not all of them, so far, draw this maximum and a number of them at present get nothing from the Fund as they have managed to keep in part-time employment. But as time goes by their circumstances might deteriorate, and, as the trial is to be held in Pretoria, those who have managed until now to be independent of the Fund by working before court and late into the evening will be unable to continue this and we may well, before we see the end, be faced with a welfare account of at least 92 x 11 pounds a month. In addition, while the trial is on we give each accused a small "pocket money" allowance and try to provide the most necessary clothing.

When the P.E. closed at the end of January it was believed that the trial would begin towards the end of April. It is now to open on the 1st August (for possible reasons for this long delay see p. 2); over three extra months welfare and legal costs.

Beyond all this - whatever the outcome of the trial - we must remember that we carry the social responsibility of having to help restore broken lives and careers at costs, again, incalculable.

We fear our sum in arithmetic resembles nothing so much as the old childhood problem of the train on a very long journey, with many stops, at each of which many passengers got down and many others were taken on. The burning question at the end of it was - what was the colour of the conductor's hat? That roughly is our baffling problem, and, while we wait for the solution to be vouchsafed, it is very certain that the Fund must take up much more in contributions than it drops off in payments.

More is at stake than purely humanitarian principles. This trial takes its place in the struggle - old as man's own story - of the human mind against systems and shibboleths, for its freedom to think and adventure. On these grounds we renew our appeal not only to our tried friends, but to all who cherish the concept of individual liberty. Above all, we direct our appeal most urgently to South Africans.

## WE THANK

- All who have helped us including -
- The S.A. Labour Party who have provided our offices for 18 months.
- Two kind donors who offered large prams immediately on reading of our need in the last issue.
- The friend who sent 1,000 envelopes on reading of our need.
- All who are sending in clothing.

PRESIDENT AND TRUSTEE OF FUND  
ATTEND  
LAMBETH CONFERENCE

The Archbishop of Cape Town, the Most Revd. Joost de Blank, President of the Treason Trials Defence Fund, and the Rt. Revd. Ambrose Reeves, Bishop of Johannesburg and one of the Trustees, have left South Africa to attend the Lambeth Conference and undertake lecture tours in England and America. Appealing for support of the Fund the Archbishop, in a letter to the Cape Times (2.4.58) wrote: "..... (The Fund) bases its appeal to the public on two propositions: the accused are entitled to a proper defence against the grave charges they face; and their dependents, if in need, are entitled to support. In other words the Fund has been established in the name of justice and in the name of humanity ... How long further proceedings will take, no one can say with certainty. One thing is certain. Much money is still needed to provide the costs of legal defence, and to contribute to the maintenance of the wives and children of the accused..."

## WE NEED.....

Clothing, shoes, blankets for the accused and their families. What is not of use to them will go later on in a jumble sale for the Fund.

Workers in all regions. So if you have sympathy for our cause or any special talents, particularly that of drawing hard cash from a stone, please ring branch secretaries.

This bulletin costs about £16, each issue of 1,000 copies. We do not wish to draw on the Fund for this, so if you think it is serving a useful purpose please send a contribution towards its cost.

### STILL AVAILABLE

The booklet South Africa's Treason Trial. It tells the story of the 4 a.m. arrests. Contains photographs and brief biographies of all the accused. Price 2/6, post free, from the Fund Office.

## SUPPORT FROM OVERSEAS

### Christian Action

Canon John Collins, Chairman of Christian Action, told a recent London meeting of sponsors of the Treason Trial Defence Fund that their original target of £50,000 had almost been reached. After that Christian Action would try to raise £100,000 for the "preservation of freedom of free speech" in South Africa and the Rhodesias. He hoped that the British Conservative and Liberal Parties would follow the example of the Labour Party whose General Secretary, Mr. Morgan Phillips, was a sponsor of the Fund. (Star 9.5.58)

### British Council of Churches

The British Council of Churches Executive Committee, meeting in London on April 22nd and 23rd, accepted the resolution of the Chairman, Dr. Hugh Martin, that the Council should "commend to the generosity of all men the appeal made for the cost of legal defence and the support of the dependents of those on trial for treason in South Africa".

