

MEMORANDUM ON GLADWELL NGCAI (N/Det. Const.)

This witness testifies to 31 meetings. He appears on the whole to be an honest reporter, not well educated, whose recordings of speeches contain numerous and obvious omissions and in many instances quite unintelligible sentences and expressions.

For examples of omissions see:

2105 (V.11).  
2106 "  
2107 "  
2108 "  
2125 "  
2717 (V.14).  
2724 "  
2725 "  
2729 "  
2846 (V.15).  
2848 "  
2918 "  
2973 "  
3040 (V.16).  
3013 "  
3016 "  
3019 "

For examples of unintelligible sentences, see:

2097 (V.11).  
2098 "  
2099 "  
2104 "  
2105 "  
2106 "  
2107 "  
2108 "  
2119 "  
2131 "

2730 (V.14).  
2848 (V.15)  
x 3040 (V.16)  
x 3041 "  
x 3092 (V.16).  
x 3050 "  
x 3012 "  
x 3013 "  
x 3016 "  
x 3068 "

As to the witness's ability as a recorder, see p. 2920. (V.15), where he concedes he may not be able to get down one-quarter of what is said. (See also p. 2107. (V.11)).

Witness might also be asked if he sometimes records a wrong word, or leaves out a word which gives the sentence a wrong meaning - for example, see 2105. (V.11), 2111. (V.11).

To illustrate how little the witness is able to record refer to meeting:

No. 35/2, lasted  $1\frac{3}{4}$  hrs. recorded on  $3\frac{1}{2}$  pages.

" 36 lasted  $2\frac{1}{4}$  hrs., recorded on  $4\frac{1}{2}$  pages.

" 107 lasted  $2\frac{1}{2}$  hrs. recorded on  $5\frac{1}{4}$  pages.

See also Ex. G. 260 - meeting lasted  $2\frac{1}{2}$  hrs. - recorded on 1 page.

See also witness's admissions under cross-examination at p. 2102 (V.11).

1. No independent recollection of the meetings.
2. Does not know whether interpreters were used where the fact is not recorded.
3. Very many things said which he could not record.
4. Some things he did not read to the Court as

he could not decipher them.

5. Witness should be asked if many things were said which he did not understand. See p. 2097, (V.11) and 2944 (V.15).

The witness at the preparatory examination was at all times ready to concede that "non-violence" was a recurrent theme expressed by speakers at meetings. See p. 2102 (V.11), where the witness admits under cross-examination:

1. That speakers have said over and over that they did not want to fight the white man;
2. That at numbers of meetings speakers have said that they do not want to achieve their aims by using any force or violence. See pp. 2866 and 2867 (V.15) (Accustomed to hearing it said at meetings that struggle is non-violent, one at which there must be discipline and obedience. That we must stick together with all races in the country and rule this country.) See also p. 3072, (V.16), "they can do what they like, we shall fight our non-violent battle".

Illustrations of the witness's concessions as to "non-violence" and "racial co-operation" are the following extracts taken from speeches recorded by him.

<u>Speaker.</u>	<u>Quotation.</u>	<u>Page.</u>
S. TYIKI (75).	"We Africans do not fight white people - we want to stay with them peacefully."	2097 (11).
	"The Dutch should realize we do not want to fight	

/ with

- with them, we are fighting  
against the bad laws. 2098 (11).
- S. TYIKI (75). "We must not hate the  
police - they don't know  
what they are doing -  
Christ said this on the  
Cross - We say to the Gov-  
ernment we want to live in  
peace with them." 2122 (11).
- "This organisation is a non-  
violent one." 2123 (11).
- "You must tell the Dutch we  
do not hate one another -  
We should stay peacefully  
as God created us." 2716 (14).
- "We are appealing to the  
Dutch that we should all  
stay in peace in this  
country." 2848 (15).
- "Nobody will free us unless  
we do (so) with our own". 2097 (11).
- CHAMILE (8) "I have worked with Dutchmen  
who call themselves Boers  
and Afrikaners - they are  
Africans, they are our own  
brothers and we must forgive  
them." 2109 (11).
- "We say in S.A. we want peace  
.. we shall achieve freedom  
without shedding blood." 3018 (16).

- G. SIBANDE (7) "Congress teaches people not  
to shed blood." 2117 (11).
- S. MALUPE (31) "We don't want to take this  
country by force". 2715 (14).
- "Show these people you are  
fighting a right cause....  
I have already said to you  
my people the Congress is a  
non-violent organization"..  
"We do not speak of war." 2898 (15).
- J. MATLOU (38) "In this campaign you will  
realize we are not going to  
gain a military victory, but  
we are going to gain a moral  
victory." 2718 & 9 (14)
- BOKALA (?) "Unite! Without guns and  
everything we can defeat  
these people." 2897 (15)
- B. SEITCHIRO (64) "We are meeting to preach the  
evangelists of the A.N.C. our  
policy is non-violence - our  
policy is that the police will  
shed blood." 2935 (15)
- "If we look at the Bible it  
says "Thou shalt not kill"  
... here in A.N.C. we say a  
round table is better than a  
gun .... that time there will  
be no killing....". 2937 & 8 (15)

