

Mkwayi said. I leave that for the moment, my lords, and I'll come back to it. I'll deal with his own speech. "As we are going to organise the youth to the A.N.C. the men are dying day by day from East to West because the Capitalists kicking all the oppressed people. The Europeans when they defeated the Germans they came back and oppressed the people. At Kenya when Jomo Kenyetta was organising the people he was arrested through the people of Kenya - though the people of Kenya are still doing their struggle. Again in Kenya there is a special C.I.D. callingand Kenya Kikuyu dying and also Europeans dying next time. We understand that young men is coming here, but if anything happens we are not going to accept that but to our all the Peoples Conference. We are going to say something what is happening in Kenya will happen here. At this, Malan's time, we are going to protect us."

Now, my lords, this speech was reported by Mdalane

KENNEDY J: It's a very disjointed speech.

MR. TRENGOVE: Yes, my lord, it's a report made by this witness of various speeches; my lords, my learned friend, Mr. Terblanche, referred to this - I'm merely commenting on it - we are not asking your lordships to accept Mdalane's report as reliable unless there is extraneous evidence in support of what these people are alleged to have said.

BEKKER J: What about Sagoni? I thought he was.....

MR. TRENGOVE: No, my lord. This is a meeting recorded by Mdalane; I'm putting this on the same basis as Sagoni, my lords, on a lower basis.

BEKKER J: I thought we discussed the speech reported by Sagoni? 1

MR. TRENGOVE: Yes, my lords.

BEKKER J: A written report of a speech, and Sagoni's recording - - well, there was some difference. Then I think we discussed on what basis one should take Sagoni's report. 5

MR. TRENGOVE: My lords, at that stage I was dealing with the report of Segoni; your lordships will remember my submission was that that comparison was favourable - your lordships were not accepting that position. As far as Segoni was concerned that was a particular speech - a little later he reported Resha at Uitenhage. As far as Segoni is concerned we are still dealing with his position and we will illustrate various concessions that Ntsangani made which will indicate to what extent your lordships will find that his reporting at Port Elizabeth could be relied on. I'll leave that matter open for the moment, my lords. I'm just dealing specifically with Mgadlane, my lords. He reported this meeting. This is our analysis, after having analysed this witness and his cross examination, and we ask your lordships not to rely on his report unless there is some other confirmation of the correctness of what he recorded. Your lordships can rely on his notes as far as the people who were there are concerned, the fact that it was an African National Congress meeting, the identity of the speakers and the subjects on which they spoke - the topics, and as far as the contents are concerned we ask your lordships to consider them if there is some extraneous confirmation of what he reported. 10 15 20 25 30

Now, my lords, this, as far as his own speech is concerned, Ntsangani's, he admitted that in his speeches he attacked the capitalists as he knew them in the Continent of Africa; for instance, South Africa and Kenya, and he also admitted referring to the fact that after the people - that is the Europeans - after they had defeated the Germans they came back and started oppressing people in this country.

My lords, to that extent we ask your lordships to accept what Ntsangani said as an admission of at least a portion of this speech as recorded by Ngadlane.

Now, my lords, I come to the speech of the 5th December, 1954. Now your lordships will remember the three speeches that were put to him - the speech of Mayekiso, his own speech and the speech of Mkwayi. The extracts of this speech your lordships will find on page 7 of this Annexure. . . . Mayekiso's speech, where he said "During last Sunday the New Brighton and Veeplaats branches could not use its speakers because it was a Regional Meeting. Now 1954 has come to an end, and we are facing the Annual General Conference where all branches will give reports of the work done". Now factually that is correct, my lords. The National meeting was held on the 16th December of that year. "All members should now pay the levy up to date. There are few weeks left before we attend the Conference in Durban. It's important to know that many things have happened. We are on the road to freedom; when we are on the road towards freedom we must expect death." My lords, the first portion of that is also factually correct because only members who paid their levies counted as far as the African National Congress branch representatives were con-

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concerned. "Mr. Swart has been given powers and he directs the police to rule this country. We in the A.N.C. and other democratic organisations have taken a pledge to march forward in spite of some people standing in our way. In the struggle for freedom we are undergoing hardships."