### Labour Party

The British Labour Party appealed for support for the Christian Action Fund in its monthly press service under the heading Treason Trial S.O.S. from South Africa. It says: "Separations among families, loss of employment, inability to pay hire purchase instalments and rents, interrupted studies, broken homes, wrecked hopes are the lot of everyone involved". (R.D.M. 26.3.58)

### Episcopal Churchmen for South Africa

From New York, with a very generous donation to the Fund, the Vice-President, Mr. William Johnston, writes: "Please know that your organization and the people it is helping are in our thoughts and prayers."

## FUND. RAISING IN SOUTH AFRICA

Alas, the last few months have been a lean period for the Fund. Our all too few very efficient Fund raisers were off, raising votes for the elections. That is over and we have had time to recover and our committees are back on the job. We hope in our next issue to report a more cheerful situation.

### JUNIORS EFFORTS SHAME ELDERS

We were immensely cheered to receive on a day when things were at a low ebb, the following letter:

"Me and my friends held a sports fair today, at my house. We raised £2.9.0, which to give to the Treason Trial Fund. We call ourselves the Junior Olympics (J.O).

Yours sincerely,  
Patrick Z....

for Hymie A...  
David B...  
Teryl C...  
Andrew X...  
John Y...  
Frances Z..."

We learn that these stalwarts are aged 9 to 11 years and this enterprise entirely their own idea. Well done J.O!

### WAGES DONATED

A group of young Indian waiters donated their wages - £22 earned in catering for a function - to the Fund. They are prepared to work for other functions in the same cause. We are grateful for this bright idea - others please emulate!

### SUCCESSFUL DANCE

A dance organised in Kimberley Location raised £91 for the Fund. Locations and townships elsewhere, please copy.

### BOOK SALE

Held on a wet Friday 13th in Johannesburg brought in £22.

What ideas  
have you  
for raising  
funds?

### CAPE TOWN STREET COLLECTIONS

A street collection held by the Fund in Cape Town was disappointing after the success of the Cape Town Art Sale (Bull. 1, page 2), and the Johannesburg Street Collection (Bull.2, page 3). We quote the account of the organiser to show the strength and weakness of our support and give some indication of the success of government intimidation in frightening or misleading people.

Mrs. Lee Warden writes: "Some were disappointed, others not. The total was £455. Far from having been given a suitable day, as you were in Johannesburg, we were given the week after the election, with the result that many people were truly afraid even to put money in the boxes. Many made very direct remarks, such as "you should be in it, too", or "you should be ashamed to collect for such a thing". Others put their tickets in their pockets, many walked hurriedly by, but those who gave were very generous; there were £1 10/- and even £5 notes, 2/6s etc. One collector was quite overwhelmed when a gentleman, looking rather concerned walked up with a ticket already pinned on his lapel, put a £1 in her box and said, "This is for my conscience, I've already given, but not enough". Boxes were either very empty or very full, but the general feeling was that people were afraid to implicate themselves by giving."

### "INVASION OF PERSONAL LIBERTY."

"People who attended a 21st wedding celebration in Johannesburg" reports the Sunday Times (27.4.58), received surprise visits from the Special (Political) Branch. A few days after the party, they were questioned by detectives who asked what happened at the party. Two of the guests, they said, were Treason Trial accused. What had they talked about?"

"The Special Branch seems to have tailed them to the party, taken the numbers of the cars outside and, tracing the addresses of 23 other guests, ('most of whom' said the indignant host, 'have no interest in politics'), questioned them on what had happened at the party and what the accused had talked about. 'It seems', continued the host, 'that if you innocently attend a party at which suspected persons, unknown to you, are also present, there is a risk of getting a police dossier. This incident indicates the extent to which our private lives are becoming the subject of police scrutiny. It is an invasion of personal liberty which snacks strongly of the inquisition and would not be tolerated in a civilized country'."