- T. MUSI (40) "The time will come when we shall bring Verwoerd in a round table... We are not fighting." 3051 (16)
- MORETSELI "We do not say we want to kill them but we want our freedom... Gods commandment is "Thou shalt not kill"... "We shall be freed without shedding blood." 3014 & 5 (16)
- P. NTHITHE (57) "Mr. Modise has come to the platform to change the minds of the Nationalists - we appreciate it because it is our desire to get freedom without bloodshed." 2959 (15)  
(N.B. This quotation was not recorded by witness Ngcai but by van Zijl Schoeman who attended the same meeting and made shorthand notes.)
- UNKNOWN SPEAKER "They can do what they like - we shall fight our non-violent battle." 3072 (16)
- TYIKI (25) "You thought that we hate the Afrikaner.... We don't hate the Afrikaner but we hate their evil deeds." 7262 (37)
- MAKGOFE (26) "I have appealed to youths that you must join this organization. You must know  
/ that

that this is a non-violence organization and become members." S 248 P. 2

MORETSELI (46) "The time has come that these people who speak about communism should tell us what they mean. We don't know where this communism comes from ....". S 248 P. 4

DESAI (N.A.) "We say let us live in peace and harmony.... we are not waiting for W.N.O. to bring freedom in this country." S 263 P. 1

MANE (N.A.) "Africans you should unite for your freedom. The Dutch got their freedom by speaking. Why should we be afraid of speaking. You must unite yourselves so that we can achieve freedom in our lifetime." S 1059 P. 1

S. MALUPE (31) "Where is our future Prime Minister Chief Luthulie and our Jesus Christ. He says that this land is big. Black man and European can stay in this country." S 46 P. 1

R. RESHA (63) "The A.N.C. stands in the four corners for freedom whether he is an Indian or a White person." S 46 P. 3

/ "What

- R. RESHA (63) "What is the C.O.P.? It calls the Indians and Coloured and Europeans and even the detectives." S 46 P. 4
- FRANS NDELEDE (N.A.) "It shows that these people (Europeans) do not like us. They like us when they are in trouble. The truth is one, we say let them give us our freedom. We shall never chase them away." S 210 P. 3
- MOILEA ( ) "The Dutch people did not use bullets when they got freedom from the English. We shall also rule this country without a bullet." S 212 P. 1
- VUNDHLA (N.A.) "Congress is not fighting the White people but it fights the funny things that are done to Africans." S 212 P. 2
- R. RESHA (63) "When will the white man realize we Africans are prepared to die for freedom. Friends we have no guns.... we in the A.N.C. do not believe in insolence, but we cannot be expected to fold our hands when the other man is fighting us." S 212 P. 3
- MASHALEA (35) "Let us unite ourselves and love one another and by so  
/ doing



doing we shall defeat those  
laws without a machine gun." S 226 P. 5

COMMENTS ON MEETINGS:

Meeting No. 35/2: This is a meeting referred to by Pirow at P.E. (see Coaker's memo p. 55). It was at this meeting that Sibande (?) stated that Congress policy was not to shed blood" - p. 2117 (11).

Meeting No. 126: A meeting referred to by Pirow. (See Coaker's memo, p. 37). Witness Ncgai should be asked for his understanding of Tshabalala's (77) words on p. 2849 (15), and be got to concede that what was envisaged was that the blood of the Africans was expected to flow. That he never understood the words to convey the suggestion that the Congress members would resort to violence. (See previous speaker, Tyiki, at this meeting who urged "non-violence" and peace - p. 2848 (15)).

Meeting No. 139: A meeting referred to by Pirow who quoted from Seitchiro's (64) speech. (See Coaker's memo, p. 34). The words taken as a whole and not out of their context, as was done by Pirow, will show that the speaker was advocating a policy of holding a round-table discussion and one of non-violence. See p. 2937 and 8 (15). Witness might be asked to concede that that

/ was

was what he understood from Seitchiro's remarks.

Meeting No. 141: This was the meeting which was also reported by Van Zyl Schoeman, p. 2954 (15). The latter's transcript (G.237) should be compared with Ngcai's notes, (G. 238) in order to see if Ngcai has recorded the non-violence theme found in Schoeman's transcript (see p. 2959 (15)). If this has not been recorded by Ngcai he should be asked to explain the omission and asked to concede that on numbers of occasions he has failed to record speakers' calls for "non-violence".

N.B. This has not been recorded.  
Cf. 2959 (15) with Ex G. 238.

Meeting No. 145/2. A meeting referred to by Pirow (see Coaker's memo, p. 12). Pirow's quotation is taken from p. 3041 (V. 16) and the words are well-nigh meaningless. This particular meeting is very badly recorded by the witness, and he should be asked to explain not only the above quotation, but also other unintelligible sentences appearing on pp. 3040, 42, 3050 (V.16).

Meeting No. 150/2: A meeting at which A. Mashaba's speech was quoted by Pirow. Speech is at p. 3074 (V.16). This speech is said to be calculated to arouse racial hostility. The speaker is  
/ not

not an accused person. The topic he was dealing with was Bantu Education. When the speaker refers to "fighting the Dutch" he does not necessarily mean that violence is to be used.

