

IN THE SPECIAL CRIMINAL COURT

R E G I N A

V.

ADAMS AND OTHERS.

The Defence admits:

1. That during 1952 the A.N.C. and S.A.I.C. decided to conduct a campaign for the Defiance of Unjust Laws, and did conduct a campaign, involving the deliberate contravention of certain laws by way of protest and in order to bring about political and social changes in South Africa.
2. That between March 1954 and July 1955, the A.N.C., S.A.I.C., S.A.C.O.D. and S.A.C.P.O. were represented upon the National Action Council for the C.O.P. and supported the organisation of the C.O.P.
3. That the campaign for the C.O.P., supported by the abovementioned organisations involved the collection of demands for inclusion in a Freedom Charter, and culminated on 26th June 1955, in the adoption of the Freedom Charter at C.O.P. in Kliptown.
4. That after July 1955, the A.N.C., S.A.I.C., S.A.C.O.D., S.A.C.P.O., and S.A.C.T.U. were represented upon the National Consultative Committee and supported the publication and popularisation of the Freedom Charter.
5. That the A.N.C., S.A.I.C., S.A.C.O.D., S.A.C.P.O., S.A.C.T.U., and F.S.A.W., were opposed to the enactment and/or provisions of the Group Areas Act, the Bantu Education Act, the Natives' Resettlement Act and the laws relating to the carrying of passes by Africans.
6. That during the years 1954, 1955, 1956, the A.N.C. conducted campaigns against the Bantu Education Act, the Natives' Resettlement Act and the laws relating to the carrying of passes by Africans, in the course of which it advocated
 - (a) the boycott of Bantu schools by the pupils thereof,
 - (b) that the inhabitants of the so-called Western Areas of Johannesburg should not leave their homes voluntarily,
 - (c) that African women should not voluntarily apply for reference books.
7. That the A.N.C., S.A.I.C., S.A.C.O.D., S.A.C.P.O., S.A.C.T.U., and F.S.A.W. were strongly opposed to the apartheid policy and legislation of the Government of the Union of South Africa and denounced the Government in vigorous terms.
8. That the A.N.C., S.A.I.C., S.A.C.O.D., S.A.C.P.O., S.A.C.T.U. and F.S.A.W. criticised the present constitution of the Union of South Africa.
9. That the A.N.C., S.A.I.C., S.A.C.O.D., S.A.C.P.O., S.A.C.T.U. and F.S.A.W. demanded the substitution of a new and radically different government and in particular advocated
 - (a) a system of government based upon universal adult suffrage,
 - (b) the abolition of all forms of racial discrimination.
10. That the A.N.C., S.A.I.C., S.A.C.O.D., S.A.C.P.O., S.A.C.T.U. and F.S.A.W. accepted the view that extra-parliamentary activity should be resorted to, and advocated and carried on extra-parliamentary activity.
11. That during the years 1954, 1955 and 1956, the A.N.C., S.A.I.C., S.A.C.O.D. and S.A.C.P.O. recruited or supported the recruitment of a body of persons known as the Freedom Volunteers.
12. That the A.N.C., S.A.I.C., S.A.C.O.D., and S.A.C.P.O. criticised the colonial system and sympathised with the efforts of colonial countries to obtain self government.

13. That the expressions by the A.N.C., S.A.I.C., S.A.C.O.D., S.A.C.P.O., S.A.C.T.U. and F.S.A.W. of their admitted policies were often vehement and repetitive.
14. (a) That all the abovenamed organisations co-operated with one another generally in the policies and activities above set forth, in so far as such activities took place during the period and existence of each organisation.
 - (b) That the A.N.C.Y.L. and A.N.C.W.L. similarly co-operated with the A.N.C.
 - (c) That the T.I.C. and N.I.C. were constituent parts of the S.A.I.C.
 - (d) That the T.I.Y.C. and N.I.Y.C. similarly co-operated with the T.I.C. and N.I.C. respectively.