O B I T U A R Y

CHRISTOPHER GELL

With profound regret we learnt of the death, in Port Elizabeth, on the 28th May, of Christopher Gell, a member of our Port Elizabeth Committee and one of our most valued supporters. Stricken with polio in India, he was for 13 years confined to an iron lung, from which he carried on an indomitable fight against discrimination and oppression. His forceful and informed articles and letters on race relations have appeared frequently in the South African press.

In his funeral address, Canon J.P. Gutch said: 'It is strange that this service should be held on Union Day. Surely the kind of union for which he lived is the only kind which can survive. His fight for such union was directed not only at those in high places who make a mockery of union by preaching domination or apartheid, but against the man and woman in the street, who prevent union by complacent acceptance of the status quo, or by careless indifference to their fellow men. In humility we must accept his condemnation and in hope endeavour to build a better society'.

The only hymn sung in the church was Nkosi Sikelela l'Afrika by the Africans as the rest of the mourners stood.

His ashes have been, in accordance with his will, scattered on the waters of Algoa Bay, "on whose strong tides no man can impose apartheid. One day our shores will be cleansed of the ghastly aberration and then the sea can wash me upon the beaches of South Africa to lie in peace".

**WHERE TO  
FIND US**

Johannesburg: 5 Trades Hall, 30 Kerk Street.  
P.O. Box 2864. Phone 33-5901.

Cape Town: 3 Vlam Gebou, Church Square  
P.O. Box 1039. Phone 3-3506

Durban: 25 Plowright Bldgs., Plowright  
Lane. P.O. Box 1370.

Port Elizabeth: 1 & 2 The Richardson Bldg.,  
Market Square.  
P.O. Box 1091. Phone 2-5710.

East London: P.C. Box 749.

**BRANCH  
ACTIVITIES**

Pretoria

A sub-committee of the Fund has been formed in Pretoria under the Presidency of the Bishop of Pretoria. Office bearers are the Revd. Mark Nye (Chairman), Mr. John Brink (Secretary), Mr. G. Cheeseman (Treasurer). One of the immediate tasks they have undertaken is the provision of a midday meal for the accused during the trial. They need helpers and contributions.

Durban

Is planning to hold a "Treason Week" from 1st to 7th August. They have a number of enterprising schemes afoot, including a "raise £5 campaign". Helpers are urgently needed: Please volunteer.

Cape Town

Encouraged by the tremendous success of their auction sale in January, Cape Town now plans another sale of art, antiques, rare books, Africana, objects d'art. Anyone with things they can give please send them either to the Cape Town Committee, or to your regional Fund office.

Please turn out attics, cupboards, bookshelves. Are you sure those paintings on your walls would not look better if there were fewer of them? Don't let the fact that you gave generously last year inhibit you from giving again.

Competition

A return trip for two to the Victoria Falls (or £120) is the inviting prize for a crossword puzzle competition organised by the Cape Town Branch.

Pietermaritzburg: 268 Longmarket Street,  
P.C. Box 831.

Bloemfontein: P.C. Box 245.

Pretoria: 1082 Pretorius Street,  
Phone 4.3575.



TREASON TRIAL  
*Bulletin*

2/11/59

No. 8 Issued by the Treason Trials Defence Fund (W.O.2092) October, 1959.  
5 Trades Hall, 30 Kerk Street, P.O. Box 2864, Johannesburg.

".....The Trial will be pro-  
ceeded with no matter how many  
millions of pounds it costs.  
That does not affect the issue.  
.....What does it matter how  
long it takes?....."

The Minister of Justice  
in Parliament.  
Hansard, 12 May, 1959.

ON OTHER PAGES

The Bishop Appeals ..... p.1.  
The Trial ..... p.2.  
How it looks to others ..... p.4.  
Bulletin Biography  
No. 5 - J. Molefi ..... p.4.  
Branch News ..... p.6.  
How to find us ..... p.6.

L I O N E L - F O R M A N

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It is with deep regret we learn of the death of Lionel Forman, one of the accused. The following has been contributed by Ruth First, a fellow-accused.