Meeting No. 154: At this meeting A. Kathrada (18) spoke, and he was quoted by Pirow for the purpose of illustrating the emotional state of the African people. (See Coaker's memo, p. 58). Attention is drawn to the fact that this was a meeting of the anti-permit Committee which, so far as I can recollect, has <sup>been</sup> not/shown to be an organisation linked with the Congress movement.

Meeting No. 168: Held at 13/12/53. Witness's notes have been destroyed, and he relies upon his report (G. 290).

Meeting No. 428: Held on 28/4/54. Witness's notes have been destroyed and he relies on his report (G. 657). But see J. Matlou (38) in Ex. G. 657, p. 4929 (V.25) where he speaks about blood being shed in the French Revolution and by implication suggests the same should be done here. This, however, may mean, or the speaker may have gone on to state that here too (in connection with the W. A. Removal) it is the people's blood which might be shed, but that nevertheless when the leaders tell them to take action, i.e., by  
/ passively

passively resisting the removal - they should do so. This has been a commonly repeated theme in connection with the W. A. Removal scheme. Witness can possibly be persuaded to concede this. See also Matlou on p. 3093 (16); Seitchiro on p. 2935 (15).

Meeting No. 524: At this meeting, Resha (63) and at p. 7262 (V. 37) says: "You thought we hate the Afrikaner ,.. We do not hate the Afrikaner, but we hate their evil deeds".

Meeting No. 534: This appears to have been a delegates meeting of the A.N.C. and N.I.C. It was recorded on a tape-recorder by Det. Sgt. Diedericks, p. 7325 (V. 37). The tape was thereafter played over to the witness Ngcai, who identified the voices thereon, p. 7364 (V. 37). This recording contains Resha's "murder, murder, murder" speech, referred to by Pirow. (See Coaker's memo, p. 21). (In the absence of instructions from Resha and the other accused who have been identified as having spoken at this meeting, it is not possible at this stage to suggest any line of cross-examination. Some questions in cross-examination were put to the witness at the preparatory examination, p. 7369 (V. 37).

/ N.B. Meeting No. 515:

N.B. Meeting No. 515: Not read into the record is to be found in Ex. G. 1059, in which a speech by J. Matlou (38) is recorded on p. 3. The speech as recorded is not legible, and a new Exhibit should be obtained to ascertain what in fact was said by Matlou. This meeting was also recorded by D/Sgt. Coetzee in shorthand (see Ex. G. 946). The difference in these recordings are startling. Although it is to be expected that Ngcai who was recording in longhand would necessarily omit much of what is to be found in Coetzee's shorthand notes, it is surprising to find innumerable examples where Ngcai has recorded the speakers as saying things which are not to be found in Coetzee's notes. (N.B. I have bracketed in red and underlined in black those portions of the speeches recorded in Ngcai's notes which are not to be found in Coetzee's note - or if present are completely distorted). (See Ex. G. 1059 and 946). In Coetzee's notes Ex. G. 946 are to be found some invitations to violence couched in strong language which are not in Ngcai's note. In fact Ngcai's note of the speeches at this meeting does not contain anything which can be said to be an invitation to violence. I suggest that both these witnesses, Coetzee and Ngcai, be  
/ cross-examined

cross-examined on these exhibits in order to demonstrate how inaccurate the reporting is and generally can be as this is one of the few occasions where we have possession of exhibits recording the same meeting which can be checked against one another.

If Coetzee admits, as it seems he must of necessity be forced to do when Ngcai's notes are put to him, that he has not kept anything like a full note of speeches and that on a great many occasions he has omitted large portions of what a speaker has said, it should be possible when referring him to those parts of a speech which are unfavourable or damaging to the Defence to gain the concession that these may be out of context and that in consequence the meaning and sense thereof may be other than as recorded.

Meeting No. 141: recorded by Van Zyl Schoeman at p. 2954 (15) and by Ngcai in Ex. G. 238 is also one which as a result of both reportings by each witness should be dealt with in cross-examination, particularly as at this meeting Resha (63) at p. 2966 is recorded as having quite clearly invited the use of violence. A comparison of the notes made by both these witnesses of this meeting also reveals but to a much lesser extent than in Meeting 515 just referred to  
/ that

that the longhand reporter Ngcai has recorded matter that is not to be found in Schoeman's note, or if so recorded it is done in a distorted form. Here again I have bracketed in red and underlined in black ink these parts of the speeches. See Ex. G. 238 and cf. with P. 2956 to 2967 (15). Both witnesses will have to be cross-examined on this meeting.

Compare Ex. G. 225 (Coetzee) with Ex. G. 226 (Ngcai). Startling differences in recording of the same speech - material in Ngcai's longhand notes not to be found in Coetzee's shorthand notes. In order to cast doubt upon Coetzee's ability as a reporter Ngcai should be examined in order to obtain from him a positive assertion that that which is omitted from Coetzee's notes was in fact said by the speakers.

The portions of speeches omitted from Coetzee's notes have been underlined in red on the transcript of Ngcai's notes - Ex. G. 226.

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