It was put to the witness: "You've got a note - 'Our people have been killed by the police; the organisation is on the road towards freedom. It is expected of many man to protect himself. It is painful to see our people killed, but some people want to know why the A.N.C. is not taking action against the police. The A.N.C. does not instruct the people to fight back whilst being assaulted by the police. All members should know that they are in the struggle. This morning we attended the Congress of the People. The people are determined to carry out the police are determined to carry out Mr. Swart's instructions - shoot first and talk afterwards. We are going to make reports of such a nature to the Congress of the People next year and those reports will be put in the freedom charter. The Government is prepared to fight against the people who are fighting for freedom. All Africans should come possessed of their membership cards. All those who have not joined the Freedom Volunteers must enlist with the Secretary. It is a pity that P.E. is behind other centres. The Commander-in-Chief of these volunteers is Luthuli. Now Strydom is..... some people think that something is going to happen. The A.N.C. says that through Strydom we shall achieve freedom."

Now, my lords, that was the report of the speech of Mayekiso, and I respectfully submit that even on the evidence

of this witness that report is reliable. Your lordships will find in the examination-in-chief at page 16226 that this report was put to him and the passage in the report that was put to him was this passage relating to the instructions of the Minister of Justice, and he is asked: ("Q) Does that put you in mind of anything that may have been said by Mayekiso at the meeting?-- (A) Not particularly at this meeting; at various meetings, and not only by Meyikiso but by other speakers at Congress meetings, from a statement which appeared in the Press, as having been made by the Minister of Justice Mr. Swart. He said that the police must shoot and ask questions afterwards, and here he was referring I take it to that statement."

Then, my lords, his own speech was put to him, at the bottom of page 8 of the Summary. He started off by referring to the fact that Mr. Strydom had taken the place of Dr. Malan as Prime Minister. ("Q) Is that correct?-- (A) Yes." And then he said they mind that the white people only differ in their way of oppression; the fact remains that all capitalists are oppressors and there is no difference between Strydom, Verwoerd and Strauss.

Then he refers to the march to freedom and the Bantu Education Act which he attacks, my lords, and then he concludes his speech by saying - referring to the leaders of A.N.C. being banned - "Some people have the wrong idea to think our leaders are banned; we must elect new ones. We like our banned leaders better than those we are going to elect. We are going to elect even those banned if we deem fit to do so."

As regards his own speech, my lords, he said in his examination - in cross examination he said that he did

hold the attitude that all capitalists are oppressors and
my lords, that there is no difference between Verwoerd,
Strydom and Strauss. He said, my lords, that his knowledge
of Capitalism was confined to South Africa as he understands
it and particularly the fact that non-white people are op-
pressed and do not have the vote.

Your lordships were also referred to Mkwai's
speech which refers to the Western Areas. Mkwai is re-
ported to have said, "The Government intended to move
Africans from the Western Areas in the Transvaal, but as
a result of a pledge taken by the A.N.C.Y.L. and the A.N.C.
the Government has not been successful in enforcing this
law. I am sure that in New Brighton no Africans will be
removed alive, but only ashes can be removed. We are not
prepared to keep on drifting from place to place - shifted
from place to place, that should be, my lords", and then
he refers to Luthuli's volunteers who are going to hand out
forms; then at the top of the next page "I expect Chief
Luthuli to be Prime Minister instead of Strydom. You should
watch^{if}/Strydom, Jansen and Swart will still be in parliament
next year, because they are running away from the wheels
of the Congress of the people."

Now in his examination-in-chief on that speech,
my lords, he admitted that there was some reference to the
fact that the removal scheme might also spread to their area
- that a portion of New Brighton was to be removed - and,
my lords, I respectfully submit that this speech is completely
in line with the attitude of the African National Congress
towards the Western Areas Removal Scheme at that time - in
November, December of 1954; that the people had to resist

and that they had to resist even to the point of death. 1

In his cross examination on this speech, my lords, he admitted that that statement - referring to the end of the year conference - could have been correct. He said "It is common to Mayekiso's speech - but he would not have said that Luthuli was the volunteer-in-chief, Commander-in-Chief of volunteers." 5

My lords, I ask your lordships to find that in the face of the general attitude of the African National Congress to their liberatory struggle, that the statement by Mayekiso, 'That when we are on the road to freedom we must expect death', and this reference to the police, that that is what would have been said. Also this reference, my lords, in Mayekiso's speech to the people who are determined to carry out notwithstanding the order of Swart to shoot first and ask afterwards. So that that report, my lords, of Segoni as far as this meeting is concerned, is supported by the attitude of the A.N.C. in regard to the matters mentioned hereunder. 10 15