Lionel Forman, who died on October 19, at the age of 31, in the closing stages of an open heart operation in Cape Town, wrote his portion of the book, The South African Treason Trial, from the dock of the Drill Hall where he was accused no. 83. Arrested on December 5, 1956, as one of the 156 brought to trial a fortnight later on charges of High Treason, Lionel combined his keen talents as journalist and barrister to cover the trial proceedings from week to week in the columns of New Age, later enlarging on this material to produce the racy, caustic and penetrating account of those early stages of the trial. He was among the 61, the indictments against whom were quashed on April 20, 1959, and who have been neither reindicted nor discharged.

Lionel was dogged by ill-health from the time when, as a young boy, serious illness left his heart permanently impaired; but he refused to be treated as an invalid and his seeming casualness and lack of concern about his health masked an indomitable courage that persisted to the end. He underwent the heart operation knowing full well that this operative technique might be too late to save him and that he might not leave the operating theatre alive; and he wrote cheerful letters to his friends the few days before his operation, accepting journalistic assignments for future months with confidence and calm assurance.

Lionel was born in Johannesburg and educated there and in Cape Town. He obtained his Master's degree in Social Science at the University of Cape Town where he was chairman of the Debating Society and the Students' Socialist Party. He took his law degree at the University of the Witwatersrand where he edited the university newspaper and was director of the university film unit.

Twice elected to the national executive of the National Union of South African Students, Lionel, as Director of Research, led the NUSAS delegation to the International Union of Students, which elected him to its executive as head of the Press Department.

After some years abroad, Lionel returned to South Africa to work on the staff of Advance and later of New Age.

He joined the Communist Party in his first year as a student and remained a member until the party's dissolution with the passing of the Suppression of Communism Act. He was a foundation member of the Congress of Democrats.

Lionel practised in Cape Town as a barrister and at the time of his death was working on a history of the national liberation movement in South Africa, for a doctorate thesis.

The Formans had two young sons aged six and four, and six days before Lionel's death a daughter was born to Sadie Forman.

THE BISHOP APPEALS

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Almost three years have passed since 156 men and women suspected of high treason were assembled for the first time in the Drill Hall at Johannesburg to face the rigours of a lengthy preparatory examination. Since then, year has succeeded year, and yet the trial has by no means ended. Indeed, at the time of writing, it seems that it will be months still before even the trial of the first thirty accused is completed. Not that a great deal has not been accomplished by the Treason Trials Defence Fund during these three years. Those who have supported the Fund have made it possible for assistance to be given to the families of the accused, even though when the full story of the activities of this Fund is written credit will have to be given to the accused for their reluctance to do more than make minimum claims upon the fund for financial assistance for themselves and their dependants. Further, the fact that the Fund has been able to provide adequate legal defence to the accused has meant that the charges against many of the accused were withdrawn at the end of the preparatory examination, and also that the alternative charges under the Suppression of Communism Act against the remaining 91 persons were dropped early in the course of the trial, while indictments against 61 were later quashed.

At least another £40,000 needed-

Yet, important as all that has already been accomplished through the Treason Trials Defence Fund undoubtedly is, a great deal more remains to be done. As the months go by the financial resources of those on trial become drastically reduced, and there is the continuing expense of providing as able a team of defence lawyers as is possible. All this means that the demands on the Fund are bound to be as high in the coming months as they have been during the past years. At the least it is estimated that this will require £40,000 over and above that which has already been subscribed.

While I recognise that the Bulletin for the most part is read by those who have already given generously, the situation is such that I am compelled to ask them to make a further contribution to the Treason Trials Defence Fund, and to make it as soon as possible. Only in this way will it be possible for the Fund to bring to completion the task for which it was established.

DEFICIT OF £7,000 IN LAST FINANCIAL YEAR  
(Note on audited accounts for the Year ended 31st March, 1959)

The audited accounts for the Treason Trials Defence Fund as at the 31st March 1959 show that during the financial year the Fund received contributions amounting to £ 54,665. 6. 5. and spent £62,090.19. 1.