Preliminary Statement by the Defense

Note: After the accused had pleaded not guilty on August 4, 1959, the Defense made a statement explaining the basis of its case. The statement appears on pages 137-139 of the microfilm record and is reproduced below in full.

"It has already become apparent during the preliminary stages of this 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. [sic] 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."

Admissions Made by the Defense

Note: The Defense made admissions of fact on August 11 and 20, 1959, pages 641-644 and 1399-1401. (They appear also in reel 25 of the microfilm as Schedule No. 4, accompanying the Court's "Reasons for Judgment.") They are reproduced below in full.

The defence admits:

1. That during 1952 the A.N.C. and S.A.I.C. decided to conduct a campaign for the Defiance of Unjust Laws, and did conduct a campaign, involving the deliberate contravention of certain laws by the way of protest and in order to bring about political and social changes in South Africa.
2. That between March 1954 and July 1955, the A.N.C., S.A.I.C., S.A.C.O.D. and S.A.C.P.O. were represented upon the National Action Council for the C.O.P. and supported the organisation of this C.O.P.
3. That the campaign for the C.O.P. supported by the above-mentioned organisations, involved the collection of demands for inclusion in the Freedom Charter, and culminated on 26th June 1955, in the adoption of the Freedom Charter at the C.O.P. in Kliptown.

4. That after July 1955, the A.N.C., S.A.I.C., S.A.C.O.D., S.A.C.P.O. and S.A.C.T.U. were represented upon the National Consultative Committee and supported the publication and popularisation of the Freedom Charter.

5. That the A.N.C., S.A.I.C., S.A.C.O.D., S.A.C.P.O., S.A.C.T.U. and F.S.A.W. were opposed to the enactment and/or provisions of the Group Areas Act, the Bantu Education Act and Natives Resettlement Act and the laws relating to the carrying of passes by Africans.

6. That during the years 1954, 1955 and 1956, the A.N.C. conducted campaigns against the Bantu Education Act, the Natives Resettlement Act and the laws relating to the carrying of passes by Africans, in the course of which it advocated

- (a) the boycott of Bantu schools by the pupils thereof,
- (b) that the inhabitants of the so-called Western Areas of Johannesburg should not voluntarily leave their homes,
- (c) that African women should not voluntarily apply for reference books.

7. That the A.N.C., S.A.I.C., S.A.C.O.D., S.A.C.P.O., S.A.C.T.U. and F.S.A.W. were strongly opposed to the apartheid policy and legislation of the government of the Union of South Africa and denounced the government in vigorous terms.

8. That the A.N.C., S.A.I.C., S.A.C.O.D., S.A.C.P.O., S.A.C.T.U. and F.S.A.W. criticised the present constitution of the Union of South Africa.

9. That the A.N.C., S.A.I.C., S.A.C.O.D., S.A.C.P.O., S.A.C.T.U. and F.S.A.W. demanded the substitution of a new and radically different government and in particular advocated

- (a) a system of government based on universal adult suffrage,
- (b) the abolition of all forms of racial discrimination.

10. That the A.N.C., S.A.I.C., S.A.C.O.D., S.A.C.P.O., S.A.C.T.U. and F.S.A.W. accepted the view that extra-parliamentary activity should be resorted to, and advocated and carried on extra-parliamentary, activity.

11. That during the years 1954, 1955 and 1956, the A.N.C., S.A.I.C., S.A.C.O.D., and S.A.C.P.O. recruited or supported the recruitment of a body of persons known as the Freedom Volunteers.

12. That the A.N.C., S.A.I.C., S.A.C.O.D., and S.A.C.P.O. criticised the colonial system and sympathised with the efforts of colonial countries to obtain self-government.

13. That the expressions by the A.N.C., S.A.I.C., S.A.C.O.D., S.A.C.P.O., S.A.C.T.U. and F.S.A.W. of their admitted policies were often vehement and repetitive.