My lords, may I just make this point, that this continued reference to the attitude of the Government re shooting and asking afterwards -- I said that this morning - it appears in a number of speeches, and I say that that is not capable of an innocent explanation. To talk to the same people week after week and keep on repeating that reference must have some ulterior motive. 20 25

My lords, I now turn to the next meeting of the 9th January, 1955. Now your lordships will remember this is immediately after the 1954 report - the 1954 Conference which was held in December - on the 16th December, 1954, 30

and where, my lords, one of the major decisions of the African National Congress was a decision - a consideration of the Western Areas Campaign - - your lordships will remember the 1954 report mentions that; that was a matter which was discussed at the National Conference in 1954 - the situation in the Western Areas up to that date and the attitude of the African National Congress.

Now at this meeting Mkwayi is reported to have said: "Africans of the Western Areas, Johannesburg, as from last year, have been threatened with removal"; that deals with the period 1954 when this whole Western Areas scheme was coming to a head. "We promise them that nobody will remove; if the Government starts removing the people in Johannesburg it will do it with force, and we will see what will happen."

They wanted the Government to do it with force, my lords.

"We shall at all times answer back to what the Government action is. Even in the Reserves there are no more Trust farms to be made again....." and there is some question about that. "Dr. Malan has run away and Strydom will do the same." "Strydom, before freedom is achieved tears and blood are going to flow down from the human being and blood is going to flow through the Government....."

RUMPF J: No, I don't think that is so.

MR. TRENGOVE: Sorry, my lord, "Tears are going to flow down from a human being, and blood is going to flow through the Government. The Government wants the blood to flow, and if it happens it will be bad. If it doesn't it will be good. We shall only answer accordingly to anything that may happen. As regards Bantu Education

it is like a poison given to parents to poison their children. I want to warn that the Government has touched the wrong part by interfering with the education. In Kenya the Government interfered with education and the people ran to the forests. There is no freedom that was ever achieved unless tears and blood have flown, and the Government has given up and all your hope is that Chief Luthuli is your Prime Minister. Luthuli has been banned but in Durban we have been talking to him. We left a hall where the National Conference was; we proceeded together with Luthuli to see Tshaka's grave."

My lords, just on the factual position, your lordships know that the evidence was that at the African National Congress at a certain stage the proceedings were interrupted and they did go to Luthuli and part of the Conference was held there.

"We say in the African National Congress that as from the 1st April, 1955, no African children will go to school"; that was also the date decided upon, that as from that date - the 1st April . . . "Who is prepared to have his child to attend school under this Education? This is not the last child, but there are still many more to be made. If you allow people to be removed"

BEKKER J: What do you suggest that refers to?

MR. TRENGOVE: This campaign is not the ultimate campaign . . this is not the last test the people will have to stand. "If you could allow people to be removed it would be one way of accepting the Bantu Education. The teachers may think that we are depriving of their"

then there is an incomplete sentence it continues: 1
 "In Kenya the people taught children. The Government
 started killing them and when they retaliated the Government
 called them Mau Mau. We shall suffer before we achieve
 freedom, but before January ending all Luthuli's volunteers
 should be the required number. I want new volunteers to 5
 have the same uniforms I've got, and when they sign the
forms they must be prepared to face death. Dr.Verwoerd
 won't manage Bantu Education and Trust Farms and Removal
 schemes."

My lords, that is what they wanted the volun- 10
 teers to do, to realise, that they must face death - they
 must be prepared to face that.

"If this education is accepted it will be one
 way of dividing people according to their races", and then
 he deals with the education, and he continues: "We want 15
 them to come to us and state their needs so that they can
 be put in the Freedom Charter. Luthuli's volunteers should
 be ready for the Call at any time, and the day the removal
 starts in Johannesburg they must be ready. No teacher
 will go to my place to fetch my child. I want to refer to 20
 the people from the Reserves. These people oppress them-
 selves because they don't want to join the A.N.C. stating
 that they only come to the Town to get money; they made
 up their minds to believe Europeans are the best people.
 During the first week in January he made a statement....." 25