This excess of expenditure over revenue amounting to £7,168.19. 0. was met from accumulated funds brought forward from the previous year. As the trial proceeds, the drain on the Fund will increase considerably and, unless there is a marked improvement in conditions, the deficit this year will be very much greater than before.

The following comparative figures are issued for the information of sponsors, contributors and branches.

	<u>Year ended 31/3/58.</u>	<u>Year ended 31/3/59.</u>
Contributions received .....	£29,847	£ 54,665
<u>Disbursements:</u>		
Defence.....	£15,519	£ 53,076
Welfare .....	£10,576	6,306
Transport.....	1,800	836
Fund Raising .....	532	396
Admin. Exp. ....	1,423	1,475

As at the 31st March 1959, the balance remaining in the Accumulated Fund was £ 3,703.12. 6.

THE TRIAL

For those who have not followed events or who, over the years and among the complexities have lost track, we give a synopsis of the story so far, before coming to this issues instalment of -

The Great Treason Trial

"Yesterday . . . .

156 people were arrested early in December 1956, appeared in a preparatory examination that lasted just over one year, at the end of which 65 of them were discharged with no case against them (though all were named as "co-conspirators" in later indictments). The remaining 91 were charged, in a massive 3-volume indictment, with High Treason and two alternative charges under the Suppression of Communism Act. Their trial opened in Pretoria on August 1st, 1958.

Two and a half months were then occupied with argument on the validity of the indictment; because of the enormous mass of insufficiently particularised evidence it was not possible for the accused to know precisely the case against them. Heavy Defence and Court pressure produced many amendments and many further particulars. One alternative charge was quashed by the Court, the other withdrawn by the Crown, and finally on the 13th October (1958) the entire indictment was suddenly withdrawn by Crown Advocate O. Pirow, Q.C.

The Prosecution then divided the accused into two groups of 30 and 61. The 30 appeared in Court again on the 19 January 1959, on a new shorter indictment which laid greater stress on the element of violence in connection with treason and contained no alternative charges. The Defence made an attack similar to that on the previous indictment, arguing, (for the layman obtrusely) on such subjects as misjoinder and the nature of treason. The Court refused to quash

this indictment, but allowed a Defence appeal on the disputed principles, and this trial adjourned on 3rd March. The Appeal Court, however, ruled that it could not hear an appeal before the trial ended.

Meanwhile, the remaining 61, charged in separate groups of 30 and 31 (all 3 indictments were similar except in the dates they covered), appeared together in Court on 20th April. The Crown had expected an immediate adjournment until the result of the Appeal on the first 30 was known, but the Court found the incomplete indictments inadequate and quashed both that day. The 61 now await new indictments or a discharge.

The trial of the first 30 was resumed on 3rd August. The Defence again applied for this indictment to be quashed on the ground that the Crown case was still obscure, and failed.

The 12 months (August '58 to August '59) spent by the Defence in trying to get the indictments quashed was a very necessary and strenuous preliminary effort to get a clarification of the Crown case, without which the trial had no foreseeable end. This was in some degree successful. The Crown dropped both alternative charges and based its case solely on proving conspiracy, while the originally immense mass of evidence has been decimated. More precise particulars have also been supplied. It is now hoped that this preliminary labour will in the long run shorten the trial. (Contd. on page 3 )

STOP ORDERS FOR WELFARE

A Donation Slip is enclosed, on the reverse side of which is a Banker's Order Form. We are deeply appreciative of all the assistance we get, in whatever form it takes; but we do find a regular monthly contribution by Stop Order particularly helpful as it enables us to have an idea of our monthly income. We do commend this form of generosity to your consideration. We already receive sums ranging from £11 (which is the maximum welfare allowed per family) to 10/- a month - some for six months, some a year and some for the duration of the trial. If we could get our monthly welfare requirements assured in this way, we would be free to concentrate our efforts on raising what is necessary for the legal defence.

THE TRIAL (Contd. from page two).

"Today . . . . .