14. (a) That all the above named organisations cooperated with one another generally in the policies and activities above set forth insofar as such activities took place during the period of existence of each organisation.

- (b) That the A.N.C.Y.L. and A.N.C.W.L. similarly cooperated with the A.N.C.
- (c) That the T.I.C. and N.I.C. were constituent parts of the S.A.I.C.
- (d) That the T.I.Y.C. and N.I.Y.C. similarly cooperated with the T.I.C. and N.I.C. respectively.

Additional Admissions Made by the Defense

1. That the Defiance Campaign was directed against the following laws, namely,
 - (a) Pass Laws;
 - (b) Stock Limitation Regulations.
 - (c) Group Areas Act.
 - (d) The Separate Representation of Voters Act.
 - (e) The Suppression of Communism Act.
 - (f) The Bantu Authorities Act.
2. That the S.A.I.C. and A.N.C. formed a National Volunteer Board as part of their activities in the Defiance Campaign.
3. That the Defiance Campaign was carried on in several parts of South Africa from the 26th June, 1952 to December 1952.
4. That N.A.C.C.O.P. established various provincial Regional and local action councils, consisting of representatives of the constituent organisations, namely the following: ---
 - (a) Natal Action Council.
 - (b) Transvaal Action Council.
 - (c) Johannesburg, Natal Midlands, Cape Eastern and Cape Western Regional Committees.
5. That the object of the N.A.C.C.O.P. was the co-ordination of the activities of the organisations in their sponsorship and organisation of the C.O.P.
6. That the provincial, regional or local councils of N.A.C.C.O.P. organised meetings at various places in South Africa in support of the C.O.P.
7. That the C.O.P. campaign was conducted in many parts of South Africa.
8. That various joint consultative provincial and regional committees were established by the organisations.
9. That meetings of the N.C.C. or the provincial or regional committees were held to discuss:--

(a) Publicising the Freedom Charter,

(b) Passes.

10. That the campaigns against the laws referred to in paragraph 6. of the first set of admissions, constituted part of the policy of extra-parliamentary activity.
11. That the said campaigns were conducted in many parts of South Africa.
12. That these campaigns were regarded as part of the general activity of the organisations.
13. That the organisations advocated extra-parliamentary action as a means of achieving the change of government desired by them, as set out in paragraph 9. of the first set of admissions.
14. That Chief A.J. Luthuli, on behalf of the A.N.C., called for 50,000 Freedom Volunteers and that the other organisations supported his appeal.
15. That the T.I.Y.C. and N.I.Y.C. had all the policies and participated in all the activities which have been admitted with reference to the S.A.I.C. and that the T.I.Y.C. and N.I.Y.C. co-operated with the other organisations referred to in the admissions.

Judgment of the Special Criminal Court
Regina vs. F. Adams and Others

Note: The Court's judgment and "certain essential findings of fact" were announced on March 29, 1961. The full text is reproduced below.

The Court stated on that day that it would submit reasons for its decision later. These appear at the end of reel 25 of the microfilm. Mr. Justice Rumpff's opinion is 168 pages long; Mr. Justice Kennedy's, 88 pages; and Mr. Justice Bekker's, 169 pages. Mr. Justice Bekker's opinion includes a short history of the African National Congress.

The opinions are accompanied by nineteen schedules (the first part of reel 25). Schedule No. 1 is the judgment of March 29, 1961. Schedule No. 2 is the second indictment. Schedule No. 3 is the Prosecution's Summary of Facts. Schedule No. 4 is the admissions of fact made by the Defense. Schedules numbered 5, 7-9, 12-15, and 19 are documents that are included in the List of Selected Documents, below. The remaining schedules include a 36-page summary of evidence by the Prosecution's expert witness on communism (Schedule No. 6) and excerpts from Fighting Talk, Liberation, Advance, New Age, and African Lodestar.

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