Your lordships will see who that is - "a state-
 ment against the leaders of the A.N.C. and it was alleged
 that the leaders of the A.N.C. burned the Rep church and
 want to kill him. This Minister of Religion asks for a
 pass in P.E. He is the Rev.Tshlala (?). If I was a member 30

of his church I would pay my money. I promise I won't
 say this again. We are now preparing the Conference of
 the Congress of the People when everybody will give his
 views and all that will be put into the Freedom Charter.
 At that conference Strydom and the police will have a chance
 to suggest how to rule. Strydom got mad from the first
 day he took over the Prime Ministership. He is going to
 be fast in ruling and as a result Luthuli will take over.
 I promise you freedom. Luthuli's volunteers should be ready,
 and there is no freedom that will be achieved without tears
 and blood flowing, and all this" my lords, a
 sentence has been left out" and all this will be
 caused by this Bantu Education Act." The words "will be
 caused by this Bantu Education Act" have been omitted, my
 lords. "Anything will happen if the time comes; there
 is no freedom that can run smoothly."

Now, my lords, that report was dealt with
 of Mayekiso's speech - it was dealt with at page 16229 in
 chief - Makwayi's speech, I'm sorry, my lords; and the
 only comment was that he didn't think it was a speech -
 he didn't think it was a fair reflection of what Mkwai
 would have said because, particularly because of the
 passage 'We shall at all times answer back to what Govern-
 ment action is'. And then the report is put to him as a
 whole and he says No, he is not satisfied that that is a
 correct interpretation.

My lords, the passage was also dealt with
 at page 16334 and, my lords, I invite your lordships'
 attention particularly to page 16338 - also page 16334
 where questions are put to him in connection with the

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report of the Congress - - sorry, page 16334, it starts
 at the bottom, my lords, "That the people did report".
 This was one of the report meetings, and at page 16335
 he says although the meeting wasn't necessary in connec-
 tion with the Western Areas - - my lords, that would be a
 topic, and then at page 16336 he deals with Mkwayi's
 speech and at first he says the speech is alright, then
 he has certain reservations, and, my lords, then at the
 bottom of page 16337 , he says "I wouldn't know what the
 fellow of the Special Branch had in mind when he interpre-
 ted this. "There is no freedom that was ever achieved un-
 less tears and blood had flown". I would never have made
 such an utterance, I would go further than that. "I cannot
 hear what you say ." , his lordship Mr. Justice Kennedy
 says, and then he says "My lords, I don't know what the
 Special Branch man in mind when he recorded Mkwayi as
 saying 'there is no freedom that was ever achieved unless
 tears and blood have flown'."

Now, my lords, that type of comment of a speech
 - that is exactly what Buthuli always told his people, that
 they must not expect their freedom unless tears and blood
 have flown, and that was exactly their attitude as far as
 the Imperialist oppressor is concerned - who would see to
 it that murder and violence became the order of the day.

My lords, reading this speech as a whole and
 testing it, my lords, by such extraneous confirmation as
 one can get, I respectfully submit to your lordships that
 in essence that speech, by Mayikeso is a reliable report
 of what he would have said in connection with the topics
 mentioned by him and I ask your lordships to treat it as such.

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My lords, then on his own speech, at the bottom 1
of page 13, he is reported as having referred to the Educa-
tional system as Capitalist education; that he referred to
the Economic boycott; that he referred to the fact that
Luthuli at the National Conference in reply said during
1955 "We are marching to freedom", and then his speech 5
which says "It's quite evident that the Capitalist Govern-
ments from all over the world are breaking away. In Kenya
the police are resigning, whether we beg white people
the time is coming when there will be a shooting in reta-
liation from the people. The detectives, spies and inte- 10
lectuals of the Africans who fail to carry out the deci-
sions of the A.N.C. will be under observation."

My lords, he denied most of his speech. He de-
nied most of it, but, my lords, what he did admit was that
he could have referred - he could have made this refer- 15
ence to detectives and spies being under observation by
the African National Congress. He says he would not have
referred to intellectuals because they regard intellectuals
in the African National Congress as an asset.

The effect of his evidence, my lords, at page 20
16234 - - my lords, at the bottom of page 16232 his lord-
ship the Presiding Judge puts the question:-
("Q) May I just put to you this one sentence, 'The detec-
tives, spies and intellectuals of Africans who fail to
carry out the decision of the A.N.C. will be under obser- 25
vation'. That is a perfectly logical sentence, is it not
- it says exactly what it means, does not it?-- (A) I don't
know what it means, my lord."