On 4th August, 1959 (2 years and 7 months after they were arrested) the trial of the first 30 really began. The accused pleaded individually " I plead not guilty to the charge insofar as the overt acts are laid against me." In amplification of the plea, Mr. I.A. Maisels, Q.C., leader of the Defence team, made the following statement to the Court:

"It has already become apparent during the preliminary stage of the case that the central issue is the issue of violence.

While no admissions are made in regard to any of the Crown's allegations, the Defence case will be that it was not the policy of the African National Congress, or any of the other organisations mentioned in the indictment, to use violence against the State. On the contrary, the Defence will show that all these organisations had deliberately decided to avoid every form of violence and to pursue their ends by peaceful means only.

The Defence will rely for its contentions as to the policies of these organisations upon their constitutions, the resolutions taken by them at their conferences, and the pronouncements of their responsible national leaders. If necessary, these leaders will be called as witnesses for the Defence. The Defence will place before this court the material relating to these organisations from which their policies might normally be expected to be deduced.

In its indictment the Crown has relied upon certain speeches, most of them by persons of minor importance, which may seem to suggest the existence of a policy of violence. Insofar as such speeches were in fact made in the terms alleged, the defence will say that they may have represented the notions of individuals, and not the policy of the organisations."

The months that have followed have been taken up with lengthy and tedious business of leading evidence on the vast mass of documents. Witness after witness for the Crown has appeared to testify to the raiding of meetings, offices, homes, and luggage at the

airport. Days have gone by in listening to the reading by policemen or members of the Crown team of endless documents. And this has gone on until the middle of October. That it is not going on until the middle of next year is due to the constant efforts of the Judges to persuade the Crown to eliminate the reading of repetitive documents and to summarise wherever possible, to get agreement between Crown and Defence to allow some of the documents to go into the record without their being read in Court at this stage and to persuade the Defence to make "large historical admissions" on such issues as the support given by the Congresses and other organisations to which the accused belonged, to events such as the Defiance Campaign, the Congress of the People, the opposition to various laws and the demands for universal adult franchise and the abolition of racial discrimination.

Cross-examination of Crown witnesses has given the Defence opportunity to read into the record portions of evidence omitted by the Crown.

While the Defence is as concerned as the Judges that the case should go as quickly as possible because of the enormous expense to the accused and the terrible disruption of their lives, they cannot always accept proposals from Court or Crown that may shorten proceedings, for their sole responsibility is the defence of the accused. Mr. Maisels has said "If the contents of any document are required, then in that case the document must be read. The Crown must prove its case. The Defence will not prejudice its clients in any way whatsoever." So proceedings must take their laborious course. "Oh well, we may become conditioned in due course," said Mr. Justice Rumpff.

"Tomorrow . . . . .

????????????????

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"We are working for a corporate multi-racial society. We Africans do not wish to dominate because of our numerical superiority. We wish to extend the hand of friendship to White South Africans who are our brothers and sisters."  
(Chief A. Lutuli, banned President-General of the A.N.C. One of those originally arrested for treason and later discharged.)

HOW OTHERS SEE IT.

Treason a la Mode de Pretoria. (The Times, London, 5/8/59).

"... (Mr. Louw) knows that any serious deviation from the accepted principles of equity and fair dealing for individuals can never be hidden by censorship or bluffed away by propaganda. A government is judged by its neighbours on its actions. That is why Mr. Louw would be doing a useful service to his Government and its supporters if he told them plainly how the Treason Trial, for which they are responsible, is affecting their reputation in the eyes of the world . . . .

"... But now an attempt to put an end to the ordeal of the last thirty has failed. Another act has begun in this strange and, at moments, farcical exercise. The scrupulous fairness of its day to day proceedings is its one bright spot. For the rest darkness and confusion prevail.

"An unbridgeable gap cuts this trial off from what in Britain and the United States of America, to name only two countries out of many, is meant by the rule of law. It is incredible to the average British and American man or woman that such mass prosecution is prompted by anything higher than political motives. It bears the stamp of being in origin less than judicial. If all or any of the 30 still on trial are guilty of any specific offence, then their fate should have been settled more promptly, more simply and in a manner that showed that justice was being done. So long as citizens are proceeded against in droves and left indefinitely to suffer the penalties of neither being convicted or acquitted, those responsible for their prosecution must expect to be condemned at the bar of world opinion. They should have no place in a nation that draws its main White elements from two such homelands of respect for law as Holland and Britain."

Treason and Justice. (Manchester Guardian Weekly, 6/8/59).

"... They (the accused) are debarred from any political activity as well as being severely jeopardised in carrying on normally with their lives. The delay in bringing the case to trial and the persistent adjournments, produced partly through the ineptitude of those in charge of the prosecution, have been such that justice can never be done . . . . If the South African Government believes in the rule of law it will abandon this trial of persecution now. Since the Nationalists came to power they have reduced parliamentary government to a facade: their conduct of the treason trial must be taken as a sign that they threaten to do the same with justice."

BULLETIN BIOGRAPHY NO 5: J O M O L E F I

St. Peter's School has left an indefinable mark on its students, a composure, a self-confidence, even a touch of youthful dignity, together with a friendliness and openness that wins immediate interest and sympathy. It was at St. Peter's that Jo Molefi was educated after he left Primary school in Alexandra, to enter St. Peter's meant passing Standard VI well: Jo had a first-class pass.

The greatest testimony, perhaps, that one can pay to a Mission or any other African school is to say that there were no strikes there! The liberal atmosphere created by the Anglican Community of the Resurrection made intellectual life stimulating, food and living conditions were good, and the debates and discussion widened the range and vision of the students, bringing European affairs

within their orbit. After leaving St. Peter's, Jo went on to the Witwatersrand University for a three-year course in medical science.

Already in the lively atmosphere of St. Peter's, where Oliver Tambo was then teaching, political interests had taken root; at the University, where Joe Matthews, Duma Nohwe and others were also studying, they steadily flowered. Here for the first time, working together with, and on an equality with Europeans and under brilliant teachers, life became an exciting business. Jo was a member of the science committee and the project formed of working on problems of nutrition under Professor Gillman.

He found the predominant note of the University one of liberalism. So urgent  
(Contd. on page five)

J O M O L E F I (Contd. from page four).

became the desire to work for the liberation of the African people that before he reached the end of his course, he had abandoned the hope of academic qualifications and decided to make political work his career. With the ending of Jo's days at Wits, there also came to an end most of his associations with Europeans, the life of student freedom was over and he entered the world of social discrimination.

In 1952 he became active in the Transvaal Youth League, while Mandela was National President and, immersed though he was in day to day political questions, he thought constructively of Congress organisation and its weaknesses. After 1954 he began to work in Alexandra. Twice he was arrested but in both cases the charges were dismissed. Perhaps the most important of the events in which he was involved, was the Bus Boycott of 1955. At this time he was living at Evaton and for

democracy as ideals for the multi-racial society which he believes is inevitable in the future.

18 months the people used the railway and at the end of that time the proposed bus fare increases were abandoned. During this time he was arrested 6 times for public violence, illegal meetings and on other charges which in no case could be proved against him. "An African politician", Jo says, "regards arrest as a qualification for leadership." During all this time he had continued to read - on movements in Ghana, in India and, particularly, Gandhi's Autobiography and works on passive resistance; nevertheless he maintains that it has always been the actual experience and knowledge of the appalling indignities and hardships under which the African people labour rather than theoretical works that have influenced him.

To the liberal Christian background of his education he pays tribute by realising that it modifies chauvinistic feelings and sets political standards of toleration, individual freedom and

#### THE COST OF POSTAGE - AND THE BULLETIN

We have been criticised for sending out all communications, including receipts, in closed envelopes. This is part of our policy, to protect our supporters as far as we possibly can from prying eyes and wagging tongues. But this does make our postage costs very heavy. This does not mean that we, for a single instant, begrudge our supporters what information we can give them on what we are doing with their money. That is their due. But we do ask you to read the Bulletin, keep informed as to the progress of the trial, and in your turn, to try to make others aware of the issues at stake, the greatest of which is, in Judge Feetham's words, that "the presentation of a proper legal defence is generally recognised as indispensable .... for the purpose of ensuring that the Court will be in a position to arrive at a just conclusion, and donors to the Fund ..... are taking a timely stand on the side of justice and humanity."