And then that passage is dealt with:

Deal with

("Q) It says what it means, that the detectives, spies and intellectuals of the Africans who fail to carry out the decision of the A.N.C. will be under observation. Do you know what that means?-- (A) Well, as it stands, my lords, I think in fact I have considered it already -- it does make some sense, but my worry is here 'intellectuals' are included. Such things are never said at Congress meetings."

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("Q) Is that the only thing that worries you about this sentence?-- (A) Yes, that in itself brings me to the conclusion that I must have been wrongly reported."

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Then he is asked about that, my lords, and then at the bottom of the page he says ("Q) Well, could you have said this: 'The spies and detectives will be under observation'?-- (A) I could have said something like that, my lord, but I doubt it; I doubt if the language is correct."

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("Q) What would you have meant?-- (A) What I would have meant is the fact that detectives and spies whenever the African National Congress decides to do something on any issues, whenever they decide something, if they go about speaking against those decisions of the A.N.C. then I would have said that such people are under observation."

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My lords, it's much the same as the reporter of Ngota which says "We have to root out the people in our midst - the detectives and spies under observation of the African National Congress."

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My lords, then I turn to the meeting of the 27th January, 1955. My lords, it's a long report of a speech by Mini and at this meeting the accused himself was

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the chairman, and Mini is reported to have said: "I want
to talk about the A.N.C.Y.L. which is born out of the
A.N.C. We in the A.N.C. are going to carry out the in-
structions of the A.N.C. The A.N.C.Y.L. are going to
carry out the instructions of the A.N.C. Tribalism should
be abolished amongst Africans. We as members of the
A.N.C.Y.L. should stand for our struggle. I want to re-
mind the members of the A.N.C.Y.L. that the Congress in
former days was fighting cases in Court but to-day that
privilege has been abolished because of the amendments
which are introduced yearly in Parliament. We know that
our money won't help us, but we must sacrifice in order
to achieve freedom. We have seen in other countries like
China, India and the Gold Coast, that the youths fought
for their freedom. If it is necessary to sacrifice means
of having blood flowing we should stand it. If your
father gives you instructions you are obliged to carry
them out. Under the decision the Bantu Education Act,
there are people who are going from door to door trying
to put us off. The A.N.C. is the guide of the Africans.
If Mr. Swart destroys the A.N.C. something will happen.
Mr. Swart is the produce of Africa, but he stands to force
us to become Afrikaners. Before I go any further I would
like to tell you this: you have already heard that on
12/2/55 the Africans at 12 noon will be removed from the
Western Areas in Johannesburg and they are not prepared
to move. A decision has been taken by our leaders that
nobody should remove from where he is. Here in Port
Elizabeth we have sent delegates to a National Conference
in Durban and they have come back and told us that the

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 decision is correct. We as New Brighton residents will
 not move unless we are dead. The Capitalists employed
 the police, armed them with rifles, and Mr. Swart gave
 instructions that the police must shoot first before ask-
 ing a question. It is clear to us that when we say we
 are not moving from New Brighton we must expect death." 5

Then he refers to Bantu Education and the
 Freedom Charter, and he concludes, referring to Sophiatown
 again. "If it could happen that the Africans in Sophiatown
 could be moved to Meadowlands we would be sure that we are
 going to be removed from New Brighton, because what happens
 to Africans in other places applies to all Africans in
 South Africa. The Riots took place in P.E; it first
 took place in P.E. It extended to other places, such as
 East London and Kimberley. It is possible that when we
 get freedom Dr. Malan will welcome us. God helps one who
 helps himself." 10
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Now, as far as this speech is concerned the wit-
 ness said that he was not prepared to accept the report of
 Mini's speech as being reliable, but, my lords, he said
 that the topics which were discussed are topics which could
 have been discussed by Mini, according to this report. 20
 Now your lordships have it -- the topics of China, the Gold
 Coast and the struggles there were discussed -- Bantu
 Education, Western Areas, Swart's instructions to the police,
 the Congress of the People, the Freedom Charter, Riots in
 Port Elizabeth. My lords, I respectfully submit that
 applying again such extraneous matter as one has, the
 attitude of the A.N.C. on these topics, what Mkwazi said
 as reported here is exactly what their attitude was. 25
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KENNEDY J: What Mini said? 1

MR. TRENGOVE: What Mini said, my lord, yes.

KENNEDY J: Do you want us to accept the verba
abssisima? Or do you want us to accept the topic value?

MR. TRENGOVE: The topics, my lord, and what he
said in connection with them, at this meeting. For instance 5
the attitude towards Sophiatown - the people must resist;
they would have to resist; they are prepared to resist to
the point of death.

Now, my lords, the next meeting is the 6th February
1955. There firstly was the speech of Nqota. He refers to 10
Bantu Education, then he refers to the Fascists, then
Capitalists, who have direct laws from Hitler in Germany;
then he continues with the Bantu Education Act, my lords,
and then he says, after referring to the Fascist laws as
coming from Hitler's Germany: "You will remember that 15
Hitler went out of his way to destroy Russia because it
overthrew the Government which was the same as the South
African Government."

RUMPF J: Is it necessary to read the whole
of this? 20

MR. TRENGOVE: No, my lord.

RUMPF J: Could you refer us perhaps to what you
think is important.

MR. TRENGOVE: Yes, my lords. What I would like 25
to refer your lordships to is at page 16237 where the
passage of the speech which starts - - if your lordships
will look at page 17 - - there is this passage "Dark clouds
are gathering on the horizon, and the day of reckoning is
not far off". Now that part of the speech, my lords, was 30

put to this accused at page 16237 by the Court . . . no, 1
 my lords, I'm sorry, it's the wrong reference. Page 16251
 is the page reference, my lords. . . .

KENNEDY J: Dark clouds are gathering - - is that
 the reference you're after?

MR. TRENGOVE: Would your lordships just bear 5
 with me for one moment. Page 16240 - a passage was put
 to him by his lordship Mr. Justice Bekker at page 16239:
 ("Q) Dark clouds are gathering on the horizon and the day
 of reckoning is not far off". That is put to him and
 he is asked: ("Q) Can you recall that?-- (A) I won't deny 10
 that he said something like that, my lords; I think it is
 because on that particular day, the 12th, we organised in
 the Eastern Cape a prayer meeting which in actual fact did
 take place."

("Q) Was this not also the day of the removal in the Wes- 15
 tern Areas?-- (A) Yes, it was supposed to be the day of
 removal."

And then in the middle of page 16240 his lordship
 the Presiding Judge says: ("Q) Well, if he said this, and 20
 he had in mind the day of removal of the Western Areas,
 where he says 'Dark clouds are gathering and the day of
 reckoning is not far off', how would you explain his state
 of mind; what had he in mind when he said this?-- (A) I
 would say, my lord, that he had in mind not only that the 25
 people affected by the removal as such - that is the people
 in the Western Areas are determined to fight against the
 removal - - further I would say he saw in this removal
 scheme the deprivation of the African people of their
 rights to land as a whole."

His lordship says: "Yes, I know that, but what did he
have in mind as to what was going to happen on that day?--

(A) That is the point I am coming to."

Then he refers again to 'Us offering our
last prayer to God who hands us to Heaven or to Hell'
Now that in itself to me suggests that Mr. Ngota had in
mind, and I think he successfully conveyed it to the
public, that on the 12th it would be decided in South
Africa whether the African people are determined to pro-
tect the legal rights which they had, or they would let
go those rights without a word. I think that was what
he was conveying there."

("Q) Well, now, the removal; the people in the Western
Areas were supposed to resist the removal?-- (A) Yes."

("Q) They were not supposed to go voluntarily?-- (A) Yes,
that's so."

("Q) Now, if they were moved by the police, or by authority
what was going to happen as far as your knowledge is con-
cerned?-- (A) As far as the little knowledge I have about
it is concerned - because I was not on the spot"
and then he deals with the situation in the Western
Areas to which I referred this morning.

My lords, he says what he understood and what
Ngota successfully conveyed to the people in the Western
Areas was that on that day, then and there it was going
to be decided whether they would have to accept that law
or whether they were going to successfully compel the
Government not to implement it.

BEKKER J: What did he say did he think was
going to happen from his little knowledge?

MR. TRENGOVE: That the Government was going

to force the people to go. 1

BEKKER J: He said he was not on the spot, and with his little knowledge what did he say did he think was going to happen?

MR. TRENGOVE: My lords, I need not read that passage again, I dealt with it this morning, but he said "As far as the little knowledge I have about it is concerned - because I was not on the spot - we understood that the African National Congress to say that the people in the Western Areas must resist removal non-violently, until such time as the Government shows beyond reasonable doubt that it is resorting to force, and only then must the people move to Meadowlands. "Yes, and that appeared to us to be proved by the armed police force which was in Sophiatown on this day", that is the 10th, and that proved not only to the people of South Africa who were not convinced at the time, that the Nationalist Government was so vicious that it could do anything to deprive the African people of the legal rights they had, and that the resistance by the people in the Western Areas showed us, and the entire world that the African people had won. That was shewn by the police armed - thousands of armed police." 5 10 15 20

So that is what they wanted, my lords, the African National Congress - that force should be used against the people of the Western Areas, and until armed force was not used they should not be prepared to go. 25

BEKKER J: Yes, but when it was used they had to give in.

MR. TRENGOVE: Yes, my lord.

BEKKER J: That's his understanding of it. 30

MR. TRENGOVE: Yes, my lord. Now, my lords, 1
 there is this one sentence in this speech "I'm a fraid
 the oppressor has promised that the river is going to be
 full of blood before freedom is achieved" - that is the
 reference again to the attitude of the Minister of Justice,
 and, my lords, may I refer your lordships to this whole 5
 speech, particularly also the passage on page 19 where he
 refers to the Congress of the People and the final choice
 that would be given to the people on the 26th June, 1955.
 And, my lords . . .

BEKKER J: As far as Ntsangani is concerned, 10
 what do you say about his version as to what he expected
 was going to happen? Do you attack it or do you suggest
 it may be

MR. TRENGOVE: In the Western Areas?

BEKKER J: Yes. 15

MR. TRENGOVE: My lords, I suggest this, that
 his attitude - - well, his attitude is no different to that
 of the attitude of the African National Congress in regard
 to the Western Areas; that they wanted the Government to
 use force; they accepted and propagated the view that the 20
 Government was going to create a blood bath in that area.

BEKKER J: If he believed that all that was re-
 quired of an inhabitant in the Western Areas was not to
 move voluntarily, but that when ordered to move by the
 police or persons in charge, then only would that person 25
 be required to move. If that were the position where is
 the room for a bloodbath?

MR. TRENGOVE: My lords, it's not a position of
 being ordered to move by the police or the person in charge 30

- - their attitude was that nobody had to move unless armed force was being used. It wasn't legal force - the police or the authorities ordering them to move - - that wasn't the issue; they wanted the Government to muster armed force there to get the people out of their homes. That was what they wanted; either the police in great numbers.....

BEKKER J: Without wanting violence?

MR. TRENGOVE: No, my lords, not without wanting violence; unconcerned as to whether violence actually happened or not.

BEKKER J: What would the point be of just getting the Government to bring in an army to remove people?

MR. TRENGOVE: My lords . . .

BEKKER J: Without a shot being fired; just because the army would be there, they would say 'Right, let us go'.

MR. TRENGOVE: The attitude there was that it was one of the ways of bringing the masses into touch with the police - the armed forces, and one of the objects of preparing the people and building up this hatred which was necessary for them against the State. My lords, they were telling the people they must do something illegal.

BEKKER J: What?

MR. TRENGOVE: You refuse to go.

BEKKER J: Wasn't it legal?

MR. TRENGOVE: Their attitude, my lords, was that they had to refuse to go even if it was illegal for them to stay behind.

BEKKER J: In fact was it illegal for them to refuse to go.

MR. TRENGOVE: After the Magistrate had given an

order then it became illegal, it then became illegal for
them to stay on. Your lordships have that evidence over
and over again by the Defence witnesses, that they were
not concerned as to whether it was legal or not. Even up
to the extent of illegality, the people still had to remain
behind. That was (a). (b) They wanted to place the
Government in a position of having to use not only 2,000
people but at a later stage even more police and the army
in order to secure the eviction of the people. On the
one hand they told the people that the Government was going
to turn the area into a bloodbath, on the other hand they
told the people that the Government, because it was a
vicious government, was using these forces to evict the
people. As I said previously, my lord, we don't
say that the final putsch against the State was to be the
Western Areas; we say that is part of their preparation
and it is inconsistent with their attitude of having a non-
violent policy.

My lords, as far as this particular meeting is
concerned I'll deal with it again because it's an overt
act, but I just invite your lordships' attention to the
speech attributed to Ntsangani himself, at the top of page
21, my lords.

RUAPFF J: Is this a new speech?

MR. TRENGOVE: The same meeting, my lord.

RUAPFF J: We'll continue with that tomorrow
morning.

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Collection: 1956 Treason Trial
Collection number: AD1812

PUBLISHER:

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

Location:- Johannesburg

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