#### D E A T H S.

We regret having to record the deaths of several friends of the Fund. Mr. Edward Joseph was a valued member of the Fund's managing committee until ill-health forced his resignation. The Rev. C.K. Storey of Cape Town and the Rt. Hon. G. Heaton Nicholls of Natal were both among the original brave band of Sponsors who launched the Fund. Mrs. Minnie Bodenstein, of Johannesburg, was an indefatigable collector. Among the Sponsors of the Christian Action Fund in London who have died in recent months are Dame Rose Macaulay and Sir Jacob Epstein. The Fund is the poorer without their moral backing.

#### Ex-Treason Trialist a Canon.

The Reverend James Calata, of Cradock in the Cape, has been appointed a Canon of the Anglican Church.

NEWS FROM THE BRANCHES

Kimberley organised a riotous series of concerts, starring "Kwela" Spokes Mashiyane and General Duze the well-known singer. They were met at the airport by the Lord Bishop of Kimberley, Chairman of the Kimberley Fund-Raising Committee and a band of 12 small fans with penny whistles. They played to crowded and appreciative audiences, three nights in the Locations and one night in the City Hall, giving Spokes' new number, Kimberley Special, its first performance. The Fund received a cheque for £420, an excellent result for which we are very grateful. The Secretary's new daughter considerably held up her arrival until after the last performance. We wish her every happiness.

Johannesburg's Cecil Williams generously gave the Fund the second night of his interesting new production, the Long and the Short and the Tall, which brought us another £450. Lavishing gift after gift, he is also putting on two nights for us, 19th and 20th October, in the Gandhi Hall.

Cape Town. The Cape Town committee, always enterprising in its fund raising, is arranging two concerts of the music of the late Gerard Hoffnung in January. In the meantime efforts are concentrated on a mammoth bazaar in the Cathedral Hall on Friday, November 27th, to which various organisations and church bodies have agreed to contribute. The Committee appeals for cash donations, offers of assistance and articles for sale. Will those able to help contact Mrs. H. Barnett, 31 Higgo Rd., Tamboers Kloof. Phone 3-6575. We hope it will not be too long before Cape Town surpass their already splendid effort of £13,000 and reach the £20,000 mark.

There are no Cape Town accused among the 30 now on trial. All 8 of them still languish with the rest of the 61 in the waste-land of no indictment, no discharge and, for many, no job.

Nigeria. The art and antique sale held in Nigeria in May in aid of the Fund resulted in a contribution of £248.

WE NEED . . .

Clothing - especially for men and children of all ages, and including shoes.

Books, Magazines and Gramophone records - for a book sale.

B A I L O D D I T I E S

Joseph Morolong, one of the discharged treason trialists, has been arrested in the W. Transvaal (where he was banished soon after his discharge from the treason trial) for being in possession of banned literature. The Magistrate fixed his bail at £1,000. The Cape Town Appeal Court, however, has seen the anomaly of bail on this scale, when his bail on a charge of high treason was £50, and accordingly reduced it to £100.

Bloemfontein: P.O. Box 245.

Pretoria: 1082, Pretorius Street.  
Phone: 4-3575.

WHERE TO FIND US -

Johannesburg: 5 Trades Hall, 30 Kerk St.  
P.O. Box 2864.  
Phone: 33-5901.

Cape Town: 2 Vlam Gebou, Church Street.  
P.O. Box 1039. Phone 3-3506.

Durban: 19 Baker Street. P.O. Box 365.  
Phone: 61996.

Port Elizabeth: 2 The Richardson Bldg.  
Market Square. Box 1091  
Phone: 2-5710.

East London: P.O. Box 749.

Kimberley: 7 Howie Road.

Pietermaritzburg: Rooms 1-3, 268 Long-  
market St. Box 831.



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(P,T,O